

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

960N0540

## HOUSE ENGROSSED NO. **HB 1280** - 02/12/2007

Introduced by: Representatives Hanks, Howie, Kirkeby, and McLaughlin and Senators Napoli and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions permitting decisions of a  
2 planning commission to be overruled by other public bodies.

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

4 Section 1. That § 11-6-21 be amended to read as follows:

5 11-6-21. If the public way, ground, place, space, building, structure, or utility referred to in  
6 § 11-6-19 ~~be is~~ one the authorization or financing of which does not, under the law or charter  
7 provisions governing the same, fall within the province of the council or other body or official  
8 of the municipality, then the submission of such to the planning commission shall be by the  
9 board or official having such jurisdiction, ~~and the planning commission's disapproval may be~~  
10 ~~overruled by said board by a vote of not less than two-thirds of its entire membership or by said~~  
11 ~~official.~~ If disapproved by the council pursuant to § 11-6-20, such disapproval may be appealed  
12 by the board or official having such jurisdiction to a court of appropriate jurisdiction for de novo  
13 review with such findings of fact and conclusions of law as the court may deem appropriate. The  
14 court shall then decide based upon a balancing of the interests as set forth in case law.

