Chapter 10

(House Bill 1219)

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

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

Section 1. That § 1-26-18 be AMENDED:

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

(1) If the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and a party is entitled to a judgment as a matter of law; or

(2) At the close of the evidence offered by the proponent of the defense or claim, if ~~it~~ the agency determines that the evidence offered by the proponent of the defense or claim is legally insufficient to sustain the defense or claim.

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

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

When a witness or party needs a language interpreter or translator in a contested case proceeding, the agency required by law to determine the matter, as referenced in subdivision 1-26-1(2), shall procure and appoint a disinterested interpreter or translator. The agency shall compensate the interpreter or translator for reasonable and just services provided in the proceeding. The payment for the services of the interpreter or translator must be made from moneys appropriated for the operation of the agency.

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

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

Signed March 9, 2026
