

2022 South Dakota Legislature

House Bill 1111**AMENDMENT 1111A FOR THE INTRODUCED BILL**

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~~ ~~ten~~ percent
16 of 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;

- 1 (2) Publish in the official newspaper of the district, once during each of the two weeks
2 immediately preceding the election:
3 (a) The petition; and
4 (b) A notice of the election date and time;
5 (3) Request from the state's attorney the referral language to be printed on the ballots;
6 and
7 (4) Arrange for the printing and distribution of the ballots.

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

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

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

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

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