

## 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.