

2026 South Dakota Legislature

House Bill 1323**AMENDMENT 1323G
FOR THE SENATE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to ~~amend the time required for filing a petition referring an ordinance or~~**
2 **~~resolution of a political subdivision~~ modify the requirements to refer an**
3 **ordinance or resolution to the voters of a political subdivision.**

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

5 **Section 1. That § 7-18A-8 be AMENDED:**

6 **7-18A-8.** ~~Except such resolutions or ordinances as may be necessary for the~~
7 ~~immediate preservation of the public peace, health, or safety, or support of the county~~
8 ~~government and its existing public institutions; which provide for an election or hearing~~
9 ~~on an improvement or assessment; or which call for bids which take effect upon the~~
10 ~~passage and publication thereof, every resolution or ordinance passed by a board shall~~
11 ~~take effect on the twentieth day after its completed publication unless suspended by~~
12 ~~operation of a referendum.~~

13 Except as otherwise provided in this section, an ordinance or resolution passed by
14 a board of county commissioners takes effect on the ~~thirtieth~~ twentieth day after the final
15 publication of the ordinance or resolution in the county's official newspapers, as designated
16 pursuant to § 7-18-3.

17 An ordinance or resolution takes effect upon the passage and publication of the
18 ordinance or resolution if the ordinance or resolution:

19 (1) May be necessary for:

20 (a) The immediate preservation of the public peace, health, or safety; or

21 (b) The support of the county government and its existing public institutions;

22 (2) Provides for an election;

23 (3) Provides for a hearing on an improvement or assessment; or

24 (4) Calls for a bid.

25 An ordinance or resolution that has been referred to a vote of the people does not
26 take effect until the completion of the referendum process.

1 **Section 2. That § 7-18A-15 be AMENDED:**

2 **7-18A-15.** Any ordinance or resolution adopted by a board of county
 3 commissioners may be referred to a vote of the qualified voters of the county by the filing
 4 of a petition signed by five percent of the registered voters in the county, based upon the
 5 total number of registered voters at the last preceding general election, except such
 6 ordinances and resolutions as The registered voters of a county may refer an ordinance or
 7 resolution adopted by the board of county commissioners to the voters of the county by
 8 filing a petition with the county auditor, within ~~thirty~~ twenty days of the ~~adoption of the~~
 9 ~~ordinance or resolution~~ publication of the decision in each of the county's official
 10 newspapers, as designated pursuant to § 7-18-3. The petition must be signed by at least
 11 five percent of the registered voters of the county, based upon the total number of
 12 registered voters in the county at the last general election, or two thousand five hundred
 13 registered voters of the county, whichever is fewer.

14 The ~~Unless otherwise permitted by law, the~~ registered voters of a county may not
 15 refer:

- 16 (1) An ordinance or resolution that may be necessary for the immediate preservation
 17 of the public peace, health, or safety, or for the support of the county government
 18 and its existing public institutions; or
 19 (2) ~~A~~ An ordinance, resolution, or other decision that:
 20 (a) Executes a plan already adopted by the board or by the Legislature; or
 21 (b) Provides for the supervision of county programs, employees, or officials.

22 **Section 3. That § 7-18A-29 be AMENDED:**

23 **7-18A-29.** Upon the adoption of an ordinance in revision ~~by the board that revises~~
 24 the ordinances of the county, pursuant to § 7-18A-28, the auditor shall publish a notice,
 25 ~~once each week for two successive weeks,~~ in the legal newspapers designated pursuant
 26 to § 7-18-3, a notice that an ordinance in revision was adopted. ~~Twenty days after the~~
 27 ~~completed publication of the notice, unless the referendum shall have been invoked, such~~
 28 ~~ordinance shall become effective without publication in a newspaper. The notice must be~~
 29 published once a week for two successive weeks.

30 The ordinance is effective ~~thirty~~ twenty days after the second publication of the
 31 notice. The board shall publish the revised ordinances in book form.

32 **Section 4. That § 9-4-4.5 be AMENDED:**

1 ~~9-4-4.5.~~ The required number of voters residing in the combined area of the
 2 municipality and special annexation precinct may file within twenty days after the
 3 publication of the annexation resolution a petition with the municipal finance officer,
 4 requiring the submission of the annexation resolution to a vote of the voters of the
 5 combined area of the municipality and special annexation precinct for its rejection or
 6 approval.The registered voters living in the municipality and area designated for
 7 annexation by the municipality may refer a resolution adopted by the governing body of
 8 the municipality to annex land for the purpose of expanding the municipality's boundaries
 9 by filing a petition with the municipal finance officer, ~~within thirty days of the adoption of the~~
 10 ~~ordinance or resolution~~ or two thousand five hundred registered voters residing in the
 11 of the decision. The petition must be signed by at least five percent of the registered
 12 voters residing in the combined area of the municipality and area designated for
 13 annexation, based on the number of the registered voters of the area, as determined by
 14 the county auditor pursuant to § 9-20-8, ~~within thirty days of the adoption of the~~
 15 ~~ordinance or resolution~~ or two thousand five hundred registered voters residing in the
 16 same area, whichever is fewer.

