

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

947R0630

HOUSE BILL NO. 1188

Introduced by: Representatives Rave, Brunner, Fargen, Hamiel, Lederman, Moser, Sly, Sorenson, and Van Gerpen and Senators Olson (Russell) and Rhoden

1 FOR AN ACT ENTITLED, An Act to restrict the use of minor adjustments to school district
2 boundaries and to revise the application process for minor boundary changes.

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

4 Section 1. That § 13-6-85 be amended to read as follows:

5 13-6-85. ~~A boundary change, affecting not more than two percent of the assessed valuation~~
6 ~~and not more than two percent of the tax-exempt acreage or other tax-exempt property to be~~
7 ~~determined at the discretion of the school district from which the area is to be taken, A minor~~
8 change to a school district boundary may only be initiated within two years after the boundaries
9 of the affected school districts were changed as the result of school district reorganization or as
10 the result of a boundary change made pursuant to § 13-6-84.2 or other boundary change made
11 pursuant to this title. The aggregate value of the lands taken from a school district through minor
12 boundary changes during the two-year period may not exceed two percent of the assessed
13 valuation of the school district, and the aggregate acreage of all tax exempt property taken from
14 the school district during the two-year period may not exceed two percent of the tax exempt
15 acreage in the school district.



1 A minor boundary change may be made upon an application for a minor boundary change
2 to the school board of the school district from which the area is to be taken ~~and to the school~~
3 ~~board of the school district to which the area is to be annexed~~, in the form of a petition signed
4 by all of the owners of land, excluding land owned by the state or any other political subdivision
5 in the area to be transferred by the minor boundary change. If the school board of the school
6 district from which the area is to be taken approves the petition, the petitioners shall forward it
7 to the school board of the school district to which the area is to be annexed. If that school board
8 approves, the minor boundary change is made. Copies of the petitions shall also be delivered
9 by the petitioners to the board of county commissioners having jurisdiction over the school
10 districts affected. Any petitioner who is aggrieved by a decision of the school board under this
11 section may appeal that decision.

12 An appeal from the decision of the school board under this section may be made to the
13 circuit court in the time and manner specified by § 13-46-1 or to the secretary of the Department
14 of Education or the secretary's representative within thirty days from the date of the decision of
15 the school board by filing a notice with the secretary of the school board and mailing a copy of
16 the notice to the secretary of the Department of Education. An appeal to the secretary of the
17 Department of Education may be heard by the secretary or the secretary's representative. The
18 secretary of the Department of Education shall thereafter set a time and place for the hearing and
19 give at least ten days' written notice of the hearing to the parties involved in the appeal,
20 including all affected school districts. An appeal to the secretary is not a contested case subject
21 to chapter 1-26. An appeal from the decision of the secretary may be made pursuant to § 13-6-
22 89. On appeal from a decision of the secretary, the appeal shall be heard and determined in the
23 same manner as a direct appeal from the school board decision pursuant to § 13-6-89 and
24 chapter 13-46 without any presumption of the correctness of the decision of the secretary nor

1 may the provisions of § 1-26-36 be applied to the decision of the secretary. Nothing in this
2 section affects the right of an aggrieved party to appeal from the decision of the school board
3 to the circuit court.