

2026 South Dakota Legislature

House Bill 1190

AMENDMENT 1190B FOR THE INTRODUCED BILL

1 **An Act to establish the South Dakota tribal consultation commission South Dakota-**
2 **Tribal Consultation Commission.**

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

4 **Section 1. That a NEW SECTION be added to chapter 1-54:**

5 There is established the South Dakota tribal consultation commission to foster
6 continuing cooperation and collaboration between the state and the nine federally
7 recognized Indian tribes, in a way that recognizes and respects tribal sovereignty and self-
8 governance, and allows representatives of the tribes to provide input on state affairs.

9 The commission shall consist of:

10 (1) The Governor or a cabinet level designee;
11 (2) The secretary of the Department of Tribal Relations, or the secretary's designee;
12 (3) One representative from each federally recognized Indian tribe, appointed by the
13 governing body of the tribe;
14 (4) One member of the House of Representatives, appointed by the speaker of the
15 House of Representatives; and
16 (5) One member of the Senate, appointed by the president pro tempore of the Senate.

17 Any vacancy on the commission must be filled in the same manner as the original
18 appointment. At its initial meeting, the commission shall elect a chair and vice chair from
19 among its members. The Department of Tribal Relations shall provide administrative
20 support to the commission.

21 The commission shall meet at least once every three months. At each meeting, the
22 Governor or the Governor's designee shall provide a report detailing any initiative that the
23 state has undertaken since the previous meeting or any relevant update on an initiative
24 that had been previously reported to the commission, and receive feedback from the
25 commission on any impact the initiative might have on the tribes.

1 The commission shall submit an annual report of its find(ings and
2 recommendations to the Governor on or before December first of each year.

3 There is established the South Dakota-Tribal Consultation Commission to:

- 4 (1) Foster continuing cooperation, coordination, and collaboration between the state
5 and the nine federally recognized Indian tribes;
- 6 (2) Provide a forum for government-to-government consultation between the state
7 and each Indian tribe;
- 8 (3) Strengthen the government-to-government relationship between the state and
9 each Indian tribe;
- 10 (4) Recognize and respect tribal sovereignty and self-governance;
- 11 (5) Provide a structured forum for meaningful, timely, and substantive consultation on
12 matters of shared concern;
- 13 (6) Facilitate coordination and cooperation in the development of state policies,
14 initiatives, and programs;
- 15 (7) Review state initiatives that may have a substantial effect on tribal governments,
16 citizens, lands, institutions, or other interests;
- 17 (8) Provide recommendations to promote collaboration, reduce jurisdictional conflict,
18 and strengthen intergovernmental relationships;
- 19 (9) Support alignment of state and tribal priorities in areas of mutual concern; and
- 20 (10) Develop and advance proposed legislation for consideration by the Legislature,
21 which may strengthen state-tribal relations and provide mutual benefit to the state
22 and each Indian tribe.

23 Nothing in this Act may be construed as a waiver of tribal sovereignty, jurisdiction,
24 treaty rights, or self-governance authority. Nothing in this Act may be construed to be a
25 delegation of tribal powers to the state.

26 The commission may not exercise any regulatory authority over tribal
27 governments, lands, or institutions, and functions only as a forum for coordination and
28 cooperation.

29 **Section 2. That a NEW SECTION be added to chapter 1-54:**

30 The South Dakota-Tribal Consultation Commission consists of:

- 31 (1) The Governor or a cabinet-level designee;
- 32 (2) The secretary of the Department of Tribal Relations, or the secretary's designee;
- 33 (3) One representative from each federally recognized Indian tribe, appointed by the
34 governing body of the tribe;

1 (4) One member of the State-Tribal Relations Committee from the House of
2 Representatives, appointed by the speaker of the House of Representatives; and
3 (5) One member from the State-Tribal Relations Committee from the Senate;
4 appointed by the president pro tempore of the Senate.

5 Any vacancy on the commission must be filled in the same manner as the original
6 appointment. At its initial meeting, the commission shall elect a chair and vice chair from
7 among its members. The Department of Tribal Relations shall provide administrative
8 support to the commission.

9 The commission shall meet at least once every three months.

10 **Section 3. That a NEW SECTION be added to chapter 1-54:**

11 At each meeting of the South Dakota-Tribal Consultation Commission, the
12 Governor or the Governor's designee shall provide a report detailing any initiative that the
13 state has undertaken since the previous meeting, or any relevant update on an initiative
14 previously reported to the commission and shall receive feedback from the commission
15 regarding any potential impacts on tribal interests.

16 **Section 4. That a NEW SECTION be added to chapter 1-54:**

17 The South Dakota-Tribal Consultation Commission shall submit an annual report of
18 its findings and recommendations to the Governor on or before December first of each
19 year.

20 **Section 5. That a NEW SECTION be added to chapter 1-54:**

21 The South Dakota-Tribal Consultation Commission may issue findings, guidance,
22 and recommendations, but does not possess binding decision-making authority over any
23 state agency, political subdivision, or tribal government.

24 Nothing in this Act may be construed to require any state agency, political
25 subdivision, or tribal government to adopt, implement, or enforce any of the findings,
26 guidance, or recommendations issued by the commission.

27 The commission may not:

28 (1) Promulgate rules;
29 (2) Issue directives;
30 (3) Impose standards;
31 (4) Require compliance;

- 1 (5) Exercise enforcement authority;
- 2 (6) Adjudicate disputes; or
- 3 (7) Resolve jurisdictional conflicts; or compel participation by any state or tribal entity.
- 4 All actions, findings, and recommendations of the commission must be developed
- 5 through consensus-based collaboration, reflecting the government-to-government
- 6 relationship between the state and each Indian tribe. The commission may serve only as
- 7 an advisory instrument to support cooperation, coordination, and collaboration.

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