

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

681D0182

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1134** - 2/4/00

Introduced by: Representatives Broderick, Chicoine, Cutler, and Wilson and Senators Albers,
Everist and Reedy

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the issuance of on-sale
2 alcoholic beverage licenses within improvement districts.

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

4 Section 1. A county may issue on-sale licenses pursuant to subdivision 35-4-2(6) to be
5 operated only within an improvement district, created pursuant to chapter 7-25A, within the
6 county. The number of licenses issued in the improvement district may not exceed three for the
7 first one thousand of population and may not exceed one for each additional fifteen hundred of
8 population or fraction thereof, including any licenses issued in the improvement district prior to
9 July 1, 2000.

10 Section 2. That § 35-4-11.1 be amended to read as follows:

11 35-4-11.1. If not previously fixed by ordinance or continuing resolution, the board of county
12 commissioners shall on or before the first of September in each year determine the number of
13 on-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the
14 various classifications of licenses. The number of licenses issued may not exceed three for the
15 first one thousand of population and may not exceed one for each additional fifteen hundred of
16 population or fraction thereof, the population to include only those residing within the county

1 but outside the incorporated municipalities and improvement districts, created pursuant to
2 chapter 7-25A, within the county. However, any license issued in an improvement district prior
3 to July 1, 2000, shall be included when calculating the total number of licenses that may be issued
4 by the county where the improvement district is located. No licensee regularly licensed to do
5 business on July 1, 1981, may be denied reissuance of ~~his~~ a license in subsequent years solely by
6 reason of any limitations, based upon population quotas, of the number of licenses authorized
7 or established under the provisions of this title. Licenses issued to concessionaires, and lessees
8 of the State of South Dakota, within the boundaries of state parks, prior to January 1, 1983, may
9 be subtracted when calculating the total number of licenses permitted in this section. The quotas
10 established in this section do not apply to licenses issued pursuant to subdivisions 35-4-2(16) and
11 (17).

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Local Government. H.J. 118

3 1/23/00 Scheduled for Committee hearing on this date.

4 1/25/00 Scheduled for Committee hearing on this date.

5 1/25/00 Local Government Do Pass, Failed, AYES 5, NAYS 7.

6 1/25/00 Deferred to 36th legislative day, AYES 7, NAYS 5. H.J. 229

7 2/3/00 Local Government Reconsidered, AYES 11, NAYS 2.

8 2/3/00 Local Government Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 405