~~Indicates Matter Stricken~~

Indicates New Matter

AS PASSED BY THE SENATE

June 1, 2011

**H. 3178**

Introduced by Reps. Pitts, Limehouse, Hixon and Long

S. Printed 6/1/11--S.

Read the first time February 23, 2011.

**A** **BILL**

TO AMEND SECTION 61‑4‑550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE, SO AS TO REMOVE SPECIFIC REFERENCES TO NONPROFIT ORGANIZATIONS.

Amend Title To Conform

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

SECTION 1. Section 61‑4‑550 of the 1976 Code, as last amended by Act 259 of 2010, is further amended to read:

“Section 61-4-550. (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 social, benevolent, patriotic, recreational, or fraternal purposes, and 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), or 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State.~~ These special permits may be issued only for locations at fairs and special functions. If the fair or special function is scheduled to be held in a county or municipality that has not conducted a favorable referendum allowing the sale or consumption of alcoholic liquors by the drink on Sunday, pursuant to the provisions of Section 61‑6‑2010, then the department may not issue this special permit to allow the sale, possession, or consumption of beer or wine on Sunday at the fair or special function. However, if the fair or special function is scheduled to be held on or continue through Sunday at a location that has at least sixty thousand permanent seats and tickets are sold for admission to the fair or special function, then the department may issue a special permit allowing the sale, possession, or consumption of beer or wine at the fair or special function held on or continued through Sunday despite the fact that the county or municipality has not conducted a favorable referendum allowing the sale or consumption of alcoholic liquors by the drink on Sunday, pursuant to Section 61-6-2010. Additionally, the department, in its discretion, may refuse to issue this special permit if the fair or special function is being held at a location where the sale, possession, or consumption of beer or wine would be prohibited by local zoning laws.

(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 in writing a minimum of fifteen days prior to the first day of a fair or special function the sheriff, or sheriff’s designee, of the county in which the fair or special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of the receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.~~ The department shall require the applicant to complete the law enforcement notification provision contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the special permit application and given an opportunity to object.

(D) ~~Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 1, Chapter 4, Title 61.~~ The department may issue up to twenty-five special permits to sell beer and wine on one application for special functions in a twelve-month period to the same applicant, if that applicant is also applying for up to twenty-five temporary licenses to sell alcoholic liquors by the drink, pursuant to Section 61-6-2000(D). This does not prohibit the applicant from applying for additional special permits within the same twelve-month period.

(E) If the special permit is requested for a fair or special function held or sponsored by an organization, a representative of the organization must be the applicant for the special permit.

(F) The following statement must be printed on each special permit that is issued pursuant to this section: ‘IF THE FAIR OR SPECIAL FUNCTION FOR WHICH THIS SPECIAL PERMIT HAS BEEN ISSUED IS BEING HELD IN A COUNTY OR MUNICIPALITY THAT HAS NOT CONDUCTED A FAVORABLE REFERENDUM ALLOWING THE SALE OR CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK ON SUNDAY, PURSUANT TO THE PROVISIONS OF SECTION 61-6-2010, THEN THIS SPECIAL PERMIT MAY NOT BE USED TO ALLOW THE SALE, POSSESSION, OR CONSUMPTION OF BEER OR WINE ON SUNDAY AT THE FAIR OR SPECIAL FUNCTION. HOWEVER, IF THE FAIR OR SPECIAL FUNCTION IS BEING HELD ON SUNDAY AT A LOCATION THAT HAS AT LEAST SIXTY THOUSAND PERMANENT SEATS AND TICKETS ARE SOLD FOR ADMISSION TO THE FAIR OR SPECIAL FUNCTION, THEN THIS SPECIAL PERMIT MAY BE USED TO ALLOW THE SALE, POSSESSION, OR CONSUMPTION OF BEER OR WINE ON SUNDAY AT THE FAIR OR SPECIAL FUNCTION.

(G) For purposes of this section, the term ‘fairs’ means events held for the benefit and development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of the State, any county of the State, or any municipality or other community of the State.

(H) For purposes of this section, the term ‘special functions’ includes, but is not limited to, events held or sponsored by political parties and their affiliates that are certified by the Secretary of State, political subdivisions, private individuals, businesses, churches, or non-profit organizations held for social, benevolent, patriotic, recreational, or fraternal purposes.”

SECTION 2. Section 61-6-2000 of the 1976 Code, as last amended by Act 259 of 2010, is further amended to read:

“Section 61-6-2000. (A) ~~Notwithstanding another provision of this article, the department may issue to a nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function for a period not to exceed twenty‑four hours. A qualifying nonprofit organization may sell tickets at the door. 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, but upon request by the applicant, the department may waive this requirement.~~In addition to the licenses authorized pursuant to the provisions of subarticle 1 of this article, the department may also issue a temporary license to a nonprofit organization, as defined in Section 61-6-20, which authorizes that nonprofit organization to purchase and to sell alcoholic liquors by the drink for a period not to exceed twenty-four hours at a single special function. The nonprofit organization may sell tickets for the special function to non-members. Notwithstanding another provision of this article, the issuance of this license authorizes the nonprofit organization to purchase alcoholic liquors from licensed retail dealers in the same manner that a person with a biennial license issued pursuant to subarticle 1 of this article purchases its alcoholic liquors. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The temporary license application must include a statement by the applicant as to the nature and date of the special function at which the alcoholic liquors are to be sold. The department, in its discretion, may specify the terms and conditions of the license, pursuant to existing statutes and regulations governing these applications, and the department, in its discretion, may refuse to issue this temporary license if the special function is being held at a location where the sale, possession, or consumption of alcoholic liquors by the drink would be prohibited by local zoning laws. Additionally, if the special function is scheduled to be held in a county or municipality that has not conducted a favorable referendum allowing the sale or consumption of alcoholic liquors by the drink on Sunday, pursuant to the provisions of Section 61-6-2010, then the department may not issue this temporary license to allow the sale, possession, or consumption of alcoholic liquors by the drink on Sunday at the special function.

(B) The department shall require the applicant to obtain a criminal background 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 in writing within fifteen days the sheriff, or the sheriff’s designee, of the county in which the special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.~~ The department shall require the applicant to complete the law enforcement notification contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the temporary license application and given an opportunity to object.

(D) The department may issue up to twenty‑five temporary licenses on one application for special functions in a twelve‑month period to the same nonprofit organization. This does not prohibit the nonprofit organization from applying for additional temporary licenses within the same twelve‑month period.

~~(E) For purposes of this section, “nonprofit organization” is an entity that is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purpose, and 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), or 501(c)(19). It also includes a political party or affiliate of a political party duly certified by the Secretary of State.~~

~~(F)~~ ~~Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 13, Chapter 6, Title 61.~~

(E) The following statement must be printed on each temporary license that is issued pursuant to this section: ‘IF THE SPECIAL FUNCTION FOR WHICH THIS TEMPORARY LICENSE HAS BEEN ISSUED IS BEING HELD IN A COUNTY OR MUNICIPALITY THAT HAS NOT CONDUCTED A FAVORABLE REFERENDUM ALLOWING THE SALE OR CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK ON SUNDAY, PURSUANT TO THE PROVISIONS OF SECTION 61-6-2010, THEN THIS TEMPORARY LICENSE MAY NOT BE USED TO ALLOW THE SALE, POSSESSION, OR CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK ON SUNDAY AT THE SPECIAL FUNCTION.’

(F) For purposes of this section, the term ‘special function’ includes, but is not limited to, an event held or sponsored by a non-profit organization held for social, benevolent, patriotic, recreational, or fraternal purposes.”

SECTION 3. This act takes effect on July 1, 2011.

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