



2025 South Dakota Legislature

House Bill 1079

Introduced by: **Representative Kull**

1 **An Act to increase the number of off-sale licenses from two to three in municipalities**
 2 **of one thousand or less.**

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

4 **Section 1. That § 35-4-10 be AMENDED:**

5 **35-4-10.** No more than ~~two~~ three off-sale licenses issued pursuant to subdivisions
 6 35-4-2(3) and (5) may be issued under this chapter to operate in a municipality of one
 7 thousand or less ~~and not exceeding~~. Above this population limit, no more than one license
 8 may be issued for every additional fifteen hundred of population or fraction thereof. The
 9 number of off-sale licenses may not be less than the total number of licenses allowable as
 10 of July 1, 1981, ~~and that which~~ have never been revoked or not reissued.

11 For ~~the~~ purposes of this section, ~~population is~~ "population" means an amount equal
 12 to the population estimates published by the United States Census Bureau for each even-
 13 numbered year, except for the decennial year. For a decennial year, population is equal
 14 to the amount determined by the decennial federal census.

15 ~~No license issued pursuant to this section that exceeds the number of licenses that~~
 16 ~~would have been issued upon the decennial federal census may be denied or revoked~~
 17 ~~solely by reason that the license issued exceeds the number of licenses authorized by the~~
 18 ~~decennial federal census~~ If a license issued pursuant to this section exceeds the number
 19 of licenses permissible in accordance with the decennial federal census, the license may
 20 not be revoked or denied renewal solely because issuance of the license exceeded the
 21 permissible number.