

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

483J0152

HOUSE BILL NO. 1105

Introduced by: Representatives Hennies, Bartling, Bradford, Davis, Elliott, Hunhoff, Kroger, LaRue, McLaughlin, Murschel, and Solum and Senators Ham-Burr, Abdallah, Bogue, de Hueck, Duenwald, Duniphan, Earley, Greenfield, Knudson, Nachtigal, Reedy, Sutton (Dan), and Vitter

1 FOR AN ACT ENTITLED, An Act to permit certain temporary on-sale licenses to be issued
2 by municipalities and counties.

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

4 Section 1. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of §§ 35-4-11 and 35-4-19, any municipality or county may
7 issue a special events temporary on-sale license in addition to any other licenses held by the
8 special events license applicant, if the licensee is a civic, charitable, educational, or fraternal
9 organization and the licensee holds a license within the municipality or county pursuant to
10 subdivision 35-4-2(16). Educational does not include any elementary, secondary, or higher
11 educational institution in the public school system of this state. No public hearing is required
12 for the issuance of a license pursuant to this section if the individual applying for the license
13 holds an alcoholic beverage license in the municipality or county or holds an operating
14 agreement for a municipal alcoholic beverage license. Any license issued pursuant to this



1 section may be issued for a period of time, not to exceed fifteen consecutive days, established
2 by the municipal governing body or board of county commissioners. If an organization receiving
3 a license pursuant to this section conducts a street dance in conjunction with the special event,
4 the organization shall provide qualified security personnel as deemed necessary by the
5 governing body which issued the license to maintain order during the street dance.

6 Section 2. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Any license issued pursuant to section 1 of this Act shall be issued to the person and location
9 specified on the application, and the licensee shall comply with the provisions of § 35-4-60.
10 However, if such license is issued in a municipality which holds a license pursuant to
11 subdivision 35-4-2(5), the licensee may only dispense alcoholic beverages obtained through the
12 municipal off-sale establishment. Notwithstanding § 35-5-21.1, the fee provided for in this
13 section shall be retained by the governing body issuing such license. Each application shall be
14 accompanied by the fee prior to consideration by the governing body.