



## 2025 South Dakota Legislature

# Senate Bill 129

### SENATE LOCAL GOVERNMENT ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Senator Rohl**

1 **An Act to modify renewal fee requirements for an on-sale liquor licensee whose**  
 2 **business premises have been annexed into a municipality of the first class.**

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

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

5 **35-4-2.** The classes of licenses, with the fee of each class, are as follows:

- 6 (1) Repealed by SL 2018, ch 223, § 13;
- 7 (2) Wholesalers of alcoholic beverages--five thousand dollars;
- 8 (3) Off-sale--not less than three hundred dollars. The renewal fee for the license may  
 9 not exceed five hundred dollars;
- 10 (4) On-sale--not less than one dollar for each person residing within the municipality  
 11 as measured by the last preceding federal census. The renewal fee for the license  
 12 may not exceed fifteen hundred dollars, except as provided in § 35-4-13;
- 13 (5) Off-sale licenses issued to municipalities under local option--not less than two  
 14 hundred fifty dollars;
- 15 (6) On-sale licenses issued outside municipalities--not less than the amount the  
 16 nearest municipality to the applicant is charging for a like license. The renewal fee  
 17 shall be the same as is charged for a like license in the nearest municipality. If the  
 18 municipality to which the applicant is nearest holds an on-sale license, pursuant to  
 19 § 35-3-13 and does not charge a specified fee, then the fee shall be the minimum  
 20 amount that could be charged as if the municipality had not been authorized to  
 21 obtain on-sale licenses pursuant to § 35-3-13. The renewal fee shall be the same  
 22 as could be charged for a like license in the nearest municipality;
- 23 (7) Repealed by SL 2018, ch 213, § 46;
- 24 (8) Transportation companies--twenty-five dollars;
- 25 (9) Carrier--one hundred dollars. The fee licenses all conveyances the licensee  
 26 operates in this state;

- 1 (10) Repealed by SL 2018, ch 213, § 46;
- 2 (11) On-sale dealers at publicly operated airports--two hundred fifty dollars;
- 3 (12) Wine and cider retailers, being both package dealers and on-sale dealers--five  
4 hundred dollars;
- 5 (13) Convention facility on-sale--not less than one dollar for each person residing within  
6 the municipality as measured by the last preceding federal census. The renewal  
7 fee for the license may not exceed fifteen hundred dollars;
- 8 (14) Repealed by SL 2018, ch 224, § 11;
- 9 (15) Wholesalers of malt beverages--four hundred dollars;
- 10 (16) Malt beverage and wine produced by a farm winery licensee, being both package  
11 dealers and on-sale dealers--three hundred dollars;
- 12 (17) Repealed by SL 2018, ch 213, § 46;
- 13 (17A) Repealed by SL 2018, ch 213, § 46;
- 14 (18) Repealed by SL 2018, ch 213, § 46;
- 15 (19) Repealed by SL 2018, ch 213, § 46 and ch 222, § 11;
- 16 (20) Repealed by SL 2018, ch 213, § 46;
- 17 (21) Retail on premises manufacturer--two hundred fifty dollars;
- 18 (22) Repealed by SL 2018, ch 223, § 13; and
- 19 (23) Off-sale delivery--one hundred fifty dollars.

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

21 **35-4-13.** If, due to the annexation of territory by any municipality or county, the  
22 premises of an on-sale licensee are transferred from one jurisdiction to another, the  
23 licensee may continue to legally operate until the expiration of the license. After the  
24 expiration of the license, the licensee may apply for renewal of the license to the governing  
25 body that has jurisdiction over the licensed premises. The license application for renewal  
26 may not be denied on the grounds that, by the issuance of the license, more on-sale  
27 licenses are in existence than ~~is~~ are permitted by the limitations of this chapter.

28 If the licensee's premises have been annexed into a municipality of the first class  
29 as described in § 9-2-1, the municipal governing body may, for the first renewal of the  
30 on-sale license after the annexation, set a fee equal to the fee for the most recent on-sale  
31 liquor license issued by the municipality. The municipality of the first class may not impose  
32 the increased renewal fee on any licensee who, at the time the license was initially  
33 acquired, paid a fee not less than the municipality of the first class was charging for an  
34 on-sale license.

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