



2024 South Dakota Legislature
Senate Bill 148
ENROLLED

AN ACT

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

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

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

35-2-5.3. The governing body of a municipality or county may deny reissuance of any on-sale license issued pursuant to subdivision 35-4-2(4), (6), or (13) to the same licensee or the licensee's transferee if the license has not been actively used by the applicant during the two years preceding the date of the current application. For purposes of this section, the term "actively used" means:

- (1) The licensed premises was open to the public during regular business hours for the sale and consumption of distilled spirits for at least sixty days during the two preceding years; or
- (2) The licensed premises is open five days per year and open to the public during a special event that has at least twenty-five thousand visitors.

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

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 148

2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this ____ day of _____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 148
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State