

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

681D0182

HOUSE BILL NO. 1134

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

1 FOR AN ACT ENTITLED, An Act to provide improvement districts the authority to prohibit
2 or regulate the transaction of business in alcoholic beverages.

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

4 Section 1. That § 7-25A-7 be amended by adding thereto a NEW SUBDIVISION to read
5 as follows:

6 To prohibit or regulate, by ordinance, the transaction of business in alcoholic beverages and
7 the use and consumption of alcoholic beverages. Each improvement district shall establish the
8 number of on-sale and off-sale licenses which may be issued and the fees that may be charged
9 for the licenses. Each improvement district shall provide for reasonable classifications of on-sale
10 and off-sale licenses and the fees charged for the various classifications shall be uniform within
11 each class. Any ordinance, regulation, or action adopted pursuant to this section shall be
12 consistent with the provisions of Title 35. The improvement district shall furnish the secretary
13 of revenue certified copies of each ordinance and resolution or amendment thereto that is
14 adopted relating to the exercise of these powers.

15 Section 2. That subdivision (11) of § 35-1-1 be amended to read as follows:

16 (11) "Municipality," any incorporated city or town, improvement district created pursuant

1 to chapter 7-25A, and any unincorporated platted town having a United States post
2 office, provided that the withdrawal of a United States post office from any of the
3 herein described municipalities ~~shall~~ may not affect the right of established liquor
4 licenses to be continued, renewed, or transferred; and ~~shall~~ may not prevent the owner
5 or bona fide lessee of the licensed premises from receiving a renewal or reissuance of
6 such license;

7 Section 3. That § 35-4-11.1 be amended to read as follows:

8 35-4-11.1. If not previously fixed by ordinance or continuing resolution, the board of county
9 commissioners shall on or before the first of September in each year determine the number of
10 on-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the
11 various classifications of licenses. The number of licenses issued may not exceed three for the
12 first one thousand of population and may not exceed one for each additional fifteen hundred of
13 population or fraction thereof, the population to include only those residing within the county
14 but outside the incorporated municipalities and improvement districts, created pursuant to
15 chapter 7-25A, within the county. No licensee regularly licensed to do business on July 1, 1981,
16 may be denied reissuance of ~~his~~ a license in subsequent years solely by reason of any limitations,
17 based upon population quotas, of the number of licenses authorized or established under the
18 provisions of this title. Licenses issued to concessionaires, and lessees of the State of South
19 Dakota, within the boundaries of state parks, prior to January 1, 1983, may be subtracted when
20 calculating the total number of licenses permitted in this section. The quotas established in this
21 section do not apply to licenses issued pursuant to subdivisions 35-4-2(16) and (17).