



## 2021 South Dakota Legislature

# Senate Bill 152

SENATE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Senator Johns**

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3 **Section 1.** That § 35-4-6 be REPEALED.

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

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

7 **35-4-11.1. Counties--Number of licenses and amount of fees--Number**  
8 **restricted by population--Denial of reissuance.**

9 If not previously fixed by ordinance or continuing resolution, the board of county  
10 commissioners shall, before the second of September in each year, determine the number  
11 of on-sale and off-sale licenses it will approve for the ensuing calendar year and the fees  
12 to be charged for the various classifications of licenses. The number of licenses issued  
13 pursuant to subdivision 35-4-2(6) may not exceed three for the first one thousand of  
14 population and may not exceed one for each additional fifteen hundred of population or  
15 fraction thereof. The number of licenses issued pursuant to subdivision 35-4-2(3) may not  
16 exceed two for the first one thousand of population and may not exceed one for each  
17 additional fifteen hundred of population or fraction thereof. No county off-sale license may  
18 be issued for a retailer located within three miles of the exterior boundary of an  
19 incorporated municipality. The population includes only those residing within the county,  
20 but outside the incorporated municipalities and improvement districts, created pursuant  
21 to chapter 7-25A, within the county. No licensee regularly licensed to do business on July  
22 1, 1981, may be denied reissuance of a license in subsequent years solely by reason of  
23 any limitations, based upon population quotas, of the number of licenses authorized or  
24 established under the provisions of this title. Licenses issued to concessionaires, and  
25 lessees of the State of South Dakota, within the boundaries of state parks, prior to January

- 1 1, 1983, may be subtracted when calculating the total number of licenses permitted in
- 2 this section.