

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

744B0524

HOUSE BILL NO. 1271

Introduced by: Representatives Van Gerpen, Brown (Jarvis), Duenwald, Eccarius, Kazmerzak, Napoli, Smidt, Weber, and Windhorst and Senators Drake and Brown (Arnold)

1 FOR AN ACT ENTITLED, An Act to revise the procedure for petitioning the board of county
2 commissioners and if the petition is rejected to allow the decision to be referred.

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. Regulations, restrictions, and boundaries, or enforcement provisions established in
6 the comprehensive plan or adjuncts thereto adopted by the board of county commissioners may
7 from time to time be amended, supplemented, changed, modified, or repealed by action of the
8 board of county commissioners as outlined in this chapter. Such amendment, supplement,
9 change, modification, or repeal may be requested through a petition by thirty percent of the
10 ~~landowners~~ residents in the zoning district or districts requesting change.

11 Section 2. That § 11-2-30 be amended to read as follows:

12 11-2-30. The board of county commissioners shall ~~thereafter~~ by resolution or ordinance, as
13 appropriate, either adopt or reject such amendment, supplement, change, modification, or repeal,
14 and if it is adopted by the board of county commissioners, a summary ~~of the same~~ shall be
15 prepared by the county planning commission, reviewed by the state's attorney, and published

1 once in the official newspaper in ~~such~~ the county and take effect on the twentieth day after its
2 publication. The provisions of § 11-2-22 shall ~~be applicable hereto~~ apply. If the board of county
3 commissioners rejects the petition amendment, supplement, change, modification, or repeal, the
4 decision is subject to the referendum process established pursuant to §§ 7-18A-15 to 7-18A-24,
5 inclusive.