

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

345I0417

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1105** - 02/04/2003

Introduced by: Representatives Garnos, Gillespie, and Juhnke and Senators Schoenbeck,  
Duniphan, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to clarify which establishments may provide or allow the  
2 consumption of alcoholic beverages on Sundays.

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

4 Section 1. That § 35-4-2.1 be amended to read as follows:

5 35-4-2.1. Notwithstanding § 35-4-81, the governing body of any municipality or county may,  
6 in its discretion, provide in any on-sale license the right to sell, serve, or allow to be consumed  
7 alcoholic beverages between the hours of eleven a.m. and twelve midnight on Sunday with the  
8 serving of food ~~where~~ if the licensee has facilities for the serving of prepared meals from a fixed  
9 restaurant with the simultaneous seating capacity of at least:

- 10 (1) Fifty patrons in municipalities of the first class;  
11 (2) Thirty-five patrons in municipalities of the second class; and  
12 (3) Twenty-five patrons in municipalities of the third class.

13 If such establishments are outside the corporate boundaries of a municipality, the population  
14 of the nearest municipality shall govern the minimum seating capacity of an establishment so  
15 located. The governing body may require such licensee to pay an additional fee of not more than



1 two hundred dollars. The provisions of this section ~~shall~~ apply only to facilities upon which  
2 ~~property taxes are assessed and~~ if assessed, are currently paid.