



2021 South Dakota Legislature  
**Senate Bill 152**  
**ENROLLED**

AN ACT

**ENTITLED An Act to authorize counties to issue off-sale liquor licenses.**

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

**Section 1.** That § 35-4-6 be REPEALED.

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

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

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

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

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

An Act to authorize counties to issue off-sale liquor licenses.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 152

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2021 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., 2021

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 152  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State