



2021 South Dakota Legislature

House Bill 1249

Introduced by: **Representative Hansen**

1 **An Act to revise fiscal note requirements for initiative and initiated amendments.**

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

3 **Section 1.** That § 12-13-25 be AMENDED.

4 **12-13-25. Review and comment--Legislative Research Council--Contents.**

5 The sponsors of each initiated measure or initiated amendment to the Constitution
 6 shall submit a copy of each version of the initiated measure or initiated amendment to the
 7 Constitution to the director of the Legislative Research Council for review and comment
 8 not more than six months before it may be circulated for signatures under § 2-1-1.1 or 2-
 9 1-1.2. The director shall review each version of the submitted initiated measure or initiated
 10 amendment ~~to the Constitution~~ to determine if the requirements of § 12-13-24 are
 11 satisfied and if the initiated measure or initiated amendment ~~to the Constitution~~ may have
 12 any impact on revenues, expenditures, or fiscal liability of the state or its agencies and
 13 subdivisions under § 2-9-30. Unless as otherwise provided under § 12-13-25.2, not more
 14 than fifteen workdays following receipt of an initiated measure or initiated amendment ~~to~~
 15 ~~the Constitution~~, the director shall provide written comments on the initiated measure or
 16 initiated amendment ~~to the Constitution~~ to the sponsors of the initiated measure or
 17 initiated amendment, the attorney general, and the secretary of state for the purpose of
 18 assisting the sponsors in complying with § 12-13-24. The director's written comments
 19 under this section shall include assistance regarding the substantive content of the
 20 initiated measure or initiated amendment in order to minimize any conflict with existing
 21 law and to ensure the measure's or amendment's effective administration. The sponsors
 22 may, but are not required to, amend the initiated measure or initiated amendment ~~to the~~
 23 ~~Constitution~~ to comply with the director's comments.

24 **Section 2.** That § 2-9-30 be AMENDED.

1 **2-9-30. Determination of fiscal impact and preparation of fiscal note for**
2 **initiated measure or initiated constitutional amendment.**

3 If the director of the Legislative Research Council determines in the review and
4 comment under § 12-13-25 that an initiated measure or initiated amendment to the
5 Constitution may have an impact on revenues, expenditures, or fiscal liability of the state
6 or its agencies and subdivisions, the director shall notify the petition sponsor. If the
7 director of the Legislative Research Council determines that an initiated measure or
8 initiated amendment ~~to the Constitution~~ in final form under § 12-13-25.1 may have an
9 impact on revenues, expenditures, or fiscal liability of the state or its agencies and
10 subdivisions, the director shall prepare a fiscal note. The fiscal note shall include an
11 estimate of the impact on revenues, expenditures, or fiscal liability of the state or its
12 agencies and subdivisions for the first five fiscal years after the enactment, by the
13 provisions of the proposed initiated measure or initiated amendment ~~to the Constitution~~.
14 The fiscal note ~~expenditure estimate~~ shall also include any impact to the prison or county
15 jail population. The fiscal note shall state if the initiated measure or initiated amendment
16 imposes or increases a tax or fee. The fiscal note may not exceed fifty words. The director
17 shall file the fiscal note with the secretary of state and shall provide a copy to the sponsors
18 not more than sixty days following receipt of the initiated measure or initiated amendment
19 in final form pursuant to § 12-13-25.1.

20 **Section 3.** That § 12-13-26 be AMENDED.

21 **12-13-26. Unreviewed initiatives or initiated amendments unacceptable.**

22 The secretary of state may not accept any initiative or initiated amendment to the
23 Constitution unless such initiative or initiated amendment ~~to the Constitution~~ has been
24 submitted to the director of the Legislative Research Council and the director has reviewed
25 and commented on such initiative or initiated amendment ~~to the Constitution~~ and
26 produced a fiscal note to the secretary of state pursuant to § 2-9-30, where required, and
27 unless the attorney general has filed the title and explanation of the initiative or initiated
28 amendment ~~to the Constitution~~ with the secretary of state.

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

30 **12-13-26.1. Certification of fiscal note.**

31 When determining the vote threshold required for passage, the secretary of state
32 shall certify whether, based on the secretary's review of the fiscal note produced pursuant
33 to §§ 2-9-30 and 12-13-26, if the initiated constitutional amendment or measure will raise

- 1 a tax or fee, or impose an obligation on the state to expend ten million dollars or more for
- 2 any single fiscal year in the first five years of enactment.