~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 14, 2010

**H. 4516**

Introduced by Rep. M.A. Pitts

S. Printed 4/14/10--H.

Read the first time February 3, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4516) to amend Sections 61-4-550 and 61-6-2000, Code of Laws of South Carolina, 1976, relating to special permits for the sale of beer, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting Section 61‑4‑550(A), as contained in SECTION 1, page 1, lines 29 through 42, and inserting:

/ (A) The department may issue permits to nonprofit organizations running for a period not exceeding fifteen days for a fee of ten dollars per day. For purposes of this section, a ‘nonprofit organization’ is an entity which is organized and operated exclusively for charitable, religious, or fraternal purposes which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State. ~~Such~~ These special permits ~~shall~~ may be issued only for locations at fairs and special functions. /

Amend the bill further, by deleting Section 61‑6‑2000(A), as contained in SECTION 2, pages 2 and 3, and inserting:

/ (A) ~~In addition to the licenses authorized pursuant to the provisions of subarticle 1 of this article, the department also may issue a temporary license for a period not to exceed twenty‑four hours to a nonprofit organization which authorizes an organization to purchase and sell at a single social occasion alcoholic liquors by the drink. Notwithstanding another provision of this article, the issuance of this permit authorizes the organization to purchase alcoholic liquors from licensed retail dealers in the same manner that a person with a biennial license is issued pursuant to the provisions of subarticle 1 of this article are authorized to make these purchases. The fee for the permit is thirty‑five dollars payable at the time of application. The permit application must include a statement by the applicant as to the amount of alcoholic liquors to be purchased and the nature and date of the social occasion at which they are to be sold. The issuance or nonissuance of permits authorized pursuant to the provisions of this section is within the discretion of the department.~~ Notwithstanding another provision of this article, the department may issue to a bona fide nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function not open to the general public for a period not to exceed twenty‑four hours. However, a bona fide nonprofit organization may sell tickets at the door if the price of the ticket includes a full membership to the organization. The application for this temporary license must include a statement by the applicant as to the nature and date of the special function at which alcoholic liquor by the drink is to be sold, as well as other information required by the department. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The department may deny the application if the completed application and filing fee are not submitted at least fifteen days before the date of the special function. The department in its discretion may specify the terms and conditions of the license. /

Amend the bill further, by deleting Section 61‑6‑2000(D), as contained in SECTION 2, page 3, lines 39 through 41, and inserting:

/ (D) The department may issue no more than twenty‑five temporary licenses on each application for special functions in a twelve‑month period to the same nonprofit organization. /

Amend the bill further, by deleting Section 61‑6‑2000(E)(4), as contained in Section 2, page 4, lines 6 through 8, and inserting:

/ (4) has obtained an exemption from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19); or /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTIONS 61-4-550 AND 61-6-2000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS, RESPECTIVELY, BOTH SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 61‑4‑550 of the 1976 Code is amended to read:

“Section 61‑4‑550. (A) The department may issue permits running for a period not exceeding fifteen days for a fee of ~~ten~~ one hundred dollars per day. However, a nonprofit organization which is eligible to acquire a permit pursuant to Section 61-6-2000 may purchase a permit for a fee of ten dollars per day for a period not to exceed twenty-four hours. For purposes of this section, a ‘nonprofit organization’ is an entity which is organized and operated exclusively for charitable, religious, or fraternal purposes which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State. ~~Such~~ These special permits ~~shall~~ may be issued only for locations at fairs and special functions.

(B) The department shall require the applicant to obtain a criminal records check conducted by the State Law Enforcement Division within ninety days prior to an initial application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. For a subsequent application, the applicant is not required to obtain a new criminal records check unless:

(1) more than two years have elapsed since the most recent criminal records check was conducted; or

(2) the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.

(C) The department shall require the applicant to notify the sheriff, or sheriff’s designee, of the county in which the fair or special function is to be located or, if the location of the fair or special function is within an incorporated area with a police department, the chief of police or the chief’s designee. A timely objection by the sheriff or chief of police, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.”

SECTION 2. Section 61‑6‑2000 of the 1976 Code is amended to read:

“Section 61‑6‑2000. (A) ~~In addition to the licenses authorized pursuant to the provisions of subarticle 1 of this article, the department also may issue a temporary license for a period not to exceed twenty‑four hours to a nonprofit organization which authorizes an organization to purchase and sell at a single social occasion alcoholic liquors by the drink. Notwithstanding another provision of this article, the issuance of this permit authorizes the organization to purchase alcoholic liquors from licensed retail dealers in the same manner that a person with a biennial license is issued pursuant to the provisions of subarticle 1 of this article are authorized to make these purchases. The fee for the permit is thirty‑five dollars payable at the time of application. The permit application must include a statement by the applicant as to the amount of alcoholic liquors to be purchased and the nature and date of the social occasion at which they are to be sold. The issuance or nonissuance of permits authorized pursuant to the provisions of this section is within the discretion of the department.~~ Notwithstanding another provision of this article, the department may issue to a bona fide nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function not open to the general public for a period not to exceed twenty‑four hours. However, a bona fide nonprofit organization may sell tickets at the door if the price of the ticket includes a full membership to the organization. The application for this temporary license must include a statement by the applicant as to the nature and date of the special function at which alcoholic liquor by the drink is to be sold, as well as other information required by the department. The department shall charge a nonrefundable filing fee of thirty‑five dollars per event for processing each. The department may deny the application if the completed application and filing fee are not submitted at least fifteen days before the date of the special function. The department in its discretion may specify the terms and conditions of the license.

(B) The department ~~may~~ shall require the applicant to obtain a criminal background check conducted by the State Law Enforcement Division within ~~thirty~~ ninety days prior to an initial application. ~~Background checks for subsequent applications are not required unless the officers of the nonprofit organization change~~ The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. For a subsequent application, the applicant is not required to obtain a new criminal records check unless:

(1) more than two years have elapsed since the most recent criminal records check was conducted; or

(2) the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.

(C) The department shall require the applicant to notify in writing within fifteen days the sheriff, or the sheriff’s designee, of the county in which the special function is to be located or, if the location of the special function is within an incorporated area with a police department, the chief of police or the chief’s designee. A timely objection by the sheriff or chief of police, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.

(D) The department may issue no more than twenty‑five temporary licenses for special functions in a twelve‑month period to the same nonprofit organization.

(E) For purposes of this section, ‘nonprofit organization’ means an entity that:

(1) is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purpose;

(2) has limited membership not open to the general public;

(3) has been in existence for at least twelve months before the date of application; and

(4) has obtained an exemption from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19); or

(5) is a political party or affiliate of a political party duly certified by the Secretary of State.”

SECTION 3. Section 61‑6‑510 of the 1976 Code is repealed.

SECTION 4 This act takes effect upon approval by the Governor and applies to applications for special functions beginning on January 1, 2011.

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