

State of South Dakota

EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

762U0584

SENATE JOINT RESOLUTION NO. 2

Introduced by: Senators Brown, Heineman (Phyllis), Maher, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Peters, Rave, Rhoden, and Tidemann and Representatives Hoffman, Cronin, Dryden, Greenfield, and Hansen

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election
2 an amendment to Article XI, sections 13 and 14 and Article XXIII, section 1 of the
3 Constitution of the State of South Dakota, relating to the vote required to increase taxes.

4 BE IT RESOLVED BY THE SENATE OF THE STATE OF SOUTH DAKOTA, THE HOUSE
5 OF REPRESENTATIVES CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendments to
7 Article XI, sections 13 and 14 and Article XXIII, section 1 of the Constitution of the State of
8 South Dakota, as set forth in sections 2, 3, and 4 of this Joint Resolution, which is hereby agreed
9 to, shall be submitted to the electors of the state for approval.

10 Section 2. That Article XI, section 13 of the Constitution of the State of South Dakota, be
11 amended to read as follows:

12 § 13. The rate of taxation imposed by the state of South Dakota on personal or corporate
13 income or on sales or services, or the allowable levies or the percentage basis for determining
14 valuation as fixed by law for purposes of taxation on real or personal property, shall not be



1 increased unless by consent of a two-thirds vote of the people ~~by~~ in exercise of their right of
2 initiative or by two-thirds vote of all the members elect of each branch of the Legislature.

3 No tax that has been imposed for a defined period of time may be imposed beyond that
4 period of time unless by consent of a two-thirds vote of the people in exercise of their right of
5 initiative or by two-thirds vote of all members elect of each branch of the Legislature.

6 Section 3. That Article XI, section 14 of the Constitution of the State of South Dakota, be
7 amended to read as follows:

8 § 14. The rate of taxation imposed by the State of South Dakota in regard to any tax may not
9 be increased and no new tax may be imposed by the State of South Dakota unless by consent
10 of a two-thirds vote of the people ~~by~~ in exercise of their right of initiative or by two-thirds vote
11 of all the members elect of each branch of the Legislature.

12 No tax that has been imposed for a defined period of time may be imposed beyond that
13 period of time unless by consent of a two-thirds vote of the people in exercise of their right of
14 initiative or by two-thirds vote of all members elect of each branch of the Legislature.

15 Section 4. That Article XXIII, section 1 of the Constitution of the State of South Dakota, be
16 amended to read as follows:

17 § 1. Amendments to this Constitution may be proposed by initiative or by a majority vote
18 of all members of each house of the Legislature. An amendment proposed by initiative shall
19 require a petition signed by qualified voters equal in number to at least ten percent of the total
20 votes cast for Governor in the last gubernatorial election. The petition containing the text of the
21 proposed amendment and the names and addresses of its sponsors shall be filed at least one year
22 before the next general election at which the proposed amendment is submitted to the voters.
23 A proposed amendment may amend one or more articles and related subject matter in other
24 articles as necessary to accomplish the objectives of the amendment.

1 Any amendment to this Constitution that has the effect of increasing the rate of taxation by
2 the state, or that has the effect of imposing any new tax, or that extends the imposition of a tax
3 beyond the defined period of time for which it was imposed, or that further amends this section
4 of the Constitution is deemed to be approved by the people only by consent of a two-thirds vote
5 of the people.