

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

534I0490

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 165** - 02/27/2003

Introduced by: Senators Diedrich (Larry), Brown, Dempster, Olson (Ed), and Reedy and  
Representatives Solum, Kroger, and Murschel

1 FOR AN ACT ENTITLED, An Act to establish the United States census estimates as the basis  
2 upon which liquor licenses may be issued.

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

4 Section 1. That § 35-4-11 be amended to read as follows:

5 35-4-11. If not fixed by ordinance, the governing board of any municipality may on or before  
6 the first of September in each year, by resolution, determine the number of on-sale and off-sale  
7 licenses it will approve for the ensuing calendar year, and the fees to be charged for the various  
8 classifications of licenses. The number of on-sale licenses issued may not exceed three each for  
9 the first one thousand of population or fraction thereof and not exceed one each of such licenses  
10 for each additional one thousand five hundred of population or fraction thereof. The number of  
11 licenses allowable may not be less than the total number of licenses allowable or issued as of  
12 July 1, 1981. The municipal governing board shall at such meeting establish the fee for on-sale  
13 licenses pursuant to subdivisions 35-4-2(4) and (13). ~~Such~~ The fee shall apply applies to all such  
14 on-sale licenses issued in the ensuing calendar year. The quotas established in this section do not  
15 apply to licenses issued pursuant to subdivisions 35-4-2(16) and (17).



1        For the purposes of this section, population is equal to ninety percent of the population  
2 estimates published by the United States Census Bureau for each even-numbered year, except  
3 for the decennial year. For a decennial year, population is equal to the amount determined by the  
4 decennial federal census. No license issued pursuant to this section which exceeds the number  
5 of licenses that would have been issued upon the decennial federal census may be denied solely  
6 by reason that the license exceeds the number of licenses authorized by the decennial federal  
7 census.