

2026 South Dakota Legislature

House Bill 1195**AMENDMENT 1195A
FOR THE INTRODUCED BILL**

1 **An Act to provide free admission to state parks and recreation areas for residents**
2 **enrolled as members of Indian tribes, and to study possible changes to state**
3 **parks admissions and fishing licenses.**

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

5 **Section 1. That a NEW SECTION be added to chapter 41-17:**

6 Any South Dakota resident who is an enrolled member of an Indian tribe may
7 obtain free admission to any South Dakota state park or recreation area. The qualifying
8 individual may also receive a fifty percent discount on any camping fee or associated
9 electrical service fee established pursuant to § 41-17-1.1 or 41-17-14.1.

10 Any individual who applies for and qualifies for free admission under the provisions
11 of this section must be issued a lifetime park entrance license by the Department of Game,
12 Fish and Parks. The Game, Fish and Parks Commission shall promulgate rules pursuant to
13 chapter 1-26 establishing criteria and procedures for obtaining free admission and reduced
14 fees pursuant to this section and for the issuance of a lifetime park entrance license.

15 **Section 2. The Department of Game, Fish, and Parks shall conduct a comprehensive study**
16 **regarding the feasibility and potential impacts of modifying admission requirements applicable**
17 **to state parks and state-operated recreation areas, and requirements for fishing licenses**
18 **administered under this title. The department shall examine options within the department's**
19 **existing statutory authority and determine whether any additional authority is necessary to**
20 **implement such options. The department shall evaluate:**

21 **(1) The feasibility and potential impacts of providing free admission or reduced**
22 **admission fees to state parks and state-operated recreation areas for residents of**
23 **South Dakota, including consideration of annual permits, daily permits, and other**
24 **access mechanisms authorized under this title; and**

1 (2) The feasibility and potential impacts of reducing or eliminating fishing license fees
2 for enrolled members of the nine federally recognized Indian tribes whose
3 reservations share geographic boundaries with the State of South Dakota,
4 including the structure, administration, and enforcement of such licensing
5 modifications.

6 In conducting the study, the department shall consider the historical and legal
7 context of tribal fishing practices, including treaties entered into between the United States
8 and federally recognized Indian tribes, the cultural significance of fishing and access to
9 ancestral lands, and whether proposed licensing modifications may be consistent with
10 state law while respecting the government-to-government relationship between the State
11 of South Dakota and the federally recognized Indian tribes.

12 **Section 3.** The study required by section 2 must include findings regarding:

- 13 (1) The fiscal impact of providing free admission or reduced license fees, including
14 impacts on park revenues, license revenues, and administrative costs;
15 (2) Legal considerations, including statutory authority, constitutional considerations,
16 and eligibility criteria;
17 (3) Administrative feasibility, including the verification of eligibility, licensing
18 processes, and enforcement mechanisms;
19 (4) Potential benefits, including increased access to outdoor recreation, equity
20 considerations, and cultural and historical connections to public lands;
21 (5) Policies, programs, or practices adopted by other states addressing similar issues;
22 and
23 (6) Any other matters the department considers relevant.

24 **Section 4.** In conducting the study required by section 2 of this Act, the Department of
25 Game, Fish and Parks shall consult with each of the nine federally recognized Indian tribes
26 whose reservations share geographic boundaries with the State of South Dakota. The
27 consultation must be conducted on a government-to-government basis and must provide
28 each tribe with an opportunity to offer input and perspective.

29 The consultation must include consideration of:

- 30 (1) Tribal history and customary practices related to fishing, hunting, and the use of
31 natural resources;

1 (2) The cultural, historical, and spiritual significance of ancestral lands and waters
2 located within or adjacent to the state park and state-operated recreation area
3 system;

4 (3) Historical treaties and agreements between the United States and federally
5 recognized Indian tribes, to the extent such history provides contextual information
6 for the study, without interpreting or adjudicating treaty rights; and

7 (4) Practical considerations identified by the tribes regarding access, licensing,
8 communication, and implementation challenges that may be relevant to the study.

9 Nothing in this section requires consensus, concurrence, or approval by any tribe,
10 nor limits the authority of the department.

11 **Section 5.** The Department of Game, Fish, and Parks shall submit a written report containing
12 the findings and recommendations resulting from the study conducted pursuant to this Act.
13 The report must summarize the issues examined and data reviewed, analyze fiscal, legal, and
14 administrative considerations identified during the study, and include a summary of
15 consultation conducted pursuant to section 4 of this Act, which reflects general themes and
16 perspectives without attribution. The report may include recommendations, proposed
17 legislation, administrative actions, and the identification of issues requiring further study.

18 The department shall submit the report to the Executive Board of the Legislative
19 Research Council and to each of the nine federally recognized Indian tribes referenced in
20 section 4 on or before December 1, 2026.

21 Nothing in this Act may be construed to:

22 (1) Interpret, define, expand, diminish, or waive any treaty right, tribal sovereignty,
23 jurisdiction, or authority of any federally recognized Indian tribe;

24 (2) Create or recognize any entitlement or obligation beyond the scope of the study
25 authorized by this Act; or

26 (3) Limit, impair, or otherwise affect any right, authority, or responsibility arising under
27 federal law, state law, or treaty.