16 **Section 5. That § 9-19-13 be AMENDED:**

17 ~~9-19-13.~~ Except such resolutions or ordinances as may be necessary for the
 18 immediate preservation of the public peace, health, or safety, or support of the municipal
 19 government and its existing public institutions, or which provide for an election or for
 20 hearing on an improvement or assessment or which call for bids, which take effect upon
 21 the passage and publication thereof, every resolution or ordinance passed by the
 22 governing body shall take effect on the twentieth day after its publication unless
 23 suspended by operation of a referendum.Except as otherwise provided in this section, an
 24 ordinance or resolution passed by the governing body of a municipality takes effect on the
 25 ~~thirtieth~~ twentieth day after the publication of the ordinance or resolution in the
 26 municipality's legal newspaper, as designated pursuant to § 9-12-6.

27 An ordinance or resolution takes effect upon the passage and publication of the
 28 ordinance or resolution if the ordinance or resolution:

29 (1) May be necessary for:

30 (a) The immediate preservation of the public peace, health, or safety; or

31 (b) The support of the municipal government and its existing public institutions;

32 (2) Provides for an election;

33 (3) Provides for a hearing on an improvement or assessment; or

34 (4) Calls for a bid.

1 An ordinance or resolution that has been referred to a vote of the people does not
 2 take effect until the completion of the referendum process.

3 **Section 6. That § 9-20-6 be AMENDED:**

4 ~~9-20-6. The required number of voters residing in any municipality may file within~~
 5 ~~twenty days after the publication of any ordinance or resolution subject to referendum a~~
 6 ~~petition with the auditor or clerk, requiring the submission of any such ordinance or~~
 7 ~~resolution to a vote of the voters of the municipality for its rejection or approval. If filed~~
 8 ~~on the twentieth day after publication, such petitions shall be filed no later than normal~~
 9 ~~closing hours of the city hall or city auditor's office on said twentieth day. The registered~~
 10 ~~voters of a municipality may refer an ordinance or resolution adopted by the governing~~
 11 ~~body of the municipality to the voters of the municipality by filing a petition with the~~
 12 ~~municipal finance officer, within twenty days of the publication of the decision. The petition~~
 13 ~~must be signed by at least five percent of the registered voters of the municipality, based~~
 14 ~~on the number of the registered voters of the municipality, as recorded by the county~~
 15 ~~auditor pursuant to § 9-2-2, within thirty days of the adoption of the ordinance or~~
 16 ~~resolution or two thousand five hundred registered voters of the municipality, whichever~~
 17 ~~is fewer. The petition must be filed with the finance officer before the normal finance office~~
 18 ~~closing time on the ~~thirtieth~~ twentieth day.~~

19 Unless otherwise permitted by law, the registered voters of a municipality may not
 20 refer:

21 (1) An ordinance or resolution that may be necessary for the immediate preservation
 22 of the public peace, health, or safety, or for the support of the municipal
 23 government and its existing public institutions; or

24 (2) An ordinance, resolution, or other decision that:

25 (a) Executes a plan already adopted by the governing body or by the
 26 Legislature; or

27 (b) Provides for the supervision of municipal programs, employees, or officials.

28 **Section 7. That § 9-20-8 be AMENDED:**

29 ~~9-20-8. The referendum petition shall be signed by at least five percent of the~~
 30 ~~registered voters in the municipality. The percentage shall be based on the number of~~
 31 ~~registered voters of the municipality as recorded by the county auditor on the second~~
 32 ~~Tuesday in January in the year the petition is filed. If the petition is filed before the second~~
 33 ~~Tuesday in January, the prior year's calculation of registered voters shall be used. The~~

1 ~~signer or circulator shall add the signer's residence address, county of voter registration,~~
 2 ~~and date of signing. The signer's post office box number may be given in lieu of a street~~
 3 ~~address if the signer lives within a municipality of the second or third class.~~An individual
 4 signing the petition to refer an ordinance or resolution or the petition circulator shall add
 5 the individual's residence address, county of voter registration, and the date of signing. If
 6 the individual lives within a second-class or third-class municipality, the individual may
 7 provide the individual's post office box number in lieu of a street address.

