



2022 South Dakota Legislature

Senate Bill 156

Introduced by: **Senator Wheeler**

1 **An Act to revise certain provisions regarding census estimates for the purposes of**
 2 **off-sale and on-sale liquor licenses.**

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

4 **Section 1. That § 35-4-11 be AMENDED:**

5 **35-4-11.** If not fixed by ordinance, the governing body of any municipality may,
 6 before the second of September in each year, by resolution, determine the number of on-
 7 sale and off-sale licenses that the body will approve for the ensuing calendar year, and
 8 the fees to be charged for the various classifications of licenses. The number of on-sale
 9 licenses issued pursuant to subdivision 35-4-2(4) may not exceed three each for the first
 10 one thousand of population or fraction thereof and may not exceed one each for each
 11 additional one thousand five hundred of population or fraction thereof. The number of
 12 licenses allowable may not be less than the total number of licenses allowable or issued
 13 as of July 1, 1981, and that have never been revoked or not reissued. The municipal
 14 governing body shall also establish the fee for on-sale licenses pursuant to subdivisions
 15 35-4-2(4) and (13). The fee applies to all ~~such~~the on-sale licenses issued in the ensuing
 16 calendar year.

17 For the purposes of this section, population is equal to ~~ninety percent of the~~
 18 population estimates published by the United States Census Bureau for each even-
 19 numbered year, except for the decennial year. For a decennial year, population is equal
 20 to the amount determined by the decennial federal census. No license issued pursuant to
 21 this section ~~which~~that exceeds the number of licenses that would have been issued upon
 22 the decennial federal census may be denied or revoked solely by reason that the license
 23 issued exceeds the number of licenses authorized by the decennial federal census.

24 **Section 2. That § 35-4-10 be AMENDED:**

1 **35-4-10.** No more than two off-sale licenses issued pursuant to subdivisions 35-
2 4-2(3) and (5) may be issued under this chapter to operate in a municipality of one
3 thousand or less and not exceeding one license for every additional fifteen hundred of
4 population or fraction thereof. The number of off-sale licenses may not be less than the
5 total number of licenses allowable as of July 1, 1981, and that have never been revoked
6 or not reissued.

7 For the purposes of this section, population is equal to the population estimates
8 published by the United States Census Bureau for each even-numbered year, except for
9 the decennial year. For a decennial year, population is equal to the amount determined
10 by the decennial federal census. No license issued pursuant to this section that exceeds
11 the number of licenses that would have been issued upon the decennial federal census
12 may be denied or revoked solely by reason that the license issued exceeds the number of
13 licenses authorized by the decennial federal census.