

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

442H0358

SENATE ENGROSSED NO. **SB 89** - 01/30/2002

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Dennert, Hutmacher, McIntyre, Moore, and Sutton (Dan) and Representatives Elliott, Olson (Mel), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to allow a school district to impose an excess levy for its
2 pension fund.

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

4 Section 1. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The governing body of the school district may raise additional revenues for pension fund
7 purposes only, from property tax through the imposition of an excess tax levy. The maximum
8 excess levy for the pension fund is an amount equal to fifteen cents per thousand dollars of
9 taxable valuation of the school district. The governing body of a school district may impose an
10 excess tax levy with an affirmative two-thirds vote of the governing body on or before July
11 fifteenth of the year prior to the year the taxes are payable. The decision of the governing body
12 to originally impose or subsequently increase an excess tax levy shall be published within ten days
13 of the decision. The decision may be referred upon a petition signed by at least five percent of
14 the registered voters in the school district and filed with the governing body within twenty days



1 of the publication of the decision. The referendum election shall be held on or before October
2 first of the year prior to the time the taxes are payable.

3 Section 2. That § 13-10-6 be amended to read as follows:

4 13-10-6. For the purpose of continuing a fund for the payment of pensions to retired
5 employees of ~~school districts which shall have established such system, such districts~~ a school
6 district, a school district may levy an annual tax not exceeding thirty cents per thousand dollars
7 of taxable valuation, except as provided in section 1 of this Act, of ~~such the~~ the school district for
8 the current year. ~~Such~~ The levy may not be included in determining the tax levy limitation of ~~such~~
9 the district provided by law. Moneys collected from ~~such this~~ this tax shall be kept by the business
10 manager in a special pension fund and ~~shall~~ may not be used for any other purpose except upon
11 discontinuance of ~~such the~~ the pension system by the district, in which case any unexpended balance
12 shall be transferred to the general fund.