

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

672C0677

## HOUSE BILL NO. 1257

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~~  
17 ~~the performance is concluded.~~