

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

580Y0231

## SENATE BILL NO. 77

Introduced by: Senators Otten (Ernie), Nelson, Rusch, Russell, and Stalzer and  
Representatives Haggar, Haugaard, Otten (Herman), and Tieszen

1 FOR AN ACT ENTITLED, An Act to provide for a fiscal note for any initiated measure or  
2 initiated amendment to the Constitution that would have a fiscal impact on the state.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 If the Legislative Research Council determines in its review and comment under § 12-13-25  
6 that any initiated measure or initiated amendment to the Constitution may have an impact on  
7 revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions, the  
8 sponsor of the initiated measure or initiated amendment to the Constitution shall request a fiscal  
9 note from the Legislative Research Council. If the Legislative Research Council determines any  
10 initiated measure or initiated amendment to the Constitution may have a fiscal impact, the  
11 petition and petition circulator shall provide notice to any person who signs the petition that the  
12 initiated measure or initiated amendment to the Constitution may have an impact on revenues,  
13 expenditures, or fiscal liability of the state or its agencies and subdivisions. No sponsor of an  
14 initiated measure or initiated amendment to the Constitution may request a fiscal note under this  
15 section until the petitions for the initiated measure or initiated amendment to the Constitution



1 have been submitted and approved by the secretary of state.

2 Section 2. That the code be amended by adding a NEW SECTION to read:

3 The director of the Legislative Research Council shall prepare any fiscal note requested  
4 pursuant to this Act. The fiscal note shall include an estimate of the impact on revenues,  
5 expenditures, or fiscal liability of the state or its agencies and subdivisions by the provisions of  
6 the initiated measure or initiated amendment to the Constitution. The fiscal note may not exceed  
7 two hundred words. The director shall file the fiscal note with the sponsor and the secretary of  
8 state within sixty days of the receipt of the request.

9 Section 3. That § 12-13-25 be amended to read:

10 12-13-25. The sponsors of each initiative or initiated amendment to the Constitution shall  
11 submit a copy of the initiative or initiated amendment to the Constitution to the director of the  
12 Legislative Research Council for review and comment before it may be circulated for signatures.  
13 The director shall review each submitted initiative or initiated amendment to the Constitution  
14 to determine if the requirements of § 12-13-24 are satisfied and if the initiative or initiated  
15 amendment to the Constitution may have any impact on revenues, expenditures, or fiscal  
16 liability of the state or its agencies and subdivisions. Within fifteen days of receipt of an  
17 initiative or initiated amendment to the Constitution, the director shall provide written  
18 comments on the initiative or initiated amendment to the Constitution to the sponsors of the  
19 initiative or initiated amendment, the attorney general, and the secretary of state for the purpose  
20 of assisting the sponsors in complying with § 12-13-24. The sponsors may, but are not required  
21 to, amend the initiative or initiated amendment to the Constitution to comply with the director's  
22 comments.

23 Section 4. That § 12-13-9 be amended to read:

24 12-13-9. Before the third Tuesday in May, the attorney general shall deliver to the secretary

1 of state an attorney general's statement for each amendment to the Constitution proposed by the  
2 Legislature, and any referred ~~measure~~ law from an odd year. The attorney general's statement  
3 for each referred ~~measure~~ law from an even year shall be delivered to the secretary of state  
4 before the second Tuesday in July. The attorney general's statement shall be written by the  
5 attorney general and shall consist of a title, an explanation, and a clear and simple recitation of  
6 the effect of a "Yes" or "No" vote. The title shall be a concise statement of the subject of the  
7 proposed amendment to the Constitution or referred ~~measure~~ authored by the attorney general  
8 law. The explanation shall be an objective, clear, and simple summary to educate the voters of  
9 the purpose and effect of the proposed amendment to the Constitution or the referred law. The  
10 attorney general shall include a description of the legal consequences of the proposed  
11 amendment to the Constitution or the referred law, including the likely exposure of the state to  
12 liability if the proposed amendment to the Constitution or the referred law is adopted. The  
13 explanation may not exceed two hundred words in length. On the printed ballots, the title shall  
14 be followed by the explanation and the explanation shall be followed, if applicable, by ~~the fiscal~~  
15 ~~impact statement~~ any cost estimate prepared pursuant to § 2-1-20 or fiscal note prepared  
16 pursuant to section 2 of this Act and then followed by the recitation.

17 Section 5. That § 12-13-25.1 be amended to read:

18 12-13-25.1. Following receipt of the written comments of the director of the Legislative  
19 Research Council, the sponsors shall submit a copy of the proposed initiative or initiated  
20 amendment to the Constitution in final form, to the attorney general. The attorney general shall  
21 prepare an attorney general's statement ~~which~~ that consists of a title and explanation. The title  
22 shall be a concise statement of the subject of the proposed initiative or initiated amendment to  
23 the Constitution. The explanation shall be an objective, clear, and simple summary to educate  
24 the voters of the purpose and effect of the proposed ~~initiated measure~~ initiative or initiated

1 amendment to the Constitution. The attorney general shall include a description of the legal  
2 consequences of the proposed initiative or initiated amendment ~~or initiated measure~~ to the  
3 Constitution, including the likely exposure of the state to liability if the proposed initiative or  
4 initiated amendment ~~or initiated measure~~ to the Constitution is adopted. The explanation may  
5 not exceed two hundred words in length. The attorney general shall file the title and explanation  
6 with the secretary of state and shall provide a copy to the sponsors within sixty days of receipt  
7 of the proposed initiative or initiated amendment to the Constitution.

8 If the petition is filed as set forth in §§ 2-1-1.1 and 2-1-1.2, the attorney general shall deliver  
9 to the secretary of state before the third Tuesday in May a simple recitation of a "Yes" or "No"  
10 vote. On the printed ballots, the title shall be followed by the explanation and the explanation  
11 shall be followed, if applicable, by ~~the prison or jail population~~ any cost estimate prepared  
12 pursuant to § 2-1-20 or fiscal note prepared pursuant to section 2 of this Act, and then followed  
13 by the recitation.