



2025 South Dakota Legislature

House Bill 1063

Introduced by: **Representative Kassin**

1 **An Act to revise the provisions for preparing a fiscal note for ballot questions.**

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

3 **Section 1. That § 2-9-30 be AMENDED:**

4 **2-9-30.** If the director of the Legislative Research Council determines in the review
 5 and comment under § 12-13-25 that an initiated measure or initiated amendment to the
 6 South Dakota Constitution may ~~have an impact on~~ impact the revenues, expenditures, or
 7 fiscal liability of the state or ~~its agencies and subdivisions~~ any agency or political
 8 subdivision of this state, the director ~~shall~~ must notify the petition sponsor.

9 If the director of the Legislative Research Council determines that an initiated
 10 measure or initiated amendment to the ~~Constitution~~ constitution in final form under § 12-
 11 13-25.1 may ~~have an impact on~~ impact the revenues, expenditures, or fiscal liability of
 12 the state or ~~its agencies and subdivisions~~ any agency or political subdivision of this state,
 13 the director ~~shall~~ must prepare a fiscal note. The fiscal note must include an estimate of
 14 the impact that the provisions of the initiated measure or initiated amendment to the
 15 constitution may have on the revenues, expenditures, or fiscal liability of the state or ~~its~~
 16 ~~agencies and subdivisions~~, by the provisions of the proposed initiated measure or initiated
 17 amendment to the Constitution any agency or political subdivision of this state, for at least
 18 the first full fiscal year after the initiated measure or initiated amendment to the
 19 constitution takes effect. The fiscal note expenditure estimate must also include any
 20 impact to the prison or county jail population. A fiscal note prepared pursuant to this
 21 section may not exceed fifty words.

22 Any state agency, ~~board, commission, department,~~ as defined in § 1-26-1, or
 23 institution of state government ~~shall~~ must provide the information requested by the
 24 director for the purpose of preparing the fiscal note. ~~The fiscal note may not exceed fifty~~
 25 ~~words.~~ The director shall file the fiscal note with the secretary of state and shall provide a

1 copy to the sponsors not more than sixty days following receipt of the initiated measure
2 or initiated amendment in final form pursuant to § 12-13-25.1.

3 **Section 2. That a NEW SECTION be added to chapter 2-9:**

4 If after an initiated measure, initiated amendment to the South Dakota
5 Constitution, or referred law is certified for the ballot pursuant to § 2-1-17, the director
6 must review any fiscal note prepared pursuant to § 2-9-30 or as described in § 2-9-32.

7 If the director determines that, because of changes to the state budget, state law,
8 or other factors, the estimated impact of the provisions of the initiated measure, initiated
9 amendment to the constitution, or referred law on the revenues, expenditures, or fiscal
10 liability of the state or any agency or political subdivision of this state, described in the
11 fiscal note, provided pursuant to § 2-9-30 or 2-9-32, is no longer substantially accurate,
12 the director must prepare an updated fiscal note, no earlier than July first nor later than
13 August first, in the year of the election. The updated fiscal note may not exceed fifty
14 words.

15 The updated fiscal note must include an estimate of the impact that the provisions
16 of the initiated measure, initiated amendment, or referred law may have on the revenues,
17 expenditures, or fiscal liability of the state or its agencies or political subdivisions, for at
18 least the first full fiscal year after the initiated measure, initiated amendment to the
19 constitution, or referred law takes effect. The updated fiscal note expenditure estimate
20 must also include any impact to the prison or county jail population.

21 Any state agency, as defined in § 1-26-1, or institution of state government must
22 provide the information requested by the director for the purpose of preparing the updated
23 fiscal note. The director shall file the updated fiscal note with the secretary of state and
24 shall provide a copy to the sponsors not later than August first in the year of the election.

25 **Section 3. That § 12-13-9 be AMENDED:**

26 **12-13-9.** ~~Before the third Tuesday in May, the~~The attorney general shall deliver
27 ~~to the secretary of state an attorney general's a~~ statement for each amendment to the
28 South Dakota Constitution proposed by the Legislature, ~~and any~~ and referred law from an
29 odd year to the secretary of state before the third Tuesday in May, in the year of the
30 election. The attorney ~~general's~~ general shall deliver a statement for each referred law
31 from an even year ~~shall be delivered~~ to the secretary of state before the second Tuesday
32 in July, in the year of the election. The attorney general's statement ~~shall~~ must be written
33 by the attorney general and ~~shall~~ must consist of ~~a title, an explanation, and a recitation~~

1 ~~as provided in this section. The title shall be a concise statement of the subject of the~~
 2 ~~proposed amendment to the Constitution or referred law. The explanation shall be an~~
 3 ~~objective, clear, and simple summary to educate the voters of the purpose and effect of~~
 4 ~~the proposed amendment to the Constitution or referred law. The recitation for each~~
 5 ~~proposed amendment to the Constitution shall state "Vote 'Yes' to adopt the amendment"~~
 6 ~~and "Vote 'No' to leave the Constitution as it is". The recitation for each referred law shall~~
 7 ~~state "Vote 'Yes' to allow the Act of the Legislature to become law" and "Vote 'No' to reject~~
 8 ~~the Act of the Legislature". The attorney general shall include a description of the legal~~
 9 ~~consequences of the proposed amendment to the Constitution or referred law, including~~
 10 ~~the likely exposure of the state to liability if the proposed amendment to the Constitution~~
 11 ~~or referred law is adopted;~~

12 (1) A title, which is a concise statement of the subject of the proposed amendment to
 13 the constitution or referred law;

14 (2) An objective, clear, and simple explanation that:

15 (a) Educates the voters on the purpose and effect of the proposed amendment
 16 to the constitution or referred law; and

17 (b) Describes the legal consequences of the proposed amendment to the
 18 constitution or referred law, including any likely exposure of the state to
 19 liability if the proposed amendment to the constitution or referred law is
 20 adopted; and

21 (3) A recitation:

22 (a) For a proposed amendment to the constitution, stating "Vote 'Yes' to adopt
 23 the amendment" and "Vote 'No' to leave the Constitution as it is"; or

24 (b) For a referred law, stating "Vote 'Yes' to allow the Act of the Legislature to
 25 become law" and "Vote 'No' to reject the Act of the Legislature.

