

2024 South Dakota Legislature

Senate Bill 195**AMENDMENT 195C
FOR THE SENATE LOCAL GOVERNMENT ENGROSSED BILL**

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

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