2020 South Dakota Legislature

House Bill 1255

ENROLLED

AN ACT

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

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

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

13-6-84.2. Procedure for land exchange.

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

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

(1) The name of each school district involved and a legal description of the land in each school district proposed to be exchanged through the detachment and annexation of land by each school district;

(2) A map of the area proposed to be detached and annexed by each school district;

(3) A statement certified by the county auditor setting forth the amount of the assessed valuation of the area to be detached and annexed, the total assessed valuation of the school district from which the area is proposed to be detached and the school district to which the area is proposed to be annexed, and the amount of any bonded indebtedness or judgments against each school district; and

(4) A statement that the board will request an appraisal to be completed by a certified appraiser to show the fair market value of the land proposed to be detached and annexed by each of the involved school districts. Each board shall approve the certified appraiser completing the appraisal and shall pay one-half of the cost of the appraisal. If a school district does not agree with an appraisal, the board may,

within thirty days of the receipt of the appraisal and at its own expense, order another appraisal from a different certified appraiser.

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

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

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

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

Section 2. That § 13-6-86 be AMENDED:

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

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

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

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

(3) A statement certified by the county auditor setting forth the amount of the assessed valuation of the area to be detached, the amount of the assessed valuation of the area to be annexed, the total assessed valuation of the school district from which the area is proposed to be detached, and the amount of any bonded indebtedness or judgments against the school district;

(4) Unless waived by the boards of both school districts, as provided for in § 13-6-84.2, an appraisal completed by a certified appraiser that shows the fair market value of the land proposed to be detached and annexed. The appraisal shall be completed by a certified appraiser approved by the school board of each involved school district, and each involved school district shall pay one-half of the cost of the appraisal. If an involved school district does not agree with the appraisal, the school district may, within thirty days of receipt of the appraisal and at its own expense, request another appraisal from a different certified appraiser. The appraisal shall include the potential fair market value of the land to be detached and annexed as if the land was fully developed as determined by consideration of the current zoning, the nearest municipality's proposed zoning for the next ten years, and the nearest municipality's comprehensive plan; and

(5) The ownership interests in the land.

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

I certify that the attached Act originated in the:

House as Bill No. 1255

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1255
File No. ____
Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2020 at _____M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2020
at _____ o'clock __M.

Secretary of State

By _____
Asst. Secretary of State