26 The explanation may not exceed two hundred words in length. On the printed
 27 ballots, ~~the title shall~~ of the proposed amendment to the constitution or referred law must
 28 ~~be followed by the explanation and the explanation shall be followed, if applicable, by any~~
 29 ~~cost estimate prepared pursuant to § 2-9-34 or, the most recent~~ fiscal note prepared
 30 pursuant to § 2-9-32 or section 2 of this Act, and then followed by the recitation. The title,
 31 explanation, fiscal note, and recitation must be printed on the ballot in the order provided
 32 by this section.

33 **Section 4. That § 12-13-25.1 be AMENDED:**

1 **12-13-25.1.** Following receipt of the written comments of the director of the
2 Legislative Research Council, the sponsors shall submit a copy of the proposed initiated
3 measure or initiated amendment to the South Dakota Constitution in final form to the
4 attorney general, the secretary of state, and the director of the Legislative Research
5 Council.

6 The attorney general shall prepare a draft ~~attorney general's~~ statement that
7 consists of ~~a title and explanation.~~ The title shall be a concise statement of the subject of
8 ~~the proposed initiated measure or initiated amendment to the Constitution.~~ The
9 explanation shall be an objective, clear, and simple summary to educate the voters of the
10 purpose and effect of the proposed initiated measure or initiated amendment to the
11 Constitution. The attorney general shall include a description of the legal consequences of
12 the proposed initiated measure or initiated amendment to the Constitution, including the
13 likely exposure of the state to liability if the proposed initiated measure or initiated
14 amendment to the Constitution is adopted:

15 (1) The title, which is a concise statement of the subject of the proposed initiated
16 measure or initiated amendment to the constitution;

17 (2) An objective, clear, and simple explanation that:

18 (a) Educates the voters on the purpose and effect of the initiated amendment
19 to the constitution; and

20 (b) Describes the legal consequences of the proposed initiated measure or
21 initiated amendment to the constitution, including any likely exposure of
22 the state to liability if the proposed initiated measure or initiated
23 amendment to the constitution.

24 The explanation may not exceed two hundred words in length.

25 The attorney general shall file the draft statement with the secretary of state, post
26 the draft statement on the attorney general's website, and release a press release
27 announcing a draft statement has been posted for comment within sixty days of receipt
28 of the proposed initiated measure or initiated amendment to the ~~Constitution~~ constitution.
29 The attorney general shall accept comments for ten days from the date the draft statement
30 was filed. The attorney general shall review all comments submitted and revise the
31 statement in response to the comments as deemed necessary.

32 Once the comment period has expired and any revisions have been completed, the
33 attorney general shall file the final statement with the secretary of state, ~~which shall serve~~
34 ~~as the attorney general's statement,~~ and shall provide a copy to the sponsors within
35 twenty days of the filing of the draft statement.

1 If the signatures on a petition ~~is for a proposed initiated measure or initiated~~
2 amendment to the constitution are ~~filed as set forth in §§ 2-1-1.1 or 2-1-1.2 pursuant to~~
3 § 2-1-1.1 or 2-1-1.2, the attorney general ~~shall~~ must ~~deliver to the secretary of state~~
4 ~~before the third Tuesday in May~~ a recitation ~~as provided in this section~~ to the secretary of
5 state before the third Tuesday in May. The recitation for an initiated amendment to the
6 ~~Constitution shall~~ constitution must state "Vote 'Yes' to adopt the amendment" and "Vote
7 'No' to leave the Constitution as it is". The recitation for an initiated measure ~~shall~~ must
8 state "Vote 'Yes' to adopt the initiated measure" and "Vote 'No' to leave South Dakota law
9 as it is".

10 On the printed ballots, the title ~~shall~~ of the proposed initiated measure or initiated
11 amendment to the constitution must be followed by the explanation ~~and the explanation~~
12 ~~shall be followed, if applicable, by any, the most recent~~ fiscal note prepared pursuant to
13 § 2-9-30 or section 2 of this Act, and ~~then followed by~~ the recitation. The title, explanation,
14 fiscal note, and recitation must be printed on the ballot in the order provided by this
15 section.

16 **Section 5. That § 2-9-30.1 be REPEALED.**

17 ~~For any initiated measure or initiated amendment to the Constitution submitted to~~
18 ~~the director of the Legislative Research Council pursuant to § 12-13-25 prior to July 1,~~
19 ~~2017, and certified by the secretary of state pursuant to § 2-1-17 for placement on the~~
20 ~~ballot during the general election of 2018, the secretary of state shall request a~~
21 ~~determination from the director under § 2-9-30. If the director of the Legislative Research~~
22 ~~Council makes a determination pursuant to § 2-9-30 that the initiated measure or initiated~~
23 ~~amendment to the Constitution has no impact, the director shall notify the sponsor and~~
24 ~~the secretary of state that the measure or amendment has no impact. If the director of~~
25 ~~the Legislative Research Council makes a determination pursuant to § 2-9-30 that the~~
26 ~~measure or amendment has an impact, the director shall prepare a fiscal note pursuant~~
27 ~~to § 2-9-31. The secretary of state shall include the fiscal note, if any, on the ballot~~
28 ~~pursuant to § 12-13-25.1.~~