

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

904Z0150

HOUSE BILL NO. 1257

Introduced by: Representatives Livermont, Bordeaux, Kaiser, Lesmeister, May, Qualm, and Schaefer and Senators Russell, Frerichs, Heinert, Killer, and Stalzer

1 FOR AN ACT ENTITLED, An Act to provide for the abandonment of certain highways by
2 townships and counties.

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

4 Section 1. That § 31-3-6 be amended to read:

5 31-3-6. Upon ~~receiving the~~ the receipt of a petition of two or more voters of an organized
6 civil township, or a petition of the number of voters of a county equal to or greater than one
7 percent of the ballots cast in the county for Governor at the last gubernatorial election ~~in the~~
8 ~~affected county~~, the board of supervisors of the township or the board of county commissioners
9 ~~wherein the highway is located or is proposed to be located~~ may, except as provided in §§ 31-3-
10 12 and 31-3-44, abandon, vacate, change, or locate ~~any a highway located or to be used~~ within
11 the township or county; if the public interest will be better served by the proposed ~~vacating,~~
12 ~~changing, or locating~~ abandonment, vacation, change, or location of the highway. The petition
13 of the voters shall set forth the beginning, course, and termination of the highway ~~proposed to~~
14 ~~be located, changed, or vacated~~ abandoned, vacated, changed, or located, together with the
15 names of the owners of the land through which the highway may pass.



1 Section 2. That § 31-3-44 be amended to read:

2 31-3-44. Any resolution and order of the township board of supervisors or the board of
3 county commissioners to abandon, vacate, change, or locate a highway within a township or
4 within a county and within the extraterritorial area of a municipality as defined in § 11-6-10
5 shall be subject to the approval of the governing board of the municipality exercising
6 comprehensive planning and zoning powers within such extraterritorial area.

7 Section 3. That chapter 31-3 be amended by adding a NEW SECTION to read:

8 An abandoned highway under this chapter is any highway that may remain open to public
9 access, but over which the township board of supervisors or the board of county commissioners
10 has no responsibility for maintenance or improvement.