

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

545J0694

## SENATE BILL NO. 160

Introduced by: Senator Albers and Representative Dykstra

1 FOR AN ACT ENTITLED, An Act to authorize a municipality to enter into leases for  
2 communications towers on water towers located on park land and for related ground  
3 facilities.

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

5 Section 1. That § 9-38-35 be amended to read as follows:

6 9-38-35. Neither the governing body nor the board may permit any person to build or  
7 maintain any structure within any park or parkway under the control of the board. No structure  
8 may be erected or maintained within any park or parkway except such structures or buildings  
9 as may be erected by the board for park purposes, and such statues, monuments, works of art,  
10 or structures intended for ornamentation only as may be erected by authority of the board.  
11 However, the governing body or the board may authorize the building and operation of tourism,  
12 science, or information centers within any park or parkway. ~~Such~~ The centers may include the  
13 administrative offices of any nonprofit association or corporation responsible for the operation  
14 of the center. If a water tower is located within a park or on park land, the governing body or  
15 the board may authorize the installation of communications equipment, including personal  
16 wireless service equipment, on the tower and may authorize the installation of equipment to run



1 wires or cables underground across the park land in order to connect the installation with  
2 facilities located outside the park land. The governing body or board shall establish the terms  
3 and conditions for any such installation in a lease or license agreement.