§ 57-0213. Defense, attorneys' fees, court costs.

1. For each town adopting a local law implementing regulations in the protection areas consistent with this title, there shall be a defense by the state against any damages, losses, costs, or expenses of any kind or nature incurred or suffered by such town or its agents, servants, officials or employees, in the event of legal actions or proceedings brought against the town or its agents, servants, officials, or employees that may result from the municipal acquisition of land or the adoption or implementation of a local law consistent with this title.

2. The state shall pay reasonable attorneys' fees and court costs incurred by each town in connection with such legal actions or proceedings, including any appeal.

3. Such defense shall be conditioned upon:

(a) delivery by the town board or its agent, servant, official or employee against whom the legal action or proceeding was commenced to the attorney general or an assistant attorney general at an office of the department of law in the state, the original or a copy of any summons, complaint, process, notice, demand, or pleading within thirty days after such document is served upon the town board or such other party; and

(b) the full cooperation of the town board or such other party against whom the action or proceeding was commenced in the defense of such action or proceeding and in defense of any action or proceeding against the state based upon the same act or omission, and in the prosecution of any appeal.