

AN ACT

ENTITLED, An Act to permit certain nonprofits to have a temporary on-sale license.

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

Section 1. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding the provisions of §§ 35-4-11 and 35-4-19, any municipality may issue a special events temporary on-sale license in addition to any other licenses held by the special events license applicant, if the licensee is recognized as an exempt organization under section 501(c)(19) of the United States Internal Revenue Code, as amended, and in effect on January 1, 2002, and the licensee holds a license within the municipality pursuant to subdivision 35-4-2(16). No public hearing is required for the issuance of a license pursuant to this section if the individual applying for the license holds an alcoholic beverage license in the municipality or holds an operating agreement for a municipal alcoholic beverage license. Any license issued pursuant to this section may be issued for a period of time, not to exceed two consecutive days, established by the municipal governing body.

Section 2. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as follows:

Any license issued pursuant to section 1 of this Act shall be issued to the person and location specified on the application and the licensee shall comply with the provisions of § 35-4-60. However, if such license is issued in a municipality which holds a license pursuant to subdivision 35-4-2(5), the licensee may only dispense alcoholic beverages obtained through the municipal off-sale establishment. Notwithstanding § 35-5-21.1, the fee provided for in this section shall be retained by the municipal governing body issuing such license. Each application shall be accompanied by the fee prior to consideration by the municipal governing body.

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I certify that the attached Act
originated in the

SENATE as Bill No. 168

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 168

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
SS.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State