

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

294H0589

HOUSE BILL NO. 1260

Introduced by: Representatives Jensen, Duenwald, Frost, Fryslie, Juhnke, and Rhoden and
Senator Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to provide certain restrictions for local governments opting
2 out of the limitation on tax levy increases.

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

4 Section 1. That § 10-12-43 be amended to read as follows:

5 10-12-43. The governing body of the school district may raise additional revenues for general
6 fund purposes only, from property tax through the imposition of an excess tax levy. The
7 governing body of a school district may impose the excess tax levy with an affirmative two-thirds
8 vote of the governing body on or before July fifteenth of the year prior to the year the taxes are
9 payable. However, if the total general fund balance exceeds thirty percent as of June thirtieth in
10 the current year, the school district may not impose an excess tax levy. The decision of the
11 governing body to originally impose or subsequently increase an excess tax levy shall be
12 published within ten days of the decision. The decision may be referred upon a petition signed
13 by at least five percent of the registered voters in the school district and filed with the governing
14 body within twenty days of the publication of the decision. The referendum election shall be held
15 on or before October first of the year prior to the time the taxes are payable.



1 Section 2. That § 10-13-36 be amended to read as follows:

2 10-13-36. The governing body of a taxing district may exceed the limit pursuant to
3 § 10-13-35 through the imposition of an excess tax levy. The governing body of a taxing district
4 may impose an excess tax levy with an affirmative two-thirds vote of the governing body on or
5 before July fifteenth of the year prior to the year the taxes are payable. However, if the total
6 unobligated fund balance exceeds forty percent as of December thirty-first in the preceding year,
7 the governing body may not impose an excess tax levy. The decision of the governing body to
8 originally impose or subsequently increase an excess tax levy shall be published within ten days
9 of the decision. The decision may be referred upon a petition signed by at least five percent of
10 the registered voters in the taxing district and filed with the respective governing body within
11 twenty days of the publication of the decision. The referendum election shall be held on or before
12 October first preceding the year the taxes are payable. The taxing districts may not exceed the
13 levy limits provided in chapter 10-12 except for the provisions in § 10-12-36.