

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

483R0490

HOUSE BILL NO. 1172

Introduced by: Representatives McLaughlin, Faehn, Feickert, Juhnke, Solum, and Turbiville
and Senators Hansen (Tom), Ahlers, Miles, and Tieszen

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions requiring the approval of the
2 planning commission for the construction of utilities and public facilities.

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

4 Section 1. That § 11-6-19 be repealed.

5 ~~— 11-6-19. Whenever any such municipal council shall have adopted the comprehensive plan~~
6 ~~of the municipality or any part thereof, then and thenceforth, no street, park, or other public way,~~
7 ~~ground, place, space, no public building or structure, no public utility, whether publicly or~~
8 ~~privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be~~
9 ~~constructed or authorized in the municipality or within its subdivision jurisdiction as defined~~
10 ~~in § 11-6-26, until and unless the location and extent thereof shall have been submitted to and~~
11 ~~approved by the planning commission.~~

12 Section 2. That § 11-6-20 be repealed.

13 ~~— 11-6-20. In case of disapproval of any construction or authorization submitted under § 11-6-~~
14 ~~19, the planning commission shall communicate its reasons to the council, and the council, by~~
15 ~~vote of not less than two-thirds of its entire membership, shall have the power to overrule such~~



1 ~~disapproval and, upon such overruling the council or the appropriate board or officer shall have~~
2 ~~the power to proceed.~~

3 Section 3. That § 11-6-21 be repealed.

4 ~~— 11-6-21. If the public way, ground, place, space, building, structure, or utility referred to in~~
5 ~~§ 11-6-19 be one the authorization or financing of which does not, under the law or charter~~
6 ~~provisions governing the same, fall within the province of the council or other body or official~~
7 ~~of the municipality, then the submission of such to the planning commission shall be by the~~
8 ~~board or official having such jurisdiction, and the planning commission's disapproval may be~~
9 ~~overruled by said board by a vote of not less than two-thirds of its entire membership or by said~~
10 ~~official.~~

11 Section 4. That § 11-6-22 be repealed.

12 ~~— 11-6-22. The acceptance, widening, removal, extension, relocation, narrowing, vacation,~~
13 ~~abandonment, change of use, acquisition of land for any street or other public way, ground,~~
14 ~~place, property, or structure, shall be subject to submission and approval similar to that provided~~
15 ~~in §§ 11-6-19 to 11-6-21, inclusive, and the failure to approve may be similarly overruled.~~

16 Section 5. That § 11-6-23 be repealed.

17 ~~— 11-6-23. The failure of the planning commission to act within sixty-five days from and after~~
18 ~~the date of official submission to it shall be deemed approval, unless a longer period be granted~~
19 ~~by the council or other submitting official.~~