8 **Section 8. That § 10-12-43 be AMENDED:**

9 **10-12-43.** ~~The governing body of the school district may raise additional revenues~~
 10 ~~for general fund purposes only, from property tax through the imposition of an excess tax~~
 11 ~~levy. The governing body of a school district may impose the excess tax levy with an~~
 12 ~~affirmative two thirds vote of the governing body on or before July fifteenth of the year~~
 13 ~~prior to the year the taxes are payable. On any excess tax levy approved after July 1,~~
 14 ~~2002, the governing body of the taxing district shall specify in the resolution the year or~~
 15 ~~number of years the excess tax levy will be applied.~~

16 ~~The requirements for an announcement made pursuant to this section are as~~
 17 ~~follows:~~

- 18 ~~(1) The decision of the governing body to originally impose or subsequently~~
 19 ~~increase an excess tax levy shall be first published within ten days of the decision;~~
 20 ~~(2) Publication shall be made at least twice in the legal newspaper designated pursuant~~
 21 ~~to § 13-8-10, with no fewer than five days between publication dates, before the~~
 22 ~~opt out takes effect;~~
 23 ~~(3) The announcement shall be at least three newspaper columns in width and four~~
 24 ~~inches in length or at least one-sixth of a page in size, whichever size is greater;~~
 25 ~~(4) The announcement shall be headed with the following statement in a typeface no~~
 26 ~~less than eighteen point type: "ATTENTION TAXPAYERS: NOTICE OF PROPERTY~~
 27 ~~TAX INCREASE OF \$(fill in amount)." The remainder of the announcement shall~~
 28 ~~consist of a reproduction of the "Resolution for Opt Out," including the amount that~~
 29 ~~property taxes will be increased annually by the proposed opt out and a statement~~
 30 ~~of the right to refer the decision of the board to a vote of the people as provided~~
 31 ~~in this section. The secretary of revenue, in rules promulgated pursuant to chapter~~
 32 ~~1-26, shall prescribe a uniform form to be used by the school district for notification~~
 33 ~~of taxpayers as required by this section. However, the requirements of subdivisions~~
 34 ~~(3) and (4) shall be waived if:~~

- 1 ~~(A) The opt out is for less than fifteen thousand dollars; or~~
 2 ~~(B) A copy of the resolution for opt out is mailed to every property taxpayer in the local~~
 3 ~~governmental unit, by first class mail or bulk mail, within twenty days of the~~
 4 ~~decision to opt out; and~~
 5 ~~(C) A copy of the resolution for opt out is printed in each official newspaper in the local~~
 6 ~~governmental unit's boundaries.~~

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

10 ~~The opt out decision may be referred to a vote of the people upon a resolution of~~
 11 ~~the governing body of the school district or by a petition signed by at least five percent of~~
 12 ~~the registered voters in the school district and filed with the governing body within twenty~~
 13 ~~days of the first publication of the decision. The referendum election shall be held on or~~
 14 ~~before October first of the year prior to the time the taxes are payable.~~

15 The board of a school district may, by resolution, impose an excess tax levy to
 16 raise additional revenues from property tax for general fund purposes only. The board
 17 may impose the excess tax levy with an affirmative vote of at least two-thirds of the
 18 members on or before July fifteenth of the year prior to the year the taxes are payable.
 19 The board shall specify in the resolution the year or number of years the excess tax is to
 20 be applied.

21 The decision of the board to impose or increase an excess tax levy must first be
 22 published in the district's legal newspaper, as designated pursuant to § 13-8-10, within
 23 ten days of the board's decision. The board must publish at least two additional
 24 notifications in the district's legal newspaper, the last of which must be published not more
 25 than seven days before the excess levy takes effect, provided that there are at least five
 26 days between the publication of the two notices. Each notice must:

- 27 (1) Contain the following headline in a typeface no less than eighteen-point type:
 28 "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX INCREASE OF \$(fill in
 29 amount)";
 30 (2) Consist of a reproduction of the "Resolution for Opt Out," including the amount by
 31 which property taxes are to be increased annually by the proposed opt out; and
 32 (3) Include a statement of the right to refer the decision of the board to a vote of the
 33 people, as provided in this section.

34 The board is not required to meet the formatting and content requirements
 35 required by subdivisions (2) and (3) if the excess tax levy is for less than fifteen thousand

1 dollars or if the board has, within twenty days of the decision to impose the excess tax
2 levy, mailed to every property taxpayer in the district, by first class or bulk mail, a copy
3 of the resolution authorizing the excess tax levy and if a copy of the resolution is published
4 in each newspaper within the school district, as established in § 17-2-2.1. The additional
5 notices must be published at least three days after the mailing is sent or the resolution is
6 delivered to the official newspaper, whichever is later.

7 ~~The registered voters of a school district may refer a resolution adopted by the~~
8 ~~board of a school district to impose an excess tax levy by filing a petition with the business~~
9 ~~manager of the school district. The petition must be signed by at least five percent of the~~
10 ~~registered voters of the school district, based on the total number of registered voters of~~
11 ~~the school district, within thirty days of the adoption of the resolution. The referendum~~
12 ~~election must be held on or before October first of the year prior to the time the taxes are~~
13 ~~payable. The business manager shall give notice that the question is to be on the ballot~~
14 ~~at the next scheduled election or at a special election called for that purpose, as provided~~
15 ~~by chapter 13-7, and prepare official ballots according to the provisions of this chapter.~~

16 The secretary of the Department of Revenue shall promulgate rules, pursuant to
17 chapter 1-26, prescribing the form to be used by the school district for notification of
18 taxpayers, as required by this section.

