



2026 South Dakota Legislature

House Bill 1219

Introduced by: **Representative Muckey**

1 **An Act to require the provision of interpreter or translator services for parties to an**
 2 **administrative contested case.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 1-26-18 be AMENDED:**

5 **1-26-18.** Opportunity ~~shall~~ must be afforded all parties to respond and present
 6 evidence on issues of fact and argument on issues of law or policy. However, each agency,
 7 upon the motion of any party, may dispose of any defense or claim:

- 8 (1) If the pleadings, depositions, answers to interrogatories, and admissions on file,
 9 together with the affidavits, if any, show that there is no genuine issue as to any
 10 material fact and a party is entitled to a judgment as a matter of law; or
 11 (2) At the close of the evidence offered by the proponent of the defense or claim, ~~if it~~
 12 the agency determines that the evidence offered by the proponent of the defense
 13 or claim is legally insufficient to sustain the defense or claim.

14 A party to a contested case proceeding may appear in person or by counsel, or
 15 both; ~~i~~ may be present during the giving of all evidence; ~~i~~ may obtain the services of a
 16 translator or interpreter as provided in chapter 19-3, with the translator or interpreter's
 17 compensation fixed, paid, and collected as provided in sections 2 and 3 of this Act; may
 18 have reasonable opportunity to inspect all documentary evidence; ~~i~~ may examine and
 19 cross-examine witnesses; ~~i~~ may present evidence in support of the party's interest; ~~i~~ and
 20 may have subpoenas issued to compel attendance of witnesses and production of evidence
 21 in the party's behalf.

22 **Section 2. That a NEW SECTION be added to chapter 1-26:**

23 When a witness or party needs a language interpreter or translator in a contested
 24 case proceeding, the agency required by law to determine the matter, as referenced in
 25 subdivision 1-26-1(2), shall procure and appoint a disinterested interpreter or translator.

1 The agency shall compensate the interpreter or translator for reasonable and just services
2 provided in the proceeding. The payment for the services of the interpreter or translator
3 must be made from moneys appropriated for the operation of the agency.

4 **Section 3. That a NEW SECTION be added to chapter 1-26:**

5 The prevailing party in a contested case proceeding may recover expenditures, for
6 interpreter or translator services necessarily incurred in gathering and procuring evidence
7 or bringing the contested case, which are not otherwise covered pursuant to section 2 of
8 this Act.