

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

762S0495

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 103** - 2/7/2011

Introduced by: Senators Tidemann, Bradford, and Tieszen and Representatives Munsterman and Hawley

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning special alcoholic
2 beverage licenses issued in conjunction with special events.

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

4 Section 1. That § 35-4-124 be amended to read as follows:

5 35-4-124. Any municipality or county may issue:

- 6 (1) A special malt beverage retailers license in conjunction with a special event within
7 the municipality or county to any civic, charitable, educational, fraternal, or veterans
8 organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (16)
9 in addition to any other licenses held by the special events license applicant;
- 10 (2) A special on-sale wine retailers license in conjunction with a special event within the
11 municipality or county to any civic, charitable, educational, fraternal, or veterans
12 organization or any licensee licensed pursuant to subdivision 35-4-2(4), (6), or (12)
13 or chapter 35-12 in addition to any other licenses held by the special events license
14 applicant;



- 1 (3) A special on-sale license in conjunction with a special event within the municipality
- 2 or county to any civic, charitable, educational, fraternal, or veterans organization or
- 3 any licensee licensed pursuant to subdivision 35-4-2(4), ~~(6)~~, or ~~(16)~~ or (6) in addition
- 4 to any other licenses held by the special events license applicant; or
- 5 (4) A special off-sale package wine dealers license in conjunction with a special event
- 6 within the municipality or county to any civic, charitable, educational, fraternal, or
- 7 veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5),
- 8 (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the
- 9 special events license applicant. A special off-sale package wine dealers licensee may
- 10 only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-
- 11 12.

12 Any license issued pursuant to this section may be issued for a period of time established

13 by the municipality or county. However, no period of time may exceed fifteen consecutive days.

14 No public hearing is required for the issuance of a license pursuant to this section if the

15 organization applying for the license holds an on-sale alcoholic beverage license or a retail malt

16 beverage license in the municipality or county or holds an operating agreement for a municipal

17 on-sale alcoholic beverage license, and the license is to be used in a publicly-owned facility. The

18 local governing body ~~may~~ shall establish rules to regulate and restrict the operation of the

19 special license, including rules limiting the number of licenses that may be issued to any person

20 within any calendar year.

21 Section 2. That § 35-4-125 be amended to read as follows:

22 35-4-125. Notwithstanding § 35-1-5.3, a municipality or county may allow the sale of

23 alcoholic beverages on public property or property owned by a nonprofit corporation during a

24 special event. Any license issued pursuant to § 35-4-124 shall be issued to the person and the

1 location specified on the application. Notwithstanding § 35-4-2, the governing body of the
2 municipality or the board of county commissioners, as appropriate, shall determine the fee for
3 this license. Each application shall be accompanied by the fee ~~prior to consideration by~~ at the
4 time of submission to the governing body of the municipality or the board of county
5 commissioners. The fee provided for in this section shall be retained by the governing body of
6 the municipality or the board of county commissioners issuing the license.