



2022 South Dakota Legislature

House Bill 1041

Introduced by: **Representative** Ernie Otten

1 **An Act to facilitate legislative oversight of settlement agreements involving a state**
2 **entity or official.**

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

4 **Section 1. That chapter 2-6 be amended with a NEW SECTION:**

5 In any settlement agreement to which the state, an agency thereof, or officer or
6 employee thereof in an official capacity pursuant to chapter 3-19, is a party, the state
7 signatory to the agreement shall transfer a complete copy of the agreement to the
8 Executive Board of the Legislative Research Council and the Government Operations and
9 Audit Committee within thirty days of the agreement's execution date.

10 **Section 2. That chapter 3-21 be amended with a NEW SECTION:**

11 A nondisparagement or similar clause is void and unenforceable to prevent the
12 communication or disclosure of facts to the Executive Board of the Legislative Research
13 Council or the Government Operations and Audit Committee as to any state government
14 activities associated with any settlement agreement to which the state, an agency thereof,
15 or officer or employee thereof in an official capacity pursuant to chapter 3-19, is a party.