



2021 South Dakota Legislature

Senate Bill 136

Introduced by: **Senator Cammack**

1 **An Act to change the criteria for a petition to vacate a highway.**

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

3 **Section 1.** That § 31-3-6 be AMENDED.

4 **31-3-6. Petition to locate, change, or vacate a highway.**

5 Upon receiving ~~the a~~ petition of signed by two or more voters of an organized civil
6 township ~~or of the number of voters equal to or greater than one percent of the ballots~~
7 ~~cast for the last gubernatorial election in the affected county, the board of supervisors of~~
8 ~~the township or the board of county commissioners wherein the highway is located or is~~
9 ~~proposed to be located may, except as provided in §§ 31-3-12 and 31-3-44, vacate,~~
10 ~~change, or locate any highway located or to be used within the township or county, the~~
11 board of supervisors may, except as provided in §§ 31-3-12 and 31-3-44, change any
12 highway or locate a highway in the township, if the public interest will be better served by
13 the action.

14 Upon receiving a petition signed by voters of the county, at least equal in number
15 to one percent of those who cast ballots in the county during the last gubernatorial
16 election, the board of county commissioners may, except as provided in §§ 31-3-12 and
17 31-3-44, change any highway in the county or locate a highway in the county, if the public
18 interest will be better served by the action.

19 Upon receiving a petition signed by two thirds of the adjacent landowners or all
20 adjacent landowners if there are fewer than three, the board of supervisors or the board
21 of county commissioners, having jurisdiction, may vacate the highway, if the public
22 interest will be better served by the proposed vacating, changing, or locating of the
23 highway action.

24 The petition ~~of the voters shall~~ must set forth the beginning, course, and
25 termination of the highway proposed to be located, changed, or vacated, ~~together with~~

- 1 ~~the names of the owners of~~ and, if applicable, the name of each person owning the land
- 2 through which the proposed highway may pass.