

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

633Z0648

## HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1140** - 2/2/2018

Introduced by: Representatives Otten (Herman), Ahlers, Bartels, Bartling, Beal, Dennert, Duvall, Hawley, Jamison, Jensen (Kevin), Johns, Johnson, Kaiser, Kettwig, Lust, Pischke, Reed, Smith, Steinhauer, Stevens, Willadsen, Wismer, and Zikmund and Senators Solano, Curd, Kennedy, Nelson, Nesiba, Novstrup, Otten (Ernie), Partridge, Peters, Soholt, White, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding access to public  
2 water.

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

4 Section 1. That § 31-3-6.1 be amended to read:

5 31-3-6.1. Notwithstanding any other provisions of this chapter, no county or township may  
6 vacate a highway which provides access to public lands or waters embracing an area of not less  
7 than forty acres that are open to the public for recreational use.

8 Section 2. That § 31-18-3 be amended to read:

9 31-18-3. The board of county commissioners may vacate or change the location of any  
10 section-line highway under its jurisdiction and the board of supervisors of an organized  
11 township may vacate or change the location of any section-line highway under its jurisdiction,  
12 as provided in this title, but neither board may vacate or change any portion of the state trunk  
13 highway system or any highway constructed by state or federal aid or any highway within the



1 limits of a municipal corporation. ~~Also, a~~ A board of supervisors may not vacate or change any  
2 portion of the county highway system, nor may a board of county commissioners vacate or  
3 change any portion of the township road system. ~~In addition, no~~ No board of county  
4 commissioners or board of supervisors may vacate a section-line highway ~~which~~ that provides  
5 access to public lands or waters embracing an area of not less than forty acres that are open to  
6 the public for recreational use. This section does not prohibit the closing or abandonment of a  
7 section-line highway to vehicular traffic if the highway is unsafe for vehicular traffic.