19 **Section 9. That § 10-12-43.1 be AMENDED:**

20 ~~**10-12-43.1.** A school district may raise additional revenues for capital outlay fund~~
21 ~~purposes through the imposition of an excess tax levy. A school district seeking to impose~~
22 ~~an excess tax levy pursuant to this section is subject to the same opt out procedures and~~
23 ~~requirements as provided in § 10-12-43. The opt-out decision may be referred to a vote~~
24 ~~of the people in the same manner as provided in § 10-12-43.~~

25 ~~A school district imposing an excess tax levy pursuant to this section shall exclude~~
26 ~~any additional revenue generated by the excess tax levy from the total tax revenues~~
27 ~~deposited in the capital outlay fund when calculating the maximum allowable transfer to~~
28 ~~the school district's general fund authorized under § 13-16-6. Any additional Additional~~
29 ~~revenue generated by the excess tax levy may only be used for capital outlay fund~~
30 ~~purposes pursuant to § 13-16-6.~~

31 ~~In no year may the annual tax levy for capital outlay fund purposes exceed the~~
32 ~~levy authorized under § 13-16-7.~~

33 **Section 10. That a NEW SECTION be added to chapter 10-12:**

The registered voters of a school district may refer a resolution adopted by the board of the school district to impose an excess tax levy, pursuant to § 10-12-43 or 10-12-43.1, by filing a petition with the business manager of the school district, within twenty days of the first publication of the decision. The petition must be signed by at least five percent of the registered voters of the school district, based on the total number of registered voters of the school district, or two thousand five hundred registered voters of the school district, whichever is fewer.

The election must be held on or before October first of the year prior to the time the taxes are payable. The business manager shall give notice that the question is to be on the ballot at the next scheduled election or at a special election called for that purpose and prepare official ballots according to the provisions of chapter 13-7.

Section 11. That § 10-13-35.13 be AMENDED:

~~**10-13-35.13.** The governing body of a taxing district may, by resolution, impose the levy provided in § 10-13-35.12 with an affirmative two thirds vote of the governing body on or before July fifteenth.~~

~~The decision of the governing body to impose the levy shall be published within ten days of the decision as follows:~~

~~(1) Publication shall be made at least twice in the legal newspaper designated by the governing body pursuant to law, with no fewer than five days between publication dates, before the tax imposition takes effect;~~

~~(2) The announcement shall be at least three newspaper columns in width and four inches in length or at least one sixth of a page in size, whichever size is greater;~~

~~(3) The announcement shall be headed with the following statement in a typeface no less than eighteen point type: "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX IMPOSED OF \$(fill in amount)." The remainder of the announcement shall consist of a reproduction of the resolution including the amount that property taxes will be imposed and a statement of the right to refer the decision of the board to a vote of the people as provided in this section. The secretary of revenue, in rules promulgated pursuant to chapter 1-26, shall prescribe a uniform form to be used by the taxing district for notification of taxpayers as required by this section. However, the requirements of subdivisions (2) and (3) are waived if:~~

~~(a) The property tax imposed is for less than fifteen thousand dollars; or~~

1 ~~(b) — A copy of the resolution is mailed to every property taxpayer in the taxing~~
2 ~~district, by first class mail or bulk mail, within twenty days of the decision;~~
3 ~~and~~

4 ~~(c) — A copy of the resolution is printed in each legal newspaper in the taxing~~
5 ~~district's boundaries.~~

6 For the purposes of subsections (a), (b), and (c), the first publication is not deemed
7 to have occurred until three days after the mailing is sent or the resolution is delivered to
8 the legal newspaper.

9 The governing body's decision may be referred to a vote of the people upon a
10 resolution of the governing body of the taxing district or by a petition signed by at least
11 five percent of the registered voters in the taxing district and filed with the respective
12 governing body within twenty days of the first publication of the decision. The referendum
13 election shall be held on or before October first preceding the year the taxes are
14 payable. The governing body of a taxing district may, by resolution, impose the levy
15 provided in § 10-13-35.12. The body may impose the tax levy with an affirmative vote of
16 at least two-thirds of the total membership of the body, on or before July fifteenth of the
17 year prior to the year in which the taxes are payable.

18 The decision of the governing body to impose the levy must be published in the
19 legal newspaper designated by the governing body, within ten days of the body's decision.
20 The body must publish at least two additional notifications in the district's legal newspaper,
21 the last of which must be published not more than seven days before the tax levy takes
22 effect, provided that there are at least five days between the publication of the two notices.

