~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 3, 2018

**S. 820**

Introduced by Senators Fanning, Climer and Peeler

S. Printed 5/3/18--H.

Read the first time April 10, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 820) to amend Section 61‑6‑2010, as amended, Code of Laws of South Carolina, 1976, relating to temporary permits upon a referendum vote, 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, SECTION 1, by striking Section 61‑6‑2010(C)(2) and inserting:

/ (2) ~~A referendum for this purpose may not be held more often than once in forty‑eight months~~ On or after June 21, 1993, a question authorized by this subsection may not appear on the ballot for a county or municipality less than forty‑eight months following the failure of a question authorized by this subsection in said county or municipality. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 61‑6‑2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS UPON A REFERENDUM VOTE, SO AS TO DELETE A PRIOR REFERENCE TO A DATE.

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

SECTION 1. Section 61-6-2010(C) of the 1976 Code is amended to read:

“(C)(1) A permit authorized by this section may be issued only in those counties or municipalities where a majority of the qualified electors voting in a referendum vote in favor of the issuance of the permit. The county or municipal election commission, as the case may be, shall conduct a referendum upon petition of at least ten percent but not more than seven thousand five hundred qualified electors of the county or municipality, as the case may be. The petition form must be submitted to the election commission not less than one hundred twenty days before the date of the referendum. The names on the petition must be on the petition form provided to county election officials by the State Election Commission. The names on the petition must be certified by the election commission within sixty days after receiving the petition form. The referendum must be conducted at the next general election. The election commission shall cause a notice to be published in a newspaper circulated in the county or municipality, as the case may be, at least seven days before the referendum. The state election laws shall apply to the referendum, mutatis mutandis. The election commission shall publish the results of the referendum and certify them to the South Carolina Department of Revenue. ~~The~~ On or after June 21, 1993, the question on the ballot shall be one or both of the following:

(a) ‘Shall the South Carolina Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the possession, sale, and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments otherwise authorized to be licensed for consumption‑on‑premises sales?’ or

(b) ~~‘Shall the South Carolina Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the possession, sale, and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments authorized to be licensed for consumption‑on‑premises sales and to allow the sale of beer and wine at permitted off‑premises locations without regard to the days or hours of sales?’ or~~

~~(c)~~ ~~in case of a county or municipality where temporary permits are authorized to be issued pursuant to this section as of June 21, 1993, the question may b~~e ‘Shall the Department of Revenue be authorized to issue temporary permits in this (county) (municipality) for a period not to exceed twenty‑four hours to allow the sale of beer and wine at permitted off‑premises locations without regard to the days or hours of sales?’.

(2) ~~A referendum for this purpose may not be held more often than once in forty‑eight months~~ On or after June 21, 1993, a question authorized by this subsection may not appear on the ballot for a county or municipality less than twenty-four months following the failure of a question authorized by this subsection in said county or municipality.

(3) The expenses for a referendum for this purpose must be paid by the county or municipality conducting the referendum.

(4) In addition to the petition method of calling the referendum provided for in item (1) of this subsection, a county or municipal governing body by ordinance may also call the referendum. Upon receipt of a copy of the ordinance filed with the county or municipal election commission at least sixty days before the date of the next general election, the commission shall conduct the referendum in the manner provided in this section at that general election. The provisions of this item are in addition to the authority of a municipal governing body to call for a referendum under the circumstances enumerated in subsection (D).”

SECTION 2. This act takes effect upon approval by the Governor.

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