

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

366R0596

SENATE COMMERCE ENGROSSED NO. **SB 136** - 2/18/2010

Introduced by: Senators Garnos and Bartling and Representatives Juhnke, Dadrick, and Solberg

1 FOR AN ACT ENTITLED, An Act to allow municipalities to maintain the same number of on-
2 sale alcoholic beverage licenses when certain on-sale alcoholic beverage licenses are not
3 reissued.

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

5 Section 1. That § 35-2-5.3 be amended to read as follows:

6 35-2-5.3. No licensing authority may reissue any on-sale license issued pursuant to
7 subdivision 35-4-2(4), (6), or (13) to the same licensee or the licensee's transferee if the license
8 has not been actively used by the applicant during the two years preceding the date of the current
9 application. For purposes of this section, the term, actively used, means that the licensed
10 premise was open to the public during regular business hours for the sale and consumption of
11 distilled spirits for at least sixty days during the two preceding years. However, the licensed
12 premise is only required to be open five days per year if it is open to the public during a special
13 event that has at least twenty-five thousand visitors. However, the number of licenses held by
14 a municipality pursuant to chapter 35-3 may not be less than the total number of licenses



1 available to be issued as of July 1, 2010.