

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

564P0675

## HOUSE ENGROSSED NO. **HB 1283** - 2/13/2008

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

Introduced by: Representatives Brunner and Peters and Senators Maher and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise on-sale alcoholic beverage licenses in  
2 municipalities and to declare an emergency.

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

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

5 35-4-2. Classes of licenses, with the fee of each class, follow:

6 (1) Distillers--four thousand dollars. However, no license fee is required for  
7 manufacturers of alcohol for use in industry as a nonbeverage. If such manufacturer  
8 of industrial alcohol shall at any time manufacture, produce, distill, sell, barter, or  
9 dispose of alcohol for any use other than an industrial use, the license fee required  
10 by this section shall be allocated to and payable for the portion of the year the  
11 manufacturer devoted to such other use for each calendar month or fraction thereof  
12 while so engaged, but in no case less than one-twelfth of said license fee;

13 (2) Wholesalers of alcoholic beverages--five thousand dollars;

14 (3) Off-sale--not less than five hundred dollars in municipalities of the first class, not  
15 more than four hundred dollars in municipalities of the second class, and not more



1 than three hundred dollars in municipalities of the third class. The renewal fee for  
2 such licenses may not exceed five hundred dollars in municipalities of the first class,  
3 four hundred dollars in municipalities of the second class, and three hundred dollars  
4 in municipalities of the third class;

5 (4) ~~On-sale--in municipalities of various classes: municipalities of the first class;~~ not  
6 less than one dollar for each person residing within ~~the~~ a municipality of the first  
7 class as measured by the last preceding federal census, ~~the~~ and not more than thirty  
8 thousand dollars in a municipality of the second or third class. The renewal fee for  
9 such license in a municipality of the first class is fifteen hundred dollars;  
10 municipalities of the second class, no more than twelve hundred dollars;  
11 municipalities of the third class, no more than nine hundred dollars;

12 (5) Off-sale licenses issued to municipalities under local option--not less than two  
13 hundred fifty dollars;

14 (6) On-sale licenses issued outside municipalities--except as provided in § 35-4-11.9, not  
15 less than the maximum that the municipality to which the applicant is nearest is  
16 charging for a like license in that municipality, the renewal fee shall be the same as  
17 is charged for a like license in the nearest municipality. However, if the nearest  
18 municipality is more than fifteen miles from the on-sale license, the fee shall be  
19 established pursuant to § 35-4-11.10. If the municipality to which the applicant is  
20 nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a  
21 specified fee, then the fee shall be the maximum amount that could be charged as if  
22 the municipality had not been authorized to obtain on-sale licenses pursuant to § 35-  
23 3-13. However, if the nearest municipality is a municipality of the first class and is  
24 authorized to hold an on-sale license pursuant to § 35-3-13, such fee may not be more

1           than one hundred fifty percent of the minimum a municipality not so authorized may  
2           charge for a like license. The renewal fee shall be the same as could be charged for  
3           a like license in the nearest municipality;

4       (7)   Solicitors--twenty-five dollars;

5       (8)   Transportation companies--twenty-five dollars;

6       (9)   Carrier--one hundred dollars, which fee entitles the licensee to sell or serve alcoholic  
7           beverages on all conveyances the licensee operates within the state;

8       (10)  Dispensers--ten dollars;

9       (11)  On-sale dealers at publicly operated airports--two hundred fifty dollars;

10      (12)  On-sale dealers in wine for Sunday--five hundred dollars;

11      (13)  Convention facility on-sale--not less than one dollar for each person residing within  
12           the municipality as measured by the last preceding federal census, the renewal fee for  
13           such license, in municipalities of the first class, is fifteen hundred dollars; the  
14           renewal fee for such license, in municipalities of the second class, is no more than  
15           twelve hundred dollars; the renewal fee for such license, in municipalities of the third  
16           class, is no more than nine hundred dollars;

17      (14)  Manufacturers of malt beverages--five hundred dollars;

18      (15)  Wholesalers of malt beverages--four hundred dollars;

19      (16)  Malt beverage retailers, being both package dealers and on-sale dealers--two hundred  
20           fifty dollars;

21      (17)  Malt beverage package dealers--one hundred fifty dollars;

22      (18)  On-sale dealers in light wine containing not more than six percent alcohol by weight  
23           for each day of the week between the hours of seven a.m. and two a.m. to nonprofit  
24           corporations established pursuant to chapter 7-27--two hundred dollars; and

1       (19) Off-sale package wine dealers in table wines, sparkling wines, sacramental wine, and  
2           distilled spirits produced from product provided to an artisan distiller by the  
3           respective farm winery to be operated in conjunction with a farm winery established  
4           pursuant to chapter 35-2--one hundred fifty dollars.

5       Section 2. Whereas, this Act is necessary for the support of the state government and its  
6       existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
7       full force and effect from and after its passage and approval.