

Minutes: Senate Local Government

Friday, February 07, 2025 10:00 AM

Roll Call

Present: Sen. Nelson, Sen. Rohl, Sen. Schoenfish, Sen. Smith, Sen. Wheeler,  
Sen. Duhamel, and Sen. Reed

**The meeting was called to order by Senator Reed**

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 05<sup>TH</sup>**

Moved by: Duhamel  
Second by: Rohl  
Action: Prevailed by voice vote

**SB 127 : authorize the expenditure of moneys by a municipality for the observance of additional holidays.**

Presented by: Senator Michael Rohl  
Proponents: Yvonne Taylor, South Dakota Municipal League, Fort Pierre

**MOTION: DO PASS SB 127**

Moved by: Duhamel  
Second by: Wheeler  
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Nelson, Rohl, Schoenfish, Smith, Wheeler, Duhamel, and Reed

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 127 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 129 : modify renewal fee requirements for an on-sale liquor licensee whose business premises have been annexed into a municipality of the first class.**

Presented by: Senator Michael Rohl

**MOTION: AMEND SB 129**

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On the Introduced bill, delete everything after the enacting clause and insert:  
"

**Section 1. That § 35-4-2 be AMENDED:**

**35-4-2.** The classes of licenses, with the fee of each class, are as follows:

- (1) Repealed by SL 2018, ch 223, § 13;
- (2) Wholesalers of alcoholic beverages--five thousand dollars;

- (3) Off-sale--not less than three hundred dollars. The renewal fee for the license may not exceed five hundred dollars;
- (4) On-sale--not less than one dollar for each person residing within the municipality as measured by the last preceding federal census. The renewal fee for the license may not exceed fifteen hundred dollars, except as provided in § 35-4-13;
- (5) Off-sale licenses issued to municipalities under local option--not less than two hundred fifty dollars;
- (6) On-sale licenses issued outside municipalities--not less than the amount the nearest municipality to the applicant is charging for a like license. The renewal fee shall be the same as is charged for a like license in the nearest municipality. If the municipality to which the applicant is nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a specified fee, then the fee shall be the minimum amount that could be charged as if the municipality had not been authorized to obtain on-sale licenses pursuant to § 35-3-13. The renewal fee shall be the same as could be charged for a like license in the nearest municipality;
- (7) Repealed by SL 2018, ch 213, § 46;
- (8) Transportation companies--twenty-five dollars;
- (9) Carrier--one hundred dollars. The fee licenses all conveyances the licensee operates in this state;
- (10) Repealed by SL 2018, ch 213, § 46;
- (11) On-sale dealers at publicly operated airports--two hundred fifty dollars;
- (12) Wine and cider retailers, being both package dealers and on-sale dealers--five hundred dollars;
- (13) Convention facility on-sale--not less than one dollar for each person residing within the municipality as measured by the last preceding federal census. The renewal fee for the license may not exceed fifteen hundred dollars;
- (14) Repealed by SL 2018, ch 224, § 11;
- (15) Wholesalers of malt beverages--four hundred dollars;
- (16) Malt beverage and wine produced by a farm winery licensee, being both package dealers and on-sale dealers--three hundred dollars;
- (17) Repealed by SL 2018, ch 213, § 46;
- (17A) Repealed by SL 2018, ch 213, § 46;
- (18) Repealed by SL 2018, ch 213, § 46;
- (19) Repealed by SL 2018, ch 213, § 46 and ch 222, § 11;
- (20) Repealed by SL 2018, ch 213, § 46;
- (21) Retail on premises manufacturer--two hundred fifty dollars;
- (22) Repealed by SL 2018, ch 223, § 13; and
- (23) Off-sale delivery--one hundred fifty dollars.

**Section 2. That § 35-4-13 be AMENDED:**

**35-4-13.** If, due to the annexation of territory by any municipality or county, the premises of an on-sale licensee are transferred from one jurisdiction to another, the licensee may continue to legally operate until the expiration of the license. After the expiration of the license, the licensee may apply for renewal of the license to the governing body that has jurisdiction over the licensed premises. The license application for renewal may not be denied on the grounds that, by the issuance of the license, more on-sale licenses are in existence than ~~is~~ are permitted by the limitations of this chapter.

If the licensee's premises have been annexed into a municipality of the first class as described in § 9-2-1, the municipal governing body may, for the first renewal of the on-sale license after the annexation, set a fee equal to the fee for the most recent on-sale liquor license issued by the municipality. The municipality of the first class may not

impose the increased renewal fee on any licensee who, at the time the license was initially acquired, paid a fee not less than the municipality of the first class was charging for an on-sale license.

In any subsequent renewal of the license, the renewal fee must not exceed fifteen hundred dollars, as set in subdivision 35-4-2(4).

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Moved by: Duhamel  
Second by: Smith  
Action: Prevailed by voice vote

**MOTION: DO PASS SB 129 AS AMENDED**

Moved by: Smith  
Second by: Nelson  
Action: Prevailed by Majority Members Elect (7-0-0-0)

Voting Yes: Nelson, Rohl, Schoenfish, Smith, Wheeler, Duhamel, and Reed

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 129 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Rohl  
Second by: Wheeler  
Action: Prevailed by voice vote

Anne Reisch, Committee Secretary

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/s/ TIM S. REED  
Tim S. Reed, Chair