

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

546R0536

HOUSE BILL NO. 1165

Introduced by: Representatives Kirkeby, Brunner, Burg, Cronin, Cutler, Feickert, Frerichs, Gibson, Greenfield, Hamiel, Hoffman, Kirschman, Lederman, Lucas, Lust, Noem, Nygaard, Peters, Pitts, Putnam, Romkema, Schlekeway, Steele, Street, Tidemann, Turbiville, Vanderlinde, Verchio, and Wink and Senators Haverly, Abdallah, Adelstein, Ahlers, Bartling, Brown, Gant, Hansen (Tom), Kloucek, Maher, Merchant, Nelson, Peterson, and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise the procedure for reissuing certain alcoholic
2 beverage licenses.

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

4 Section 1. That § 35-2-1.2 be amended to read as follows:

5 35-2-1.2. Any application for a new retail license, except as set forth in § 35-2-1.1, shall be
6 submitted to the governing board of the municipality within which the applicant intends to
7 operate, or if outside the corporate limits of a municipality, to the board of county
8 commissioners of the county in which the applicant seeks to operate. The application shall be
9 accompanied by the required fee. The governing board may approve or disapprove the
10 application for a new retail license depending on whether the governing board deems the
11 applicant a suitable person to hold the license and whether the governing board considers the
12 proposed location suitable.

13 Any application for the reissuance of a retail license shall be approved by the governing



1 board without a hearing unless in the past year the licensee or one or more of the licensee's
2 employees have been subjected to a criminal penalty for violation of the alcoholic beverage
3 control law or the license has been suspended.