



## 2020 South Dakota Legislature

# House Bill 1004

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representatives** Haugaard, Gosch, Chris Johnson, Mills, Sue Peterson, and Jamie Smith and **Senators** Langer, Ewing, Stalzer, and White at the request of the Executive Board

1 **An Act to provide for the defense of laws by the Legislature.**

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

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

4 **2-18-1. Defense of law by the Legislature.**

5 The Legislature may defend, or intervene in the defense of, the establishment of  
6 any legislative district under S.D. Const. Art. III, § 5.

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

8 **2-18-2. Employment of legal counsel by Legislature--Purposes--Process.**

9 (1) The Legislature may employ legal counsel other than the attorney general if the  
10 attorney general declines to:

11 (a) Defend the Legislature in any civil action; or

12 (b) Otherwise defend the Legislature, either house of the Legislature, any  
13 member of the Legislature who is sued in that member's official capacity,  
14 or any individual who is sued in that individual's capacity as an agent of the  
15 Legislature in any court of this state or of the United States.

16 (2) Employment of legal counsel under this section must be authorized by:

17 (a) A vote of a majority of the members of the Executive Board of the  
18 Legislative Research Council; or

19 (b) Concurrent resolution adopted by both houses of the Legislature.

20 **Section 3.** That § 4-8A-17 be AMENDED:

21 **4-8A-17. Legislative priority pilot program contingency fund created.**

22 On June 29, 2015, the state treasurer shall transfer to the legislative priority pilot  
23 program contingency fund, which is hereby created, the sum of one million dollars

1 (\$1,000,000) from the South Dakota risk pool fund created by § 58-17-120. The  
2 contingency funds are to be made available in accordance with the provisions of §§ 4-8A-  
3 9, 4-8A-10, 4-8A-11, and 4-8A-12. The contingency funds shall be used to fund legislative  
4 priority pilot programs and the cost of employment of legal counsel under § 2-18-2.  
5 Interest earned on money in the fund shall be deposited into the general fund.