State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

960N0540

HOUSE BILL NO. 1280

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

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

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

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

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

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.