



2021 South Dakota Legislature

House Bill 1062

Introduced by: **Representative** Deutsch

1 **An Act to authorize the recovery of costs for defending certain initiated amendments**
 2 **in court.**

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

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

5 **2-1-22. Lawsuit defense--Unconstitutional--Cost to sponsor--Criteria.**

6 The sponsor of an initiated amendment shall be responsible for reimbursing the
 7 Office of the Attorney General for the actual cost of defending any lawsuit challenging the
 8 constitutionality of the initiated amendment if:

9 (1) The attorney general officially notified the sponsor, prior to the delivery of any
 10 statement under § 12-13-9, that in its final form the initiated amendment may be
 11 unconstitutional, and the notice detailed the potential reasons that it may be
 12 unconstitutional;

13 (2) The voters approve the amendment;

14 (3) A court of competent jurisdiction, if after all appeals, rules the initiated amendment
 15 as approved is substantially or wholly unconstitutional; and

16 (4) A court of competent jurisdiction rules that the other criteria of this section have
 17 been met.

18 If the conditions of this section are met, the Office of the Attorney General shall
 19 submit to the court of competent jurisdiction the amount to be imposed, which the court
 20 shall approve.