

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

363H0572

SENATE ENGROSSED NO. **SB 120** - 02/04/2002

Introduced by: Senators McCracken, Craddock, Hutmacher, Olson (Ed), and Whiting and
Representatives Jaspers, Derby, and Murschel

1 FOR AN ACT ENTITLED, An Act to authorize additional off-sale retail liquor licenses in
2 certain first class municipalities.

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

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

5 35-4-4. No person, corporation, or business entity may ~~be the holder of~~ hold or have an
6 interest in more than three retail licenses issued under subdivision 35-4-2(3), (4), (6), or (13).
7 However, a person, corporation, or business entity may hold or have an interest in three
8 additional retail licenses issued under subdivision 35-4-2(4) if the licensee derives more than fifty
9 percent of the licensee's annual gross receipts from the sale of food at the location where the
10 license is held. Any person, corporation, or business entity may hold or have an interest in
11 additional retail licenses issued under subdivision 35-4-2(3) in a first class municipality with a
12 population greater than ten thousand, if the licensee derives less than fifty percent of the
13 licensee's annual gross receipts from the sale of alcoholic beverages at the location where the
14 license is held. Any such new licensee under subdivision 35-4-2(3) shall sell its alcoholic
15 beverages, other than malt beverages, in an area in which persons under the age of twenty-one



1 are not allowed and which is separated by a physical barrier from the rest of the establishment
2 and is served by a separate cash register. For the purposes of this section, a physical barrier
3 includes a wall, fence, or other physical feature erected for the sole purpose of restricting the free
4 flow of foot traffic and access to a certain area of a premise. For purposes of this section,
5 location means one contiguous piece of real estate on which sales are generated by the licensee.