

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

734E0457

## HOUSE BILL NO. 1096

Introduced by: Representatives Flowers, Hennies (Thomas), Juhnke, Monroe, Olson (Mel), and Pederson (Gordon) and Senators Brown (Arnold), Hutmacher, McCracken, and McIntyre

1 FOR AN ACT ENTITLED, An Act to revise the methods for increasing or decreasing school  
2 board size and for creating or eliminating school board representation areas.

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

4 Section 1. That § 13-8-3 be amended to read as follows:

5 13-8-3. The voters or the school board of any school district may increase or decrease the  
6 number of board members ~~to seven or to nine~~, or establish or eliminate school board  
7 representation areas, by a majority vote of all voters voting at an election called and held as  
8 ~~hereinafter~~ provided in this section or by unanimous vote of the school board. The number of  
9 board members shall be as provided in § 13-8-2. If a petition signed by ten percent of the  
10 registered voters of any school district, based upon the total number of registered voters at the  
11 last preceding general election, is presented to the board requesting that an election be called for  
12 the purpose of voting upon the question of the change of number of board members, or the  
13 establishment of school board representation areas, the board shall call an election. If a petition  
14 seeking referral of any board action taken pursuant to this section is presented to the board

1 within ninety days of the board action, the board shall call an election. The question shall be  
2 submitted to the voters at an election to be held not less than forty-five nor more than sixty days  
3 from the date of the filing of ~~such~~ the petition with the business manager. If ~~such~~ a the petition  
4 is filed less than one hundred twenty days prior to the next annual election, the question shall be  
5 submitted at the annual election. ~~Such~~ The election shall be held upon the same notice and  
6 conducted in the same manner as provided by chapter 13-7. Any increase or decrease in the  
7 number of board members shall be implemented at the next succeeding annual election.

8 Section 2. That § 13-8-4 be amended to read as follows:

9 13-8-4. If at an election held or board action taken pursuant to § 13-8-3 ~~an increase~~ a change  
10 in the number of board members is authorized, the school board ~~is empowered to~~ may designate  
11 the number of vacancies and the number of years, not to exceed three years, in each vacancy so  
12 that all succeeding annual elections will have, insofar as practicable, the same number of  
13 vacancies to be filled.

14 The procedure for decreasing the number of board members shall be the same as for  
15 increasing the number of board members, and the board ~~is similarly empowered to~~ may designate  
16 the vacancies and terms not to exceed three years; ~~provided, that.~~ However, each school board  
17 member shall be entitled to complete the term of office to which ~~he~~ the member was elected.