



2025 South Dakota Legislature

House Bill 1185

Introduced by: **Representative May**

1 **An Act to provide that public moneys for education may not be used for lobbying**
2 **purposes.**

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

4 **Section 1. That a NEW SECTION be added to chapter 13-8:**

5 The board of a school district may not expend public moneys to:

6 (1) Hire an individual required to be registered as a lobbyist under chapter 2-12; or

7 (2) Obtain membership in or otherwise support a nonprofit association or organization
8 that:

9 (a) Primarily represents public schools, school districts, the boards of school
10 districts, or employees of school districts; and

11 (b) Employs or contracts with an individual required to be registered as a
12 lobbyist under chapter 2-12.

13 If the board of a school district expends public moneys in violation of this section,
14 a resident of the school district or any taxpayer of the state is entitled to appropriate
15 injunctive relief to prevent any further expenditure prohibited under this section. A
16 resident or taxpayer who prevails in an action under this section is entitled to recover from
17 the political subdivision reasonable attorney's fees and costs incurred in bringing the
18 action.

19 **Section 2. That § 13-8-10.1 be AMENDED:**

20 ~~**13-8-10.1.** The school board of any school district of this state or any board of~~
21 ~~education governing elementary or secondary education by a majority vote may become~~
22 ~~a member of an association with other school boards of South Dakota upon payment of~~
23 ~~the annual dues to the association by the district. All school board members of that district~~
24 ~~or other body become members of such association for the period covered by the payment~~

~~of the dues.~~ The board of a school district may expend public moneys for membership fees and dues of a nonprofit state association, provided:

(1) A majority of the board votes to approve membership in the association;

(2) The association exists for the betterment of schools and school districts, and for the benefit of all students;

(3) The association is not affiliated with a labor union or organization; and

(4) Neither the association nor an employee of the association directly or indirectly influences or attempts to influence the outcome of any legislation pending before the Legislature.

Section 3. That § 13-8-10.2 be AMENDED:

13-8-10.2. ~~Every school board member in the state shall be~~ is entitled to attend the meetings of ~~such an~~ an association ~~that meets the requirements of § 13-8-10.1, and every school board, which is a member of such the~~ that meets the requirements of § 13-8-10.1, and every school board, which is a member of the association, may appoint any of its members to attend the annual, district, or regional meeting ~~thereof of the association,~~ of the association, with one to act as an official delegate, and shall pay the actual and necessary expenses incurred by those attending ~~such the~~ the meeting as provided in § 13-8-38.

Section 4. That § 13-8-55 be AMENDED:

13-8-55. ~~Any school~~ The board of a school district may expend public moneys for the membership fees and dues necessary for the administrator of any a school district of this state may to become a member of an association with school administrators of other school districts of this state, the purpose of which is to enhance the quality of education in the school districts in South Dakota, provided:

(1) A majority of the board votes to approve the administrator's membership in the association;

(2) The association exists for the betterment of schools and school districts, and for the benefit of all students;

(3) The association is not affiliated with a labor union or organization; and

(4) Neither the association nor an employee of the association directly or indirectly influences or attempts to influence the outcome of any legislation pending before the Legislature.

Section 5. That a NEW SECTION be added to chapter 13-8:

1 Nothing in § 13-8-10.1 or 13-8-55 prohibits an employee of a school district from
2 participating in any association, provided the employee is personally responsible for the
3 payment of any membership fees or dues and further provided that the employee is not
4 directly reimbursed or indirectly compensated by the board of the district for that
5 payment.