

2024 South Dakota Legislature

House Bill 1026**AMENDMENT 1026A
FOR THE INTRODUCED BILL**

1 **An Act to clarify the requirement for the construction or expansion of a municipal**
2 **campground or tourist accommodation facility.**

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

4 **Section 1. That § 9-38-1 be AMENDED:**

5 **9-38-1.** Each municipality may establish, improve, maintain, and regulate public
6 parks, public squares, parkways, boulevards, swimming pools, camping, and other related
7 facilities within or without the municipality, and to issue its bonds therefor, as provided
8 by this title. A municipality may establish camping or tourist accommodation facilities if
9 there is no existing private campground, inspected and approved by the Department of
10 Health, located within fifteen miles of the ~~municipality-municipal campground or tourist~~
11 ~~accommodation facility~~. However, a municipality may construct or expand camping or
12 tourist accommodation facilities if there is an existing private campground within fifteen
13 miles of the ~~municipality-municipal campground or tourist accommodation facility~~ if the
14 owner of the existing campground approves the construction or expansion in writing. If
15 the private campground has more than one owner, the owners of the private campground
16 may only approve or refuse approval for the construction or expansion of the municipal
17 campground or tourist accommodation facility as a group.

18 Camping and tourist accommodation facilities established before July 1, 1970, are
19 deemed to have been established under the then existing authority to establish public
20 parks, and municipalities may continue to maintain and regulate the facilities. The
21 requirements of this section for the construction or expansion of a facility near an existing
22 private campground do not apply to a municipality that leases camping and tourist
23 accommodation facilities from the state which were in existence prior to January 1, 2017.