

## 2025 South Dakota Legislature

**Senate Bill 208****AMENDMENT 208C  
FOR THE INTRODUCED BILL**

1 **An Act to amend provisions pertaining to a school district's proposed opt out, capital**  
2 **outlay certificate, or other agreement.**

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

12 The requirements for an announcement made pursuant to this section are as  
13 follows:

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

1 the proposed opt out and a statement of the right to refer the decision of the board  
 2 to a vote of the people as ~~provided~~ required in this section. The secretary of  
 3 ~~revenue~~ the Department of Revenue, in rules promulgated pursuant to chapter 1-  
 4 26, shall prescribe a uniform form to be used by the school district for notification  
 5 of taxpayers as required by this section.

6 ~~However, the~~ The requirements of subdivisions (3) and (4) ~~shall be~~ are waived if:

7 (A) ~~(a)~~ (a) The opt out is for less than fifteen thousand dollars; or

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

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

13 For the purposes of ~~subsections (A), (B), and (C)~~ subsection (4)(b), the first  
 14 publication is not deemed to have occurred until three days after the mailing is sent or  
 15 the resolution is delivered to the official newspaper.

16 The opt out decision ~~may~~ must be referred to a vote of the people ~~upon a resolution~~  
 17 ~~of the governing body of the school district or by a petition signed by at least five percent~~  
 18 ~~of the registered voters in the school district and filed with the governing body within~~  
 19 ~~twenty days of the first publication of the decision.~~ The referendum election ~~shall~~ must be  
 20 held on or before October first of the year prior to the ~~time~~ year the taxes are payable.  
 21 Approval of the question of the opt out requires an affirmative vote of a number of voters  
 22 equal to at least sixty percent of the total number of voters in the school district, who cast  
 23 a vote in the last general election casting a vote on the question.

24 **Section 2. That § 13-16-6.4 be AMENDED:**

25 **13-16-6.4.** ~~Approval to enter into an agreement or issue capital outlay certificates~~  
 26 ~~to which § 13-16-6.3 applies is subject to a referendum if five percent of the registered~~  
 27 ~~voters, based upon the total number of registered voters at the last preceding general~~  
 28 ~~election, petition, within twenty days thereafter, to have the question of approval or~~  
 29 ~~disapproval of the agreement or issue of capital outlay certificates or the lease-purchase~~  
 30 ~~agreement placed upon the ballot.~~ The board of a school district may enter into an  
 31 agreement or issue capital outlay certificates pursuant to § 13-16-6.3 only if the question  
 32 to enter into the agreement or issue the capital outlay certificates is approved by the  
 33 voters of the district at the next regular election or at a special election called for that  
 34 purpose.

1           The business manager shall give notice ~~of the fact~~ that the question ~~will~~ is to be on  
2 the ballot at a regular or special election as provided by law for school elections and  
3 prepare official ballots therefor according to the provisions of this title relating to elections  
4 and the issue shall be decided by sixty percent of those voting thereon. ~~Approval of the~~  
5 ~~question to enter into an agreement or issue capital outlay certificates requires an~~  
6 ~~affirmative vote of a number of voters equal to at least sixty percent of the total number~~  
7 ~~of voters in the school district, who cast a vote in the last general election.~~

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