

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

807W0349

HOUSE ENGROSSED NO. **SB 120** - 03/05/2015

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Tidemann, Bradford, Brown, Frerichs, Haverly, Hunhoff (Bernie), Novstrup (David), Omdahl, Parsley, Peters, Peterson (Jim), Rave, Tieszen, and White and Representatives Munsterman, Anderson, Beal, Bolin, Cronin, Dryden, Duvall, Hawks, Hawley, Hunhoff (Jean), Jensen (Alex), Klumb, May, Mickelson, Peterson (Kent), Romkema, Rounds, Solum, Wiik, and Wollmann

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special alcoholic
2 beverage licenses issued in conjunction with special events and to declare an emergency.

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)



1 or chapter 35-12 in addition to any other licenses held by the special events license
2 applicant;

3 (3) A special on-sale license in conjunction with a special event within the municipality
4 or county to any civic, charitable, educational, fraternal, or veterans organization or
5 any licensee licensed pursuant to subdivision 35-4-2(4) or (6) in addition to any other
6 licenses held by the special events license applicant; ~~or~~

7 (4) A special off-sale package wine dealers license in conjunction with a special event
8 within the municipality or county to any civic, charitable, educational, fraternal, or
9 veterans organization or any licensee licensed pursuant to subdivision 35-4-2(3), (5),
10 (12), (17A), or (19) or chapter 35-12 in addition to any other licenses held by the
11 special events license applicant. A special off-sale package wine dealers licensee may
12 only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-
13 12;

14 (5) A special off-sale package wine dealers license in conjunction with a special event,
15 conducted pursuant to section 2 of this Act, within the municipality or county to any
16 civic, charitable, educational, fraternal, or veterans organization or any licensee
17 licensed pursuant to subdivision 35-4-2(3), (5), (12), or (17A) in addition to any other
18 license held by the special events license applicant;

19 (6) A special off-sale package malt beverage dealers license in conjunction with a special
20 event, conducted pursuant to section 2 of this Act, within the municipality or county
21 to any civic, charitable, educational, fraternal, or veterans organization or any
22 licensee licensed pursuant to subdivision 35-4-2(3), (5), (16), (17), (17A), or (20) in
23 addition to any other license held by the special events license applicant; or

24 (7) A special off-sale package distilled spirits dealers license in conjunction with a

1 special event, conducted pursuant to section 2 of this Act, within the municipality or
2 county to any civic, charitable, educational, fraternal, or veterans organization or any
3 licensee licensed pursuant to subdivision 35-4-2(3) or (5) in addition to any other
4 license held by the special events license applicant.

5 Any license issued pursuant to this section may be issued for a period of time established
6 by the municipality or county. However, no period of time may exceed fifteen consecutive days.
7 No public hearing is required for the issuance of a license pursuant to this section if the person
8 applying for the license holds an on-sale alcoholic beverage license or a retail malt beverage
9 license in the municipality or county or holds an operating agreement for a municipal on-sale
10 alcoholic beverage license, and the license is to be used in a publicly-owned facility. The local
11 governing body shall establish rules to regulate and restrict the operation of the special license,
12 including rules limiting the number of licenses that may be issued to any person within any
13 calendar year.

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

16 A civic, charitable, educational, fraternal, or veterans organization holding a special events
17 license pursuant to subdivision 35-4-124(7) may accept donated distilled spirits from members
18 of the public to be sold at the special event.

19 A civic, charitable, educational, fraternal, or veterans organization holding a special events
20 license pursuant to subdivision 35-4-124(5) may accept donated wine from members of the
21 public to be sold at the special event. A civic, charitable, educational, fraternal, or veterans
22 organization holding a special events license pursuant to subdivision 35-4-124(6) may accept
23 donated malt beverages from members of the public to be sold at the special event.

24 Any donated distilled spirits, wine, or malt beverage must have been purchased from a

1 licensed South Dakota retailer by the donor. A complete record of the proof of the purchase of
2 the donated distilled spirits, wine, or malt beverage from a licensed South Dakota retailer must
3 accompany the distilled spirits, wine, or malt beverage at the time of donation, and the holder
4 of the special events license pursuant to subdivision 35-4-124(5), (6), or (7) shall maintain a
5 complete record of the proof of the purchase of the donated distilled spirits, wine, or malt
6 beverage.

7 Section 3. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
9 full force and effect from and after its passage and approval.