



2025 South Dakota Legislature

House Bill 1079

ENROLLED

AN ACT

ENTITLED An Act to increase the number of off-sale licenses from two to three in municipalities and counties of one thousand or less.

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

Section 1. That § 35-4-10 be AMENDED:

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of off-sale licenses may not be less than the total number of licenses allowable as of July 1, 1981, which have never been revoked or not reissued.

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

If a license issued pursuant to this section exceeds the number of licenses permissible in accordance with the decennial federal census, the license may not be revoked or denied renewal solely because issuance of the license exceeded the permissible number.

Section 2. That § 35-4-11.1 be AMENDED:

35-4-11.1. If not previously fixed by ordinance or continuing resolution, the board of county commissioners must, before the second of September in each year, determine the number of on-sale and off-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses. The number of licenses issued pursuant to subdivision 35-4-2(6) may not exceed three for the first one thousand of population and may not exceed one for each additional fifteen hundred of

population or fraction thereof. The number of licenses issued pursuant to subdivision 35-4-2(3) may not exceed three for the first one thousand of population and may not exceed one for each additional fifteen hundred of population or fraction thereof. A county off-sale license may not be issued for a retailer located within three miles of the exterior boundary of an incorporated municipality. The population includes only those residing within the county, but outside the incorporated municipalities and improvement districts, created pursuant to chapter 7-25A, within the county. A licensee regularly licensed to do business on July 1, 1981, may not be denied reissuance of a license in subsequent years solely by reason of any limitations, based upon population quotas, of the number of licenses authorized or established under the provisions of this title. Licenses issued to concessionaires, and lessees of this state, within the boundaries of state parks, prior to January 1, 1983, may be subtracted when calculating the total number of licenses permitted in this section.

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

I certify that the attached Act originated in the:

House as Bill No. 1079

Received at this Executive Office
this ____ day of _____,

2025 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2025

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1079
File No. ____
Chapter No. ____

By _____
Asst. Secretary of State