

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

933P0134

HOUSE BILL NO. 1118

Introduced by: Representatives Ahlers, Boomgarden, Bradford, Engels, Feinstein, Novstrup (Al), Nygaard, Rausch, Rave, and Thompson and Senators Peterson (Jim), Hauge, Hoerth, Katus, Maher, Nesselhuf, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to authorize the issuance of special off-sale package wine
2 dealers licenses.

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 Any municipality or county may issue a special off-sale package wine dealers license to any
7 fair board or any public, civic, charitable, educational, or fraternal organization in conjunction
8 with a special event within the municipality or within the county. Educational does not include
9 any elementary, secondary, or higher educational institution in the public school system of this
10 state. No special off-sale package wine dealers license may be issued pursuant to this section,
11 unless the licensee only sells wine manufactured by a farm winery that is licensed pursuant to
12 chapter 35-12. Any license issued pursuant to this section may be issued for a period of time
13 established by the municipal governing body or board of county commissioners. However, the
14 period of time may not exceed fifteen consecutive days.



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

3 Any license issued pursuant to section 1 of this Act shall be issued to the board or
4 organization and the location specified on the application. Notwithstanding subdivision 35-4-
5 2(19), the governing body or the board of county commissioners, as appropriate, shall determine
6 the fee for this license, which may not exceed fifty dollars per day. Each application shall be
7 accompanied by the fee prior to consideration by the governing body or board of county
8 commissioners. Notwithstanding § 35-5-21.1, the fee provided for in this section shall be
9 retained by the governing body or board of county commissioners issuing the license.