



2024 South Dakota Legislature

Senate Bill 148

Introduced by: **Senator Hunhoff**

1 **An Act to provide permissive authority to a governing body of a municipality or**
 2 **county to deny reissuance of an on-sale license not actively used.**

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

4 **Section 1. That § 35-2-5.3 be AMENDED:**

5 **35-2-5.3.** ~~No licensing authority~~The governing body of a municipality or county
 6 may reissue ~~deny reissuance of~~ any on-sale license issued pursuant to subdivision 35-4-
 7 2(4), (6), or (13) to the same licensee or the licensee's transferee if the license has not
 8 been actively used by the applicant during the two years preceding the date of the current
 9 application. For purposes of this section, the term, "actively used," means ~~that the:~~

10 (1) The licensed premises was open to the public during regular business hours for the
 11 sale and consumption of distilled spirits for at least sixty days during the two
 12 preceding years. ~~However, the; or~~

13 (2) The licensed premises is only required to be open five days per year if it is and
 14 open to the public during a special event that has at least twenty-five thousand
 15 visitors. ~~However, the~~

16 The number of licenses held by a municipality pursuant to chapter 35-3 may not
 17 be less than the total number of licenses available to be issued as of July 1, 2010.