

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

543Q0412

HOUSE ENGROSSED NO. **SB 115** - 3/5/2009

Introduced by: Senators Hanson (Gary), Abdallah, Bartling, Fryslie, Haverly, Heidepriem, Howie, Kloucek, Peterson, Rhoden, and Vehle and Representatives Noem, Burg, Dennert, Feinstein, Juhnke, Pitts, Rausch, Street, and Wink

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the initiation of
2 modifications to county comprehensive plans.

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

4 Section 1. That § 11-2-28 be amended to read as follows:

5 11-2-28. The plan, ordinances, restrictions, and boundaries adopted pursuant to this chapter
6 may be amended, supplemented, changed, modified, or repealed by action of the board. Any
7 such modification or repeal shall be proposed in a resolution or ordinance, as appropriate,
8 presented to the board for adoption in the same manner and upon the same notice as required
9 for the adoption of the original resolution or ordinance. The amendment, supplement, change,
10 modification, or repeal may be requested through a petition by thirty percent of the landowners
11 registered to vote in the zoning district or districts requesting change. For purposes of this
12 section, the term, landowner, means any ~~person who~~ natural person, partnership, corporation,
13 limited liability company, or limited liability partnership that owns land in the county as
14 evidenced by records in the offices of the register of deeds and clerk of courts. If the land is



1 owned by a corporation, limited liability company, or limited liability partnership, the
2 corporation, limited liability company, or limited liability partnership may designate one person
3 who has a ten percent or more interest in the corporation, limited liability company, or limited
4 liability partnership and who is registered to vote in the zoning district to be treated as a
5 landowner. For the purposes of this section, the corporation, limited liability company, or
6 limited liability partnership may provide documentation to the register of deeds designating the
7 person who may act on its behalf. If land is sold under a contract for deed that is of record in the
8 office of the register of deeds in the county, both the landowner and the individual purchaser of
9 the land, as named in the contract, are treated as landowners.