

2021 South Dakota Legislature

Senate Bill 152**AMENDMENT 152C FOR THE INTRODUCED BILL**

1 **An Act to authorize counties to issue off-sale liquor licenses.**

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

3

4 **Section 1.** That § ~~35-4-6~~ be AMENDED:

5 ~~35-4-6. Off-sale licenses--County, municipality, or improvement district.~~

6 ~~Except as provided in subdivisions 35-4-2(12) and (16), off-sale~~ Off-sale licenses may only
7 ~~be issued under this chapter to operate within a~~ county, municipality or an improvement
8 ~~district created pursuant to chapter 7-25A.~~

9 **Section 1.** That § 35-4-6 be REPEALED.

10 **35-4-6. Off-sale licensees to operate within municipality or improvement**
11 **district.**

12 **Section 2.** That § 35-4-11.1 be AMENDED.

13 **35-4-11.1. Counties--Number of licenses and amount of fees--Number**
14 **restricted by population--Denial of reissuance.**

15 If not previously fixed by ordinance or continuing resolution, the board of county
16 commissioners shall, before the second of September in each year, determine the number
17 of on-sale and off-sale licenses it will approve for the ensuing calendar year and the fees
18 to be charged for the various classifications of licenses. The number of licenses issued
19 pursuant to subdivision 35-4-2(6) may not exceed three for the first one thousand of
20 population and may not exceed one for each additional fifteen hundred of population or
21 fraction thereof. The number of licenses issued pursuant to subdivisions 35-4-2(3) and
22 35-4-2(12) subdivision 35-4-2(3) may not exceed two for the first one thousand of

1 population and may not exceed one for each additional fifteen hundred of population or
2 fraction thereof. No county off-sale license may be issued for a retailer located within three
3 miles of the exterior boundary of an incorporated municipality. The population includes
4 only those residing within the county, but outside the incorporated municipalities and
5 improvement districts, created pursuant to chapter 7-25A, within the county. No licensee
6 regularly licensed to do business on July 1, 1981, may be denied reissuance of a license
7 in subsequent years solely by reason of any limitations, based upon population quotas, of
8 the number of licenses authorized or established under the provisions of this title. Licenses
9 issued to concessionaires, and lessees of the State of South Dakota, within the boundaries
10 of state parks, prior to January 1, 1983, may be subtracted when calculating the total
11 number of licenses permitted in this section.