

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

673L0713

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1200** - 02/03/2005

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives McCoy, Hanks, Kroger, and McLaughlin and Senators Gray and Dempster

1 FOR AN ACT ENTITLED, An Act to revise certain provisions permitting certain decisions of  
2 a planning commission to be overruled by other public bodies.

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

4 Section 1. That § 11-6-21 be amended to read as follows:

5 11-6-21. If the public way, ground, place, space, building, structure, or utility referred to in  
6 § 11-6-19 be one the authorization or financing of which does not, under the law or charter  
7 provisions governing the same, fall within the province of the council or other body or official  
8 of the municipality, then the submission of such to the planning commission shall be by the  
9 board or official having such jurisdiction, ~~and the planning commission's disapproval may be~~  
10 ~~overruled by said board by a vote of not less than two-thirds of its entire membership or by said~~  
11 ~~official.~~ If disapproved by the governing body of the municipality pursuant to § 11-6-20, such  
12 disapproval may be appealed by the board or official having such jurisdiction to circuit court.

