

2021 South Dakota Legislature

Senate Bill 136**AMENDMENT 136B 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 **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 shall provide for a public hearing, as required by § 31-3-7, and after
12 consideration of all information, opinions, and arguments presented, may, except as
13 provided in §§ 31-3-12 and 31-3-44, change any highway or locate a highway in the
14 township, if the public interest will be better served by the action.

15 Upon receiving a petition signed by voters of the county, at least equal in number
16 to one percent of those who cast ballots in the county during the last gubernatorial
17 election, the board of county commissioners shall provide for a public hearing, as required
18 by § 31-3-7, and after consideration of all information, opinions, and arguments
19 presented, may, except as provided in §§ 31-3-12 and 31-3-44, change any highway in
20 the county or locate a highway in the county, if the public interest will be better served by
21 the action.

22 Upon receiving a petition signed by two thirds of the adjacent landowners or all
23 adjacent landowners if there are fewer than three, the board of supervisors or the board
24 of county commissioners, having jurisdiction, shall provide for a public hearing, as
25 required by § 31-3-7, and after consideration of all information, opinions, and arguments

1 presented, may vacate the highway, if the public interest will be better served by the
2 ~~proposed vacating, changing, or locating of the highway action.~~

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