23 Each notice must:

- 24 (1) Be at least three newspaper columns in width and four inches in length or at least
25 one-sixth of a page in size, whichever size is greater;
26 (2) Contain the following headline in a typeface no less than eighteen-point type:
27 "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX IMPOSED OF \$(fill in
28 amount)";
29 (3) Consist of a reproduction of the resolution, including the amount that property
30 taxes are to be imposed; and
31 (4) Include a statement of the right to refer the decision of the board to a vote of the
32 people as provided in this section.

33 The governing body is not required to meet the formatting and content
34 requirements required by subdivisions (3) and (4) if the excess tax levy is for less than
35 fifteen thousand dollars or if the body has, within twenty days of the decision to impose

1 the excess tax levy, mailed to every property taxpayer in the municipality, by first class
2 or bulk mail, a copy of the resolution authorizing the excess tax levy and if a copy of the
3 resolution is published in each newspaper within the municipality, as established in § 17-
4 2-2.1. The additional notices must be published at least three days after the mailing is
5 sent or the resolution is delivered to the official newspaper, whichever is later.

6 ~~The registered voters of a taxing district may refer a resolution adopted by the~~
7 ~~governing body of a taxing district to impose a tax levy by filing a petition with the finance~~
8 ~~officer of the taxing district. The petition must be signed by at least five percent of the~~
9 ~~registered voters of the taxing district, based on the total number of registered voters of~~
10 ~~the taxing district, within thirty days of the adoption of the resolution. The referendum~~
11 ~~election must be held on or before October first of the year prior to the time the taxes are~~
12 ~~payable. The business manager shall give notice that the question is to be on the ballot~~
13 ~~at the next scheduled election or at a special election called for that purpose, as provided~~
14 ~~by chapter 9-13, and prepare official ballots according to the provisions of this chapter.~~

15 The secretary of the Department of Revenue, in rules promulgated pursuant to
16 chapter 1-26, shall prescribe a uniform form to be used by the taxing district for the
17 notification of taxpayers as required by this section.

18 **Section 12. That a NEW SECTION be added to chapter 10-13:**

19 ~~The registered voters of a taxing district may refer a resolution adopted by the~~
20 ~~governing body of the taxing district to impose an excess tax levy by filing a petition with~~
21 ~~the person in charge of the taxing district's elections, within twenty days of the first~~
22 ~~publication of the decision. The petition must be signed by at least five percent of the~~
23 ~~registered voters of the taxing district, or two thousand five hundred registered voters of~~
24 ~~the taxing district, whichever is fewer.~~

25 ~~The referendum election must be held on or before October first of the year prior~~
26 ~~to the time the taxes are payable. The person in charge of the taxing district's elections~~
27 ~~shall give notice that the question is to be on the ballot at the next scheduled election or~~
28 ~~at a special election called for that purpose and prepare official ballots according to the~~
29 ~~provisions of chapter 9-13.~~

30 **Section 13. That § 10-13-36 be AMENDED:**

31 ~~**10-13-36.** The governing body of a taxing district may exceed the limit pursuant~~
32 ~~to § 10-13-35 through the imposition of an excess tax levy. The governing body of a~~
33 ~~taxing district may impose an excess tax levy with an affirmative two-thirds vote of the~~

1 governing body on or before July fifteenth of the year prior to the year the taxes are
2 payable. On any excess tax levy approved after July 1, 2002, the governing body of the
3 taxing district shall specify in the resolution the year or number of years the excess tax
4 levy will be applied. The requirements for an announcement made pursuant to this section
5 are as follows:

6 (1) The decision of the governing body to originally impose or subsequently increase
7 an excess tax levy shall be published within ten days of the decision;

8 (2) Publication shall be made at least twice in the legal newspaper designated by the
9 governing body pursuant to law, with no fewer than five days between publication
10 dates, before the opt out takes effect;

11 (3) The announcement shall be at least three newspaper columns in width and four
12 inches in length or at least one sixth of a page in size, whichever size is greater;

13 (4) The announcement shall be headed with the following statement in a
14 typeface no less than eighteen point type: "ATTENTION TAXPAYERS:
15 NOTICE OF PROPERTY TAX INCREASE OF \$(fill in amount)." The remainder
16 of the announcement shall consist of a reproduction of the "Resolution for
17 Opt Out," including the amount that property taxes will be increased
18 annually by the proposed opt out and a statement of the right to refer the
19 decision of the board to a vote of the people as provided in this section. The
20 secretary of revenue, in rules promulgated pursuant to chapter 1-26, shall
21 prescribe a uniform form to be used by the taxing district for notification of
22 taxpayers as required by this section.

