

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

672C0677

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1257** - 2/10/99

Introduced by: Representatives Peterson and Richter and Senators Everist and Madden

1 FOR AN ACT ENTITLED, An Act to revise how certain alcoholic beverage licenses are issued
2 to certain nonprofit organizations by a municipality or county.

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

4 Section 1. That § 35-4-104 be amended to read as follows:

5 35-4-104. Any municipality or county may issue a ~~special~~ an on-sale malt beverage retailers'
6 license and a ~~special~~ retail on-sale wine dealers' license or an on-sale license pursuant to
7 subdivision 35-4-2(4) to a community playhouse operating as a nonprofit organization for use
8 in conjunction with a theatrical production: recognized as an exempt organization under section
9 501(c)(3) of the Internal Revenue Code, as amended, and in effect on January 1, 1999, for the
10 sale of alcoholic beverages at a community playhouse or a museum of arts and science. The sale
11 of alcoholic beverages may only occur in connection with a theatrical or musical production,
12 exhibition, or other special event conducted by the nonprofit organization. Any license issued
13 pursuant to this section may be issued for a period of time established by the municipal governing
14 board or board of county commissioners up to a period of one year. ~~However, such use may not~~
15 ~~exceed sixty days per year. The selling, serving or dispensing of malt beverages and wine may~~
16 ~~not occur more than one hour before the commencement of a performance or at any time after~~

1 ~~the performance is concluded.~~

2 Section 2. That § 35-4-105 be amended to read as follows:

3 35-4-105. A license issued pursuant to § 35-4-104 shall be issued to the organization and
4 location specified on the application, and in the case of an on-sale license under subdivision 35-4-
5 2(4), shall be exempt from the quotas established in § 35-4-11. Notwithstanding subdivisions
6 35-4-2(4), (12), and (16), the fee for each license is one hundred dollars. Each application shall
7 be 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 such license.

1 **BILL HISTORY**

2 1/29/99 First read in House and referred to Local Government. H.J. 268

3 2/9/99 Scheduled for Committee hearing on this date.

4 2/9/99 Local Government Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 430