



## 2020 South Dakota Legislature

# House Bill 1255

Introduced by: **Representative** Herman Otten

1 **An Act to remove the requirement for a mandatory appraisal in exchanges of land**  
 2 **between school districts.**

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

4 **Section 1.** That § 13-6-84.2 be AMENDED:

5 **13-6-84.2. Procedure for land exchange.**

6 Nothing in §§ 13-6-84 to 13-6-84.2, inclusive, and 13-6-85.4 compels the board  
 7 of a school board-district to act if the ~~school-board~~ is unwilling to exchange any land within  
 8 its boundary. The exchange of land between ~~each-school district-districts~~ may only be  
 9 made if each ~~school-board~~ is willing to exchange the land.

10 If a ~~school district-board~~ is willing to detach, annex, or exchange land, the ~~involved~~  
 11 ~~school district board~~ shall adopt a resolution of intent to exchange land with the other  
 12 school district. The resolution of intent shall contain the following:

- 13 (1) The name of each school district involved and a legal description of the land in each  
 14 school district proposed to be exchanged through the detachment and annexation  
 15 of land by each school district;
- 16 (2) A map of the area proposed to be detached and annexed by each ~~involved~~-school  
 17 district;
- 18 (3) A statement certified by the county auditor setting forth the amount of the assessed  
 19 valuation of the area to be detached and annexed, the total assessed valuation of  
 20 the school district from which the area is proposed to be detached and the school  
 21 district to which the area is proposed to be annexed, and the amount of any bonded  
 22 indebtedness or judgments against each school district; and
- 23 (4) A statement that the ~~school district~~board will request an appraisal to be completed  
 24 by a certified appraiser ~~that shows~~to show the fair market value of the land  
 25 proposed to be detached and annexed by each of the involved school districts. Each  
 26 ~~of the involved school districts~~board shall approve the certified appraiser

1 completing the appraisal, and shall pay one-half of the cost of the appraisal. If a  
2 school district does not agree with an appraisal, the ~~school district board~~ may,  
3 within thirty days of the receipt of the appraisal and at its own expense, order  
4 another appraisal from a different certified appraiser.

5 The ~~school~~ board of each involved school district shall, within five days of the passage  
6 of the resolution of intent, forward a copy of the resolution to the other school district and  
7 to the Department of Education. The ~~school~~ board of each involved school district shall  
8 acknowledge receipt of the resolution of intent at its next school board meeting, and  
9 representatives from both of the involved school districts shall meet and mutually agree  
10 on a certified appraiser to complete the appraisal.

11 A ~~school~~ board may object to the appraisal within forty-five days of acknowledging the  
12 receipt of the appraisal. Unless a ~~school~~ board objects, the ~~school~~ board of each involved  
13 school district shall, within sixty days of acknowledging the receipt of the appraisal,  
14 schedule a public hearing to consider the proposed land exchange.

15 Notwithstanding subdivision (4) of this section, the requirement that an appraisal  
16 be completed as a condition of the proposed land exchange may be waived upon the  
17 adoption of a resolution by both boards. No later than sixty days after the adoption, the  
18 board of each involved district shall schedule a public hearing to consider the proposed  
19 land exchange.

20 Following the public hearing, the ~~school~~ board of each involved school district shall  
21 either approve or reject the land exchange. Notwithstanding any other provision in law, a  
22 decision by a ~~school~~ board to reject the land exchange does not create any cause of legal  
23 action against the ~~school~~ district or ~~school~~ board, or constitute grounds for an appeal  
24 pursuant to § 13-46-1. If the action of each of the involved school districts approves a  
25 land exchange and no petition for an election is filed pursuant to § 13-6-84.3, the  
26 resolutions approving the land exchange shall be forwarded to the county commissioners  
27 having jurisdiction over the involved school districts. The county commissioners shall act  
28 pursuant to § 13-6-87.

29 **Section 2.** That § 13-6-86 be AMENDED:

30 **13-6-86. Contents of resolution for boundary change.**

31 A resolution for a proposed boundary change includes the following information  
32 based on the final plan for detachment and annexation:

- 33 (1) The names of the school districts involved and the legal description of the area  
34 proposed for detachment and annexation;

- 1 (2) A map of the area proposed for detachment and annexation, including a portion or  
2 all of the district from which the area is to be detached and the district to which the  
3 area is to be annexed;
- 4 (3) A statement certified by the county auditor setting forth the amount of the assessed  
5 valuation of the area to be detached, the amount of the assessed valuation of the  
6 area to be annexed, the total assessed valuation of the school district from which  
7 the area is proposed to be detached, and the amount of any bonded indebtedness  
8 or judgments against the school district;
- 9 (4) ~~An~~ Unless waived by the boards of both school districts, as provided for in § 13-6-  
10 84.2, an appraisal completed by a certified appraiser that shows the fair market  
11 value of the land proposed to be detached and annexed. The appraisal shall be  
12 completed by a certified appraiser approved by the school board of each involved  
13 school district, and each involved school district shall pay one-half of the cost of the  
14 appraisal. If an involved school district does not agree with the appraisal, the school  
15 district may, within thirty days of receipt of the appraisal and at its own expense,  
16 request another appraisal from a different certified appraiser. The appraisal shall  
17 include the potential fair market value of the land to be detached and annexed as  
18 if the land was fully developed as determined by consideration of the current zoning,  
19 the nearest municipality's proposed zoning for the next ten years, and the nearest  
20 municipality's comprehensive plan; and
- 21 (5) The ownership interests in the land.