

2026 South Dakota Legislature

Senate Bill 223**AMENDMENT 223E
FOR THE SENATE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to modify the requirements for a petition to refer an excess tax levy of a**
2 **school district to a vote.**

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

4 **Section 1. That § 10-12-43 be AMENDED:**

5 **10-12-43.** The ~~governing body board~~ of the school district may raise additional
6 revenues, for general fund purposes only, from property tax through the imposition of an
7 excess tax levy. The ~~governing body board~~ of a school district may impose the excess tax
8 levy with an affirmative two-thirds vote of the ~~governing body board~~ on or before July
9 fifteenth of the year prior to the year the taxes are payable. ~~On any excess tax levy~~
10 ~~approved after July 1, 2002, the governing body of the taxing district.~~ The board of the
11 school district shall specify in the resolution the year or number of years the excess tax
12 levy will be applied and the total maximum dollar amount of taxes payable over the full
13 term of the excess tax levy.

14 The requirements for an announcement made pursuant to this section are as
15 follows:

- 16 (1) The decision of the ~~governing body board~~ to originally impose or subsequently
17 increase an excess tax levy shall be first published within ten days of the decision;
18 (2) Publication shall be made at least twice in the legal newspaper designated pursuant
19 to § 13-8-10, with no fewer than five days between publication dates, before the
20 opt out takes effect;
21 (3) The announcement shall be at least three newspaper columns in width and four
22 inches in length or at least one-sixth of a page in size, whichever size is greater;
23 (4) The announcement shall be headed with the following statement in a typeface no
24 less than eighteen point type: "ATTENTION TAXPAYERS: NOTICE OF PROPERTY
25 TAX INCREASE OF \$(fill in amount)." The remainder of the announcement shall
26 consist of a reproduction of the "Resolution for Opt Out," including the amount that

1 property taxes will be increased annually by the proposed opt out, the number of
 2 years that the excess tax levy is to be applied, the total maximum amount of taxes
 3 payable over the full term of the excess tax levy, and a statement of the right to
 4 refer the decision of the board to a vote of the people as provided in this section.

5 The secretary of revenue, in rules promulgated pursuant to chapter 1-26, shall
 6 prescribe a uniform form to be used by the school district for notification of taxpayers as
 7 required by this section.

8 However, the requirements of subdivisions (3) and (4) shall be waived if:

9 (A) The opt out is for less than fifteen thousand dollars; or

10 (B) A copy of the resolution for opt out is mailed to every property taxpayer in
 11 the local governmental unit, by first class mail or bulk mail, within twenty
 12 days of the decision to opt out; and

13 (C) A copy of the resolution for opt out is printed in each official newspaper in
 14 the local governmental unit's boundaries.

15 For the purposes of subsections (A), (B), and (C), the first publication is not
 16 deemed to have occurred until three days after the mailing is sent or the resolution is
 17 delivered to the official newspaper.

18 The board of a school district must, by resolution, refer an opt out decision ~~may be~~
 19 ~~referred~~ to a vote of the people ~~upon a resolution of the governing body of the school~~
 20 ~~district or by~~ if the revenues to be raised by the proposed excess tax levy in the first year,
 21 when added to the revenues raised by all excess tax levies in the same year by the school
 22 district, exceed two million dollars.

23 The registered voters of a school district may refer a resolution adopted by the
 24 board of the school district to impose an excess tax levy by filing a petition with the
 25 business manager of the school district within twenty days of the first publication of the
 26 decision. The petition must be signed by at least five percent of the registered voters in
 27 the school district ~~and voters who cast a vote in the most recent regular school district~~
 28 ~~election or fifty voters, whichever is greater. The petition must be filed with the governing~~
 29 ~~body within twenty forty days of the first publication of the decision. The ballot used for~~
 30 ~~an excess tax levy election must clearly state the number of years the excess tax levy is~~
 31 ~~to be applied and the total maximum dollar amount of taxes payable over the full term of~~
 32 ~~the excess tax levy.~~ The election must be conducted in the same manner as a special
 33 election conducted pursuant to § 13-16-6.4, except that the referendum election shall be
 34 held on or before October first of the year prior to the time the taxes are payable.