



## 2021 South Dakota Legislature

# Senate Bill 152

Introduced by: **Senator Johns**

1 **An Act to authorize counties to issue off-sale liquor licenses.**

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

3 **Section 1.** That § 35-4-6 be AMENDED.

4 **35-4-6. Off-sale licenses--County, municipality, or improvement district.**

5 Except as ~~provided in subdivisions 35-4-2(12) and (16),~~ off-sale Off-sale licenses  
6 may ~~only~~ be issued under this chapter to operate within a county, municipality or an  
7 improvement district created pursuant to chapter 7-25A.

8 **Section 2.** That § 35-4-11.1 be AMENDED.

9 **35-4-11.1. Counties--Number of licenses and amount of fees--Number**  
10 **restricted by population--Denial of reissuance.**

11 If not previously fixed by ordinance or continuing resolution, the board of county  
12 commissioners shall, before the second of September in each year, determine the number  
13 of on-sale and off-sale licenses it will approve for the ensuing calendar year and the fees  
14 to be charged for the various classifications of licenses. The number of licenses issued  
15 pursuant to subdivision 35-4-2(6) may not exceed three for the first one thousand of  
16 population and may not exceed one for each additional fifteen hundred of population or  
17 fraction thereof. The number of licenses issued pursuant to subdivisions 35-4-2(3) and  
18 35-4-2(12) may not exceed two for the first one thousand of population and may not  
19 exceed one for each additional fifteen hundred of population or fraction thereof. The  
20 population includes only those residing within the county, but outside the incorporated  
21 municipalities and improvement districts, created pursuant to chapter 7-25A, within the  
22 county. No licensee regularly licensed to do business on July 1, 1981, may be denied  
23 reissuance of a license in subsequent years solely by reason of any limitations, based upon  
24 population quotas, of the number of licenses authorized or established under the  
25 provisions of this title. Licenses issued to concessionaires, and lessees of the State of

- 1 South Dakota, within the boundaries of state parks, prior to January 1, 1983, may be
- 2 subtracted when calculating the total number of licenses permitted in this section.