

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

546R0536

HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1165** - 2/18/2010

Introduced by: Representatives Kirkeby, Brunner, Burg, Cronin, Cutler, Feickert, Frerichs, Gibson, Greenfield, Hamiel, Hoffman, Kirschman, Lederman, Lucas, Lust, Noem, Nygaard, Peters, Pitts, Putnam, Romkema, Schlekeway, Steele, Street, Tidemann, Turbiville, Vanderlinde, Verchio, and Wink and Senators Haverly, Abdallah, Adelstein, Ahlers, Bartling, Brown, Gant, Hansen (Tom), Kloucek, Maher, Merchant, Nelson, Peterson, and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise the procedure for reissuing certain alcoholic
2 beverage licenses.

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

4 Section 1. That § 35-2-1.2 be amended to read as follows:

5 35-2-1.2. Any application for a new retail license, except as set forth in § 35-2-1.1, or the
6 transfer of an existing license shall be submitted to the governing board of the municipality
7 within which the applicant intends to operate, or if outside the corporate limits of a municipality,
8 to the board of county commissioners of the county in which the applicant seeks to operate. The
9 application shall be accompanied by the required fee. The governing board may approve or
10 disapprove the application for a new retail license or the transfer of an existing license
11 depending on whether the governing board deems the applicant a suitable person to hold the
12 license and whether the governing board considers the proposed location suitable.



1 Any application for the reissuance of a retail license may be approved by the municipal or
2 county governing board without a hearing unless in the past year the licensee or one or more of
3 the licensee's employees have been subjected to a criminal penalty for violation of the alcoholic
4 beverage control law or the license has been suspended.