

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

285Y0627

## SENATE LOCAL GOVERNMENT ENGROSSED NO. **HB 1185** - 3/1/2017

Introduced by: Representatives Qualm, Beal, Haggar, Mickelson, Peterson (Kent), and Rounds and Senators Stalzer, Bolin, and Greenfield (Brock)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning recreational  
2 facilities provided by municipalities.

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

4 Section 1. That § 9-38-1 be amended to read:

5 9-38-1. ~~Every~~ Each municipality may establish, improve, maintain, and regulate public  
6 parks, public squares, parkways, boulevards, swimming pools, camping, and other related  
7 facilities ~~in connection therewith~~ within or without the municipality, and to issue its bonds  
8 therefor, as provided by this title. A municipality may establish camping or tourist  
9 accommodation facilities if there is no existing private campground, inspected and approved by  
10 the ~~South Dakota~~ Department of Health, located within fifteen miles of ~~such~~ the municipality.  
11 However, a municipality may construct or expand camping or tourist accommodation facilities  
12 if there is an existing private campground within fifteen miles of the municipality if the owner  
13 of the existing campground approves ~~such~~ the construction or expansion in writing. Camping  
14 and tourist accommodation facilities established ~~prior to~~ before July 1, 1970, are deemed to have



1 been established under the then existing authority to establish public parks, and municipalities  
2 may continue to maintain and regulate ~~such~~ the facilities. The requirements of this section for  
3 the construction or expansion of a facility near an existing private campground do not apply to  
4 a municipality that leases camping and tourist accommodation facilities from the state which  
5 were in existence prior to January 1, 2017.

6 Section 2. That § 9-38-24 be amended to read:

7 9-38-24. The board may establish, improve, care for, regulate, and manage a system of  
8 public parks, parkways, and boulevards and with the approval of the governing body may  
9 acquire land for such purposes. The board may regulate the planting and trimming of trees and  
10 shrubbery in such areas and may establish the channel of any stream or watercourse forming a  
11 part of the park system and improve the banks of the stream or watercourse. The board may  
12 provide parkways and boulevards for the streets and maintain and regulate the care of the  
13 parkways and boulevards. The board may cause the cost of construction and maintenance of the  
14 street parkways and boulevards to be assessed against the abutting property as provided in  
15 chapter 9-43. The board may establish, maintain, and conduct with or without charge or grant  
16 concessions for places of public amusement, recreation, or refreshment within or in connection  
17 with such parks. No concession lease or grant may be made for longer than three years, and no  
18 professional shows or exhibitions for which an admission price is charged may be given in such  
19 parks. However, a lease or grant to a concession may be made by the board for a period not to  
20 exceed ~~fifteen~~ fifty years if the concession requires a realty improvement or capital investment  
21 or any combination thereof of at least fifty thousand dollars ~~or for a period not to exceed fifty~~  
22 ~~years if the concession requires a realty improvement investment of at least one hundred~~  
23 ~~thousand dollars.~~