



2021 South Dakota Legislature

House Bill 1103

Introduced by: **Representative** Bordeaux

1 **An Act to authorize the State-Tribal Relations Committee to issue subpoenas.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **2-6-23.1. State-Tribal Relations Committee--Study authority--Subpoenas.**

5 The State-Tribal Relations Committee may examine all records and summon
 6 witnesses by request or by issuing a subpoena whenever the record or witness is
 7 necessary for the committee to fulfill its responsibility to study the relationship between
 8 the state and its political subdivisions and the tribes and their tribal governments. The
 9 committee may issue a subpoena for the person, documents, or both, and use the
 10 procedure provided in chapter 21-34 to enforce its subpoena when the subject of the
 11 subpoena refuses to comply with the command to appear and testify before the
 12 committee.

13 No subpoena may be issued until the decision to issue a subpoena by the
 14 committee has been ratified by the Executive Board of the Legislative Research Council.

15 **Section 2.** That a NEW SECTION be added:

16 **2-6-23.2. State-Tribal Relations Committee--Subpoena--Criteria.**

17 Before a subpoena may be issued by the State-Tribal Relations Committee, the
 18 committee shall determine all of the following:

- 19 (1) A legislative purpose exists pursuant to §§ 2-6-23 and 2-6-23.1;
 20 (2) The subpoenaed person or documents are relevant and material to accomplish the
 21 legislative purpose; and
 22 (3) The information sought is not otherwise practically available.

23 It is not a legislative purpose to subpoena a person or documents to collect
 24 information that may be used for a criminal proceeding or to legislatively determine guilt
 25 or inflict punishment upon an identifiable person.