

2021 South Dakota Legislature

Senate Bill 136**AMENDMENT 136A FOR THE INTRODUCED BILL**

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

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

5 ~~31-3-6. Petition to locate, change, or vacate a highway.~~

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

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

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

1 ~~The petition of the voters shall must set forth the beginning, course, and termination of the~~
2 ~~highway proposed to be located, changed, or vacated, together with the names of the owners~~
3 ~~of and, if applicable, the name of each person owning the land through which the proposed~~
4 ~~highway may pass.~~

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

6 **31-3-6. Power of county commissioners and township supervisors to vacate,**
7 **change, or locate highway on petition--Contents of petition.**

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

15 Upon receiving a petition signed by two-thirds of the adjacent landowners or all
16 adjacent landowners if there are fewer than three, the board of supervisors of the township
17 or the board of county commissioners, having jurisdiction, may vacate the highway, if the
18 public interest will be better served by the action.

19 The petition of the voters ~~shall~~ must set forth the beginning, course, and
20 termination of the highway proposed to be located, changed, or vacated, together with
21 the names of the owners of the land through which the highway may pass.