

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

474N0565

## SENATE BILL NO. 181

Introduced by: Senators Gray, Lintz, and Nesselhuf and Representatives Kirkeby, Boomgarden, Hanks, Howie, Nygaard, and Rounds

1 FOR AN ACT ENTITLED, An Act to allow a county to issue off-sale wine dealer's licenses to  
2 certain destination facilities.

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

4 Section 1. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the provisions of § 35-4-6, a county may issue two off-sale wine dealer's  
7 licenses to destination facilities located outside the boundaries of an incorporated municipality.  
8 For the purposes of this section, a destination facility is a facility that annually has more than  
9 two million visitors. The off-sale wine dealer's license for a destination facility license may be  
10 issued only if the licensee derives less than five percent of the licensee's gross receipts from the  
11 sale of alcoholic beverages on the premises where the license is held. For the purposes of this  
12 section, the term, premises, means one contiguous piece of real property on which sales are  
13 generated by the licensee.

14 Section 2. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as  
15 follows:



1       A licensee licensed pursuant to section 1 of this Act may only sell wine produced by a farm  
2 winery licensed pursuant to chapter 35-12.

3       Section 3. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5       A license issued pursuant to section 1 of this Act shall be issued to the facility and location  
6 specified on the application. Notwithstanding § 35-4-2, the fee for the license is two hundred  
7 fifty dollars. Each application shall be accompanied by the fee prior to consideration by the  
8 board of county commissioners. Notwithstanding § 35-5-21.1, the fee provided for in this  
9 section shall be retained by the board of county commissioners issuing such license.

10       Section 4. That § 35-4-6 be amended to read as follows:

11       35-4-6. Except as provided in section 1 of this Act and subdivisions 35-4-2(16), (17), and  
12 (19), off-sale licenses may be issued under this chapter only to operate within a municipality.