



2024 South Dakota Legislature

Senate Bill 195

SENATE LOCAL GOVERNMENT ENGROSSED

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

Introduced by: **Senator Otten** (Herman)

1 **An Act to modify provisions regarding the process to vacate certain highways.**

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

3 **Section 1. That a NEW SECTION be added to chapter 31-18:**

4 After a county or township vacates, changes, or relocates a section-line highway,
 5 the commissioner of school and public lands must review the petition to vacate, change,
 6 or relocate the highway to ensure compliance with the requirements in § 31-3-6.1. Any
 7 petition submitted for review must include a legal description of the location of the section-
 8 line highway and a description of the action taken. If the commissioner finds the petition
 9 complies with § 31-3-6.1, the county or township shall file the petition in accordance with
 10 state law. The petition must include an attached statement from the commissioner stating
 11 compliance with § 31-3-6.3. If the commissioner finds after review that the petition does
 12 not comply with § 31-3-6.1, the petition must be declared void ab initio. If the
 13 commissioner finds the petition is void ab initio, the commissioner shall notify the county
 14 or township. The commissioner shall have seven days from receipt of the petition to review
 15 the petition for compliance. The commissioner shall create a form to be attached to the
 16 petition.

17 Any adverse decision by the commissioner may be appealed to the circuit court.