



## 2024 South Dakota Legislature

# Senate Bill 86

Introduced by: **Senator Maher**

- 1 **An Act to allow a municipality to issue additional convention off-sale liquor licenses**
- 2 **to hotel-motel convention facilities.**

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

4 **Section 1. That § 35-4-2 be AMENDED:**

5 **35-4-2.** The classes of licenses, with the fee of each class, are as follows:

- 6 (1) Repealed by SL 2018, ch 223, § 13;
- 7 (2) Wholesalers of alcoholic beverages--five thousand dollars;
- 8 (3) Off-sale--not less than three hundred dollars. The renewal fee for the license may
- 9 not exceed five hundred dollars;
- 10 (4) On-sale--not less than one dollar for each person residing within the municipality
- 11 as measured by the last preceding federal census. The renewal fee for the license
- 12 may not exceed fifteen hundred dollars;
- 13 (5) Off-sale licenses issued to municipalities under local option--not less than two
- 14 hundred fifty dollars;
- 15 (6) On-sale licenses issued outside municipalities--not less than the amount the
- 16 nearest municipality to the applicant is charging for a like license. The renewal fee
- 17 shall be the same as is charged for a like license in the nearest municipality. If the
- 18 municipality to which the applicant is nearest holds an on-sale license, pursuant to
- 19 § 35-3-13 and does not charge a specified fee, then the fee shall be the minimum
- 20 amount that could be charged as if the municipality had not been authorized to
- 21 obtain on-sale licenses pursuant to § 35-3-13. The renewal fee shall be the same
- 22 as could be charged for a like license in the nearest municipality;
- 23 (7) Repealed by SL 2018, ch 213, § 46;
- 24 (8) Transportation companies--twenty-five dollars;
- 25 (9) Carrier--one hundred dollars. The fee licenses all conveyances the licensee
- 26 operates in this state;

- (10) Repealed by SL 2018, ch 213, § 46;
- (11) On-sale dealers at publicly operated airports--two hundred fifty dollars;
- (12) Wine and cider retailers, being both package dealers and on-sale dealers--five hundred dollars;
- (13) Convention facility on-sale--not less than one dollar for each person residing within the municipality as measured by the last preceding federal census. The renewal fee for the license may not exceed fifteen hundred dollars;
- (14) Repealed by SL 2018, ch 224, § 11;
- (15) Wholesalers of malt beverages--four hundred dollars;
- (16) Malt beverage and wine produced by a farm winery licensee, being both package dealers and on-sale dealers--three hundred dollars;
- (17) Repealed by SL 2018, ch 213, § 46;
- (17A) Repealed by SL 2018, ch 213, § 46;
- (18) Repealed by SL 2018, ch 213, § 46;
- (19) Repealed by SL 2018, ch 213, § 46 and ch 222, § 11;
- (20) Repealed by SL 2018, ch 213, § 46;
- (21) Retail on premises manufacturer--two hundred fifty dollars;
- (22) Repealed by SL 2018, ch 223, § 13; ~~and~~
- (23) Off-sale delivery--one hundred fifty dollars; and
- (24) Convention facility off-sale issued pursuant to § 35-4-11.11--not less than three hundred dollars. The renewal fee for the license may not exceed five hundred dollars.

**Section 2. That § 35-4-11.11 be AMENDED:**

**35-4-11.11.** In addition to the licenses provided by §§ 35-4-10, 35-4-11 and 35-4-11.2, any municipality that is authorized by chapter 42-7B to allow legal games of chance may issue up to five additional convention facility off-sale licenses and twelve additional convention facility on-sale licenses to hotel-motel convention facilities. A hotel-motel convention facility as used in this section is a facility that, in a bona fide manner, is used and kept open for the hosting of large groups of guests for compensation which has at least fifty rooms which are suitable lodging accommodations and convention facilities with seating for at least one hundred fifty persons. In a locally designated historical district, in a municipality that is authorized to conduct gaming by chapter 42-7B, any license created by this section ~~shall be~~ is available to buildings subject to rehabilitation and restored according to the U.S. Department of the Interior standards for historic

- 1 preservation projects codified in 36 C.F.R. Part 67 as of January 1, 1994. ~~Such a~~ The
- 2 rehabilitation project ~~shall~~ must have at least thirty rooms that are suitable lodging
- 3 accommodations.