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

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

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

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

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

33 The opt out decision may be referred to a vote of the people upon a resolution of
34 the governing body of the taxing district or by a petition signed by at least five percent of
35 the registered voters in the taxing district and filed with the respective governing body

1 ~~within twenty days of the first publication of the decision. The referendum election shall~~
2 ~~be held on or before October first preceding the year the taxes are payable. The governing~~
3 ~~body of a taxing district may impose an excess tax levy to exceed the limit pursuant to~~
4 ~~§ 10-13-35. The governing body of a taxing district may impose an excess tax levy, with~~
5 ~~an affirmative vote of at least two-thirds of the total membership of the governing body,~~
6 ~~on or before July fifteenth of the year prior to the year the taxes are payable. The~~
7 ~~governing body of the taxing district shall specify in the resolution the year or number of~~
8 ~~years the excess tax levy is to be applied.~~

9 The decision of the governing body to impose the excess tax levy must be published
10 in the legal newspaper designated by the governing body, within ten days of the body's
11 decision. The body must publish at least two additional notices in the district's legal
12 newspaper, the last of which must be published not more than seven days before the tax
13 levy takes effect, provided that there are at least five days between the publication of the
14 two notices. Each notice must:

- 15 (1) Be at least three newspaper columns in width and four inches in length or at least
16 one-sixth of a page in size, whichever size is greater;
17 (2) Contain the following headline in a typeface no less than eighteen-point type:
18 "ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX INCREASE OF \$(fill in
19 amount)";
20 (3) Consist of a reproduction of the "Resolution for Opt Out," including the amount that
21 property taxes is to be increased annually by the proposed opt out; and
22 (4) Include a statement of the right to refer the decision of the board to a vote of the
23 people as provided in this section.

24 The governing body is not required to meet the formatting and content
25 requirements required by subdivisions (3) and (4) if the excess tax levy is for less than
26 fifteen thousand dollars or if the body has, within twenty days of the decision to impose
27 the excess tax levy, mailed to every property taxpayer in the taxing district, by first class
28 or bulk mail, a copy of the resolution authorizing the excess tax levy and if a copy of the
29 resolution is published in each newspaper within the taxing district, as established in § 17-
30 2-2.1. The additional notices must be published at least three days after the mailing is
31 sent or the resolution is delivered to the official newspaper, whichever is later.

32 ~~The voters of the taxing district may refer a resolution adopted by the governing~~
33 ~~body of the taxing district to impose an excess tax levy by filing, with the officer in charge~~
34 ~~of elections for the taxing district, a petition signed by at least five percent of the~~
35 ~~registered voters of the taxing district, based upon the total number of registered voters~~

1 ~~in the taxing district, within thirty days of the adoption of the resolution. The referendum~~
 2 ~~election must be held on or before October first of the year prior to the time the taxes are~~
 3 ~~payable. The officer in charge of the election shall give notice that the question is to be~~
 4 ~~on the ballot at the next scheduled election or at a special election called for that purpose~~
 5 ~~and prepare official ballots as provided by law.~~

6 If the opt out is for the purpose of increasing the secondary road levy pursuant to
 7 § 31-12-27, only the registered voters within the area of the county not included in any
 8 municipality, organized civil township, improvement district organized pursuant to chapter
 9 7-25A, or county road district organized pursuant to chapter 31-12 may petition or vote
 10 on the referred decision. The taxing districts may not exceed the levy limits provided in
 11 chapter 10-12 except for the provisions in § 10-12-36.

12 The secretary of the Department of Revenue shall promulgate rules, pursuant to
 13 chapter 1-26, prescribing the form to be used by the taxing district for notification of
 14 taxpayers as required by this section.

15 **Section 14. That a NEW SECTION be added to chapter 10-13:**

16 The registered voters of a taxing district may refer a resolution adopted by the
 17 governing body of the taxing district to impose an excess tax levy by filing a petition with
 18 the person in charge of the taxing district's elections, within twenty days of the first
 19 publication of the decision. The petition must be signed by at least five percent of the
 20 registered voters of the taxing district, or two thousand five hundred registered voters of
 21 the taxing district, whichever is fewer.

22 The election must be held on or before October first of the year prior to the time
 23 the taxes are payable. The person in charge of the taxing district's elections shall give
 24 notice that the question is to be on the ballot at the next scheduled election or at a special
 25 election called for that purpose and prepare official ballots as provided by law.

26 **Section 15. That § 11-2-47.1 be AMENDED:**

27 **11-2-47.1.** The board's decision to incorporate the special zoning area may be
 28 referred to a vote of the qualified voters of the proposed special zoning area pursuant to
 29 §§ 7-18A-17 to 7-18A-24, inclusive.

