

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

285J0581

## HOUSE BILL NO. 1233

Introduced by: Representatives Lintz, Begalka, Hackl, and McCaulley and Senators  
Greenfield and Duenwald

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to installment contracts,  
2 lease-purchase agreements, and capital outlay certificates.

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

4 Section 1. That § 13-16-6.3 be amended to read as follows:

5 13-16-6.3. ~~Any~~ The school board shall conduct a public hearing if the total future payments  
6 on the principal for any proposed installment purchase contract, lease-purchase, or issue of  
7 capital outlay certificates authorized pursuant to § 13-16-6 or 13-16-6.2 ~~which will obligate the~~  
8 ~~school district for future payments on the principal, the total of which will exceed one and~~  
9 exceeds one-half percent of the taxable valuation of taxable property within the district, ~~may not~~  
10 ~~be entered into, or certificates issued, unless prior thereto the.~~ The school board conducts a  
11 ~~public hearing thereon after having given~~ shall give notice by publication at least twice in its  
12 official newspaper at least ten days before the hearing. ~~Upon~~ After the hearing ~~the is conducted,~~  
13 the school board may approve the action or may refer the matter to the voters of the district.

14 Section 2. That § 13-16-6.4 be amended to read as follows:

15 13-16-6.4. ~~Approval~~ The decision to enter into an agreement or issue capital outlay



1 certificates to which § 13-16-6.3 applies ~~is subject to a referendum if five~~ may be referred to a  
2 vote of the people upon a petition signed by ten percent of the registered voters, based upon the  
3 total number of registered voters at the last preceding general election, ~~petition, and is filed with~~  
4 the school district within twenty days ~~thereafter, to have the~~ of such decision. The question of  
5 approval or disapproval of the agreement or issue of capital outlay certificates or the  
6 lease-purchase agreement ~~shall be placed upon~~ on the ballot at the next regular election or at a  
7 special election called for that purpose. The business manager shall give notice of the fact that  
8 the question will be on the ballot at a regular or special election as provided by law for school  
9 elections and prepare official ballots ~~therefor~~ according to the provisions of this title relating to  
10 elections ~~and the issue shall be decided by sixty percent of those voting thereon.~~ No agreement  
11 may be made or capital outlay certificates issued unless at an at election sixty percent of the  
12 voters voting on the question vote in favor of entering into the agreement or issuing the capital  
13 outlay certificates.