

2026 South Dakota Legislature

House Bill 1232**AMENDMENT 1232B
FOR THE INTRODUCED BILL**

1 **An Act to establish principles for a state agency to consider when formulating or**
2 **implementing a ~~policy or rule that has direct tribal implications~~ program that**
3 **has the potential of affecting tribal members on a reservation.**

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

5 **Section 1. That § 1-54-5 be AMENDED:**

6 **1-54-5.** It is the policy of the state to consult with a tribal government regarding
7 the conduct of state government programs ~~which that~~ that have the potential of affecting tribal
8 members on ~~the a~~ a reservation. In developing or administering any program that has the
9 potential of affecting tribal members on a reservation, the state ~~shall recognize~~ recognizes
10 the following guiding principles:

- 11 (1) Commitment to cooperation and collaboration between the agency and each Indian
12 tribe;
13 (2) Understanding of and respect for the Indian tribes as sovereign nations and the
14 government-to-government relationship between the state and each tribe;
15 (3) Regular and early communication with tribal officials;
16 (4) Accountability when addressing issues raised by tribal officials regarding the
17 program; and
18 (5) Preservation of the tribal-state relationship.

19 This section may not be construed to confer any substantive rights on any party in
20 any litigation or otherwise.

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

22 ~~When formulating or implementing any policy or administrative rules that have~~
23 ~~direct tribal implications, a state agency shall document its consideration of the following~~
24 ~~principles:~~

- 1 ~~(1) Commitment to cooperation and collaboration between the agency and the~~
2 ~~Indian Tribes;~~
- 3 ~~(2) Understanding of and respect for the Indian tribes as sovereign nations and the~~
4 ~~government to government relationship between the state and each tribe;~~
- 5 ~~(3) Regular and early communication with tribal officials;~~
- 6 ~~(4) Accountability when addressing issues raised by tribal officials regarding the~~
7 ~~policy or rules; and~~
- 8 ~~(5) Preservation of the tribal state relationship.~~