30 ~~The qualified registered~~ voters of the proposed special zoning area may refer the
 31 decision ~~within twenty thirty days after its the publication of the decision,~~ by filing a
 32 petition with the person in charge of the jurisdiction's elections, within twenty days of the
 33 publication of the decision. The petition must be signed by at least five percent of the

1 registered voters in the special zoning area, based upon the total number of registered
 2 voters at the last preceding general election. ~~The filing of a valid petition requires the~~
 3 ~~submission of the decision to incorporate the special zoning area to a vote of the qualified~~
 4 ~~voters of the proposed special zoning area for its rejection or approval. The, or two~~
 5 ~~thousand five hundred registered voters of the special zoning area, whichever is fewer.~~

6 Upon the filing of a referendum petition, the effective date of the incorporation of
 7 the special zoning area on which a referendum is to be held shall be is suspended by the
 8 filing of a referendum petition until the referendum process is completed.

9 **Section 16. That § 13-7-32 be AMENDED:**

10 **13-7-32.** ~~A school board resolution to increase school board terms to four years~~
 11 ~~or to decrease school board terms to two years, pursuant to § 13-8-2, is subject to a~~
 12 ~~referendum if five percent of the registered voters of the school district, based upon the~~
 13 ~~total number of registered voters in the school district at the last preceding general~~
 14 ~~election, petition, within twenty days after the resolution is enacted, to have the question~~
 15 ~~of approval or disapproval of the resolution to increase or decrease term limits placed~~
 16 ~~upon the ballot at the next scheduled election or at a special election called for that~~
 17 ~~purpose. The registered voters of a school district may refer a resolution adopted by the~~
 18 ~~board of a school district to increase or decrease the term of the members of a school~~
 19 ~~board, pursuant to § 13-8-2, by filing a petition with the business manager of the school~~
 20 ~~district, a within twenty days of the enactment of the resolution. The petition must be~~
 21 ~~signed by at least five percent of the registered voters of the school district, based upon~~
 22 ~~the total number of registered voters in the school district at the last preceding general~~
 23 ~~election, within thirty days of the adoption of the resolution or two thousand five hundred~~
 24 ~~registered voters of the school district, whichever is fewer.~~

25 Within ten days of the presentation of a petition, the board of the school district
 26 shall order and fix the date for holding a special election on a Tuesday between thirty and
 27 fifty days from the date of the order. If a petition is filed within the ninety days prior to a
 28 regular school district election and with sufficient time to comply with the requirements of
 29 this chapter, the question must be submitted at that election.

30 The business manager shall give notice that the question ~~will~~ is to be on the ballot
 31 at the next scheduled election or at a special election called for that purpose as provided
 32 by law for school elections and prepare official ballots according to the provisions of this
 33 title chapter.

1 **Section 17. That § 13-16-6.4 be AMENDED:**

2 ~~13-16-6.4. Approval to enter into an agreement or issue capital outlay certificates~~
3 ~~pursuant to § 13-16-6.3 is subject to a referendum if five percent of the registered voters,~~
4 ~~based upon the total number of registered voters at the last preceding general election,~~
5 ~~petition, within twenty thirty days thereafter, to have the question of approval to enter~~
6 ~~into the agreement or issue capital outlay certificates placed upon the ballot at a special~~
7 ~~election called for that purpose and~~ The registered voters of a school district may refer a
8 decision of the board of a school district to enter into an agreement or issue capital outlay
9 certificates, pursuant to § 13-16-6.3, by filing a petition with the business manager of the
10 school district, within twenty days of the decision to enter into the agreement or issue the
11 certificates. The decision must be signed by at least five percent of the registered voters
12 of the school district, based upon the total number of registered voters in the school
13 district at the last preceding general election, or two thousand five hundred registered
14 voters of the school district, whichever is fewer.

15 The question of approval to enter into the agreement or issue capital outlay
16 certificates must be placed on the ballot of a special election called for that purpose and
17 held on:

- 18 (1) The first Tuesday after the first Monday in March;
19 (2) The first Tuesday after the first Monday in June; or
20 (3) The first Tuesday after the first Monday in November.

21 If the bond election is held on a date listed in subdivision (2) or (3) in an even-
22 numbered year, the election must be held in conjunction with the regular primary or
23 general election, respectively. When the election is held in conjunction with the primary
24 or general election, the expenses and governmental responsibilities of a combined election
25 must be shared in a manner agreed upon by the board of the school district and the boards
26 of county commissioners involved.

27 The business manager shall give notice that the question is to be on the ballot at
28 the regular or special election as provided by law for school elections and prepare official
29 ballots therefor according to the provisions of this title. Approval of the question to enter
30 into an agreement or issue capital outlay certificates requires an affirmative vote of at
31 least sixty percent of those voting on the question.

32 If the question submitted to the voters at an election is not approved by the voters,
33 the school board may, by resolution, place the question on the ballot at the next available
34 election provided by this section.

