



2025 South Dakota Legislature

House Bill 1261

Introduced by: **Representative Sjaarda**

1 **An Act to provide the board of commissioners with authority over certain intra-**
2 **county land uses and construction projects.**

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

4 **Section 1. That a NEW SECTION be added to chapter 11-2:**

5 A board may enact an ordinance or resolution governing the construction or
6 operation of infrastructure within any public right-of-way for a contemplated intra-county
7 land use. The board shall specify an approving authority to oversee the construction or
8 operation of infrastructure within a public right-of-way.

9 Prior to submitting an application to the county for an intra-county land use, an
10 applicant shall notify any impacted municipality or township. The applicant shall submit
11 proof of the notice with the application to the county.

12 If the intra-county land use requires county approval as determined by the board,
13 the board or the approving authority must provide at least ten days' notice to any impacted
14 municipality or township prior to the approving authority's issuance of a decision.

15 A decision by the approving authority granting approval for the intra-county
16 construction or operation of infrastructure, and use of public right-of-way reasonably
17 necessary for the contemplated land use, is subject to the terms and conditions imposed
18 by the board and, if applicable, the governing body of any municipality exercising joint
19 jurisdiction as provided in chapters 11-4 and 11-6.

20 Approval by the board or approving authority does not preclude an applicant and
21 any impacted municipality or township from entering into any mutual agreement related
22 to the operation of infrastructure reasonably necessary for the contemplated use.