

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

229W0487

SENATE BILL NO. 124

Introduced by: Senators Peters, Otten (Ernie), and Rave and Representatives Otten (Herman), Hawks, and Sly

1 FOR AN ACT ENTITLED, An Act to revise the requirements for a petition for a minor
2 boundary change.

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, may be
8 made upon an application for a boundary change to the school board of the school district from
9 which the area is to be taken and to the school board of the school district to which the area is
10 to be annexed, in the form of a petition, including the final plan of detachment and annexation
11 signed by all of the owners of land, excluding land owned by the state or any other political
12 subdivision in the area to be transferred by the boundary change. Copies of the petitions shall
13 also be delivered by the petitioners to the board of county commissioners having jurisdiction
14 over the school districts affected. Any petitioner who is aggrieved by a decision of the school
15 board under this section may appeal that decision.



1 An appeal from the decision of the school board may be made to the circuit court in the time
2 and manner specified by § 13-46-1 or to the secretary of the Department of Education or the
3 secretary's representative within thirty days from the date of the decision of the school board by
4 filing a notice with the secretary of the school board and mailing a copy of the notice to the
5 secretary of the Department of Education. An appeal to the secretary of the Department of
6 Education may be heard by the secretary or the secretary's representative. The secretary of the
7 Department of Education shall thereafter set a time and place for the hearing and give at least
8 ten days' written notice of the hearing to the parties involved in the appeal, including all affected
9 school districts. An appeal to the secretary is not a contested case subject to chapter 1-26. An
10 appeal from the decision of the secretary may be made pursuant to § 13-6-89. On appeal from
11 a decision of the secretary, the appeal shall be heard and determined in the same manner as a
12 direct appeal from the school board decision pursuant to § 13-6-89 and chapter 13-46 without
13 any presumption of the correctness of the decision of the secretary nor may the provisions of
14 § 1-26-36 be applied to the decision of the secretary. Nothing in this section affects the right of
15 an aggrieved party to appeal from the decision of the school board to the circuit court.

16 Section 2. That § 13-6-85.1 be amended to read as follows:

17 13-6-85.1. The description of the area proposed for detachment and annexation in a petition
18 for a minor boundary change shall include the following information based on the final plan for
19 detachment and annexation:

- 20 (1) The potential value of the land as if the land was fully developed as determined by
21 consideration of the current zoning, nearest municipality proposed zoning for the
22 next ten years, nearest municipality comprehensive plan;
- 23 (2) Whether the potential fully developed valuation of the land will affect more than two
24 percent of assessed valuation allowed for a minor boundary change; and

1 (3) The ownership interests in the land.

2 The map of the area proposed for detachment and annexation shall include all land that is
3 adjacent to the proposed boundary change that is owned by the petitioners that is contiguous to
4 the land included in the proposed boundary change.

5 Section 3. That § 13-6-86 be amended to read as follows:

6 13-6-86. The petitions and resolutions for a proposed boundary change shall contain, but not
7 be limited to, the following information based on the final plan for detachment and annexation:

8 (1) The names of the school districts involved and a correct description of the area
9 proposed for detachment and annexation;

10 (2) A map of the area proposed for detachment and annexation, including a portion or
11 all of the district from which such area is to be detached and the district to which
12 such area is to be annexed;

13 (3) A statement certified by the county auditor setting forth the amount of the assessed
14 valuation of the area to be transferred, the total assessed valuation of the school
15 district from which the area is proposed to be removed and the amount of any bonded
16 indebtedness or judgments against the school district.

17 Section 4. That § 13-6-86.1 be amended to read as follows:

18 13-6-86.1. The school boards, within sixty days of receipt of the petition, including the final
19 plan for detachment and annexation, shall by resolution, approve or disapprove the request of
20 the petitioners and notify the petitioners in writing whether or not the petition is approved. If
21 any change is made to the final plan for detachment and annexation included in the petition after
22 the petition is submitted pursuant to § 13-6-85, the sixty-day time limit is suspended and will
23 begin again on the submission of a new or revised plan or petition. If the request of the
24 petitioners is approved, a copy of the petition and the resolution of approval shall be delivered

1 by the school board to the board of county commissioners having jurisdiction over the school
2 district losing territory and to the board of county commissioners having jurisdiction over the
3 school district to which the area is to be annexed.

4 Section 5. The information required in §§ 13-6-85 and 13-6-85.1 as part of a petition for a
5 minor boundary change must be final with no amendments, additions, or deletions. If the
6 petition is amended or the information to support it is added or deleted in any way, the
7 requirement for a school board to approve or disapprove the petition by resolution within sixty
8 days of receipt if the petition is suspended. The sixty-day timeframe begins to run again
9 beginning with the date of the amendment, addition, or deletion of information to the original
10 petition. The provisions of this Act apply to any petition delivered to a school board within sixty
11 days of July 1, 2015.