1 **Section 18. That § 13-26-9 be AMENDED:**

2 **13-26-9.** ~~A decision by a school board to schedule the opening day of classes~~
3 ~~before the first Tuesday following the first Monday in September may be referred to a vote~~
4 ~~of the qualified voters of the school district by the filing of a petition signed by five percent~~
5 ~~of the registered voters in the school district, based upon the total number of registered~~
6 ~~voters voting at the last preceding general election, for districts with more than five~~
7 ~~thousand registered voters. Petitions in districts with less than five thousand registered~~
8 ~~voters must be signed by five percent of the total number of registered voters at the last~~
9 ~~preceding general election. The board in scheduling the opening day of classes shall allow~~
10 ~~sufficient time for the referendum process authorized in this section.~~ The registered voters
11 of a school district may refer a resolution adopted by the board of a school district to
12 schedule the first day of classes before the first Tuesday following the first Monday in
13 September by filing a petition with the business manager of the school district, ~~a~~ within
14 twenty days of the adoption of the resolution. The petition must be signed by at least five
15 percent of the registered voters of the school district, based upon the total number of
16 registered voters in the school district at the last preceding general election, ~~within thirty~~
17 days of the adoption of the resolution or two thousand five hundred registered voters of
18 the school district, whichever is fewer.

19 **Section 19. That § 13-64-7 be AMENDED:**

20 **13-64-7.** ~~A decision by a school board to implement a school sentinel program~~
21 ~~pursuant to § 13-64-1 may be referred to a vote of the qualified voters of the school~~
22 ~~district by the filing of a petition signed by five percent of the registered voters in the~~
23 ~~school district, based upon the total number of registered voters at the last preceding~~
24 ~~general election.~~ The registered voters of a school district may refer a resolution adopted
25 by the board of a school district to implement a school sentinel program, pursuant to § 13-
26 64-1, by filing a petition with the business manager of the school district, ~~a~~ within twenty
27 days of the adoption of the resolution. The petition must be signed by at least five percent
28 of the registered voters of the school district, based upon the total number of registered
29 voters in the school district at the last preceding general election, ~~within thirty days of the~~
30 adoption of the resolution or two thousand five hundred registered voters of the school
31 district, whichever is fewer.

32 The board shall allow sufficient time for the referendum process authorized in this
33 section.

1 **Section 20. That § 7-18A-15.1 be REPEALED.**

2 ~~Any legislative decision of a board of county commissioners is subject to the~~
3 ~~referendum process. A legislative decision is one that enacts a permanent law or lays~~
4 ~~down a rule of conduct or course of policy for the guidance of citizens or their officers. Any~~
5 ~~matter of a permanent or general character is a legislative decision.~~

6 ~~No administrative decision of a governing body is subject to the referendum~~
7 ~~process, unless specifically authorized by this code. An administrative decision is one that~~
8 ~~merely puts into execution a plan already adopted by the governing body itself or by the~~
9 ~~Legislature. Supervision of a program is an administrative decision. Hiring, disciplining,~~
10 ~~and setting the salaries of employees are administrative decisions.~~

11 **Section 21. That § 7-18A-16 be REPEALED.**

12 ~~A petition to refer an ordinance or resolution subject to referendum may be filed~~
13 ~~with the auditor within twenty days after publication of the ordinance or resolution in the~~
14 ~~last to publish official county newspaper. The filing of the petition requires the submission~~
15 ~~of the ordinance or resolution to a vote of the qualified voters of the county for rejection~~
16 ~~or approval of the ordinance or resolution.~~

17 **Section 22. That § 9-20-19 be REPEALED.**

18 ~~Any legislative decision of a governing body is subject to the referendum process.~~
19 ~~A legislative decision is one that enacts a permanent law or lays down a rule of conduct~~
20 ~~or course of policy for the guidance of citizens or their officers. Any matter of a permanent~~
21 ~~or general character is a legislative decision.~~

22 ~~No administrative decision of a governing body is subject to the referendum~~
23 ~~process, unless specifically authorized by this code. An administrative decision is one that~~
24 ~~merely puts into execution a plan already adopted by the governing body itself or by the~~
25 ~~Legislature. Supervision of a program is an administrative decision. Hiring, disciplining,~~
26 ~~and setting the salaries of employees are administrative decisions.~~

27 **Section 23. That § 13-26-10 be REPEALED.**

28 ~~A petition to refer a school board decision may be filed with the business manager~~
29 ~~of the school district within twenty days after its publication. The filing of the petition shall~~
30 ~~require the submission of the decision to a vote of the qualified voters of the school district~~
31 ~~for its rejection or approval.~~

1 **Section 24. That § 13-64-8 be REPEALED.**

2 ~~A petition to refer a school board decision pursuant to § 13-64-7 may be filed with~~
3 ~~the business manager of the school district within twenty days after its publication. The~~
4 ~~filing of the petition shall require the submission of the decision to a vote of the qualified~~
5 ~~voters of the school district for its rejection or approval.~~

AMENDED