

2023 South Dakota Legislature

House Bill 1176**AMENDMENT 1176E
FOR THE HOUSE COMMERCE AND ENERGY ENGROSSED
BILL**

1 **An Act to revise certain provisions regarding on-sale alcoholic beverage licenses for**
2 **use at municipality-owned facilities.**

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

4 **Section 1. That § 35-4-14.1 be AMENDED:**

5 **35-4-14.1.** Notwithstanding the provisions of § 35-4-11, any municipality may by
6 resolution, ~~without an election but subject to referendum,~~ issue an on-sale license
7 pursuant to subdivision 35-4-2(4) ~~to a~~ for use at any municipality-owned entertainment
8 venue, event venue, event center, arena, performance hall, theater, outdoor
9 amphitheater, convention center, stadium, athletic venue, recreation facility, municipal
10 auditorium operated pursuant to chapter 9-52, ~~or to a~~ public convention hall operated
11 pursuant to chapter 9-53 ~~for use during a convention activity or an entertainment event,~~
12 ~~including any theatrical or musical performance, rodeo, sporting event, or show. The~~
13 ~~selling, serving, or dispensing of any alcoholic beverage at the municipal auditorium may~~
14 ~~not occur more than one hour before the commencement of the event or at any time after~~
15 ~~the event is concluded. An on-sale license issued pursuant to this section must be used to~~
16 support the primary public purpose of the municipality-owned facility during the hours the
17 municipality-owned facility is open for its primary purpose. A license issued pursuant to
18 this section must not be used at any municipality-owned facility for the primary purpose
19 of only providing food and beverage services to the public. There is no fee for a license
20 under this section. The governing body of any municipality that has obtained an on-sale
21 license pursuant to this section may contract with any person or entity for purposes of
22 providing food and beverage services at the municipality-owned facility and the use of any
23 license issued pursuant to this section. A license issued pursuant to this section may not
24 be transferred.