



2022 South Dakota Legislature

House Bill 1111

Introduced by: **Representative** Aylward

1 **An Act to provide for the referral of certain resolutions adopted by the board of a**
 2 **school district.**

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

4 **Section 1. That chapter 13-8 be amended with a NEW SECTION:**

5 A resolution adopted by the board of a school district is referable to the qualified
 6 voters of the district, upon the filing of a petition with the business manager of the district,
 7 provided the petition:

- 8 (1) Pertains to the referral of a resolution regarding a matter of health or safety that
 9 places requirements or limitations on students or employees of the district;
 10 (2) Contains the full text of the resolution adopted by the board;
 11 (3) Contains the date on which the board adopted the resolution and the effective date
 12 of the resolution;
 13 (4) Is filed no later than 5:00 p.m. on the sixtieth calendar day after the board's
 14 adoption of the resolution; and
 15 (5) Is signed by registered voters of the district, equal in number to five percent of
 16 those in the district who voted in the last general election.

17 **Section 2. That chapter 13-8 be amended with a NEW SECTION:**

18 Upon receipt of a petition to refer a resolution adopted by the board of the school
 19 district, the business manager shall verify that the petition meets the requirements of
 20 section 1 of this Act.

21 Upon verification, the business manager shall:

- 22 (1) Arrange for the referral vote to take place in conjunction with the next regular
 23 school district election;
 24 (2) Publish in the official newspaper of the district, once during each of the two weeks
 25 immediately preceding the election:

- 1 (a) The petition; and
2 (b) A notice of the election date and time;
3 (3) Request from the state's attorney the referral language to be printed on the ballots;
4 and
5 (4) Arrange for the printing and distribution of the ballots.

6 **Section 3. That chapter 13-8 be amended with a NEW SECTION:**

7 Upon verification of a petition for referral, as required by section 2 of this Act, the
8 board of a school district shall cease to enforce the resolution that is the subject of the
9 referral, until the canvassing of the votes indicates that a majority of those voting
10 supported the board's adoption.

11 If a majority of those voting rejected the board's adoption, the board may not
12 consider any resolution in contravention of the referral vote for a period of one year from
13 the date of the election.

14 **Section 4. That chapter 13-8 be amended with a NEW SECTION:**

15 Any cost associated with the verification of a petition for referral under section 2
16 of this Act, the cost of publishing the required notices, and any additional election costs,
17 are the responsibility of the school district.