

2020 South Dakota Legislature

House Bill 1004**AMENDMENT 1004E FOR THE HOUSE STATE AFFAIRS BILL**

1 **An Act to provide for the defense of ~~laws~~ the establishment of any legislative district**
2 **by the Legislature.**

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

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

5 **2-18-1. Defense of law by the Legislature.**

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

8 **~~Section 2. That a NEW SECTION be added:~~**

9 **~~Employment of legal counsel by Legislature--Purposes--Process.~~**

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

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

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

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

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

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

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

1 **~~4-8A-17. Legislative priority pilot program contingency fund created.~~**

2 ~~On June 29, 2015, the state treasurer shall transfer to the legislative priority pilot~~
3 ~~program contingency fund, which is hereby created, the sum of one million dollars~~
4 ~~(\$1,000,000) from the South Dakota risk pool fund created by § 58-17-120. The~~
5 ~~contingency funds are to be made available in accordance with the provisions of §§ 4-8A-~~
6 ~~9, 4-8A-10, 4-8A-11, and 4-8A-12. The contingency funds shall be used to fund legislative~~
7 ~~priority pilot programs and the cost of employment of legal counsel under § 2-18-2.~~
8 ~~Interest earned on money in the fund shall be deposited into the general fund.~~

