

HOUSE BILL NO. 596

INTRODUCED BY R. BITNEY

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PRIVATE GOLF COURSES AS WELL AS PUBLIC GOLF COURSES TO QUALIFY FOR A GOLF COURSE BEER AND WINE LICENSE; REQUIRING THAT ~~THE~~ A PRIVATE GOLF COURSE CONSIST OF AT LEAST NINE HOLES AND NOT LESS THAN 700 LINEAL YARDS; AND MEET CERTAIN ELIGIBILITY CRITERIA; PROVIDING THAT BEER AND WINE SALES ON THE PREMISES OF A PRIVATE GOLF COURSE MAY TAKE PLACE ONLY WHEN THE GOLF COURSE IS OPEN FOR BUSINESS; PROVIDING THAT SALES MUST STOP AT DARKNESS; PROHIBITING GAMBLING ON THE PREMISES; ALLOWING CERTAIN GOVERNMENT ENTITIES THAT OWN A GOLF COURSE TO LEASE THE GOLF COURSE BEER AND WINE LICENSE TO INDIVIDUALS OR ENTITIES APPROVED BY THE DEPARTMENT OF REVENUE; AMENDING SECTION 16-4-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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**Section 1.** Section 16-4-109, MCA, is amended to read:

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**"16-4-109. Publicly owned golf Golf course beer and wine license.** (1) Upon application, the department of revenue shall issue a retail beer and wine license, to be known as a ~~publicly owned~~ golf course beer and wine license, for use at a golf course ~~owned by the state, a unit of the university system, or a local government that consists of at least nine holes and not less than 700 lineal yards.~~ If the owner of the golf course is not the state, a unit of the university system, or a local government, to qualify for a license under this section:

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(A) THE GOLF COURSE MUST CONSIST OF AT LEAST 18 HOLES AND 6,000 LINEAL YARDS ~~OR 80 CONTIGUOUS ACRES UPON WHICH 75% OF THOSE ACRES ARE MAINTAINED AS A GOLF COURSE;~~

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(B) THE GOLF COURSE MUST BE EITHER WITHIN THE LIMITS OF AN INCORPORATED CITY OR TOWN OR WITHIN 1 MILE OF THE LIMITS OF AN INCORPORATED CITY OR TOWN; AND

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(C) THE APPLICANT FOR A LICENSE UNDER THIS SECTION MAY NOT HAVE HELD A BEER AND WINE OR ALL-BEVERAGES LICENSE WITHIN 12 MONTHS OF THE DATE OF APPLICATION.

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(2) The application must be made by the ~~state agency, unit of the university system, or local government~~ person or entity that owns and operates the public golf course. If the owner of the golf course



1 is not the state, a unit of the university system, or a local government, the owner must be approved by  
 2 the department as provided in this chapter for the issuance of beer licenses. The owner may lease the  
 3 license for use at the golf course to an individual or entity approved by the department.

4 (3) ~~(A) A publicly owned~~ EXCEPT AS PROVIDED IN SUBSECTION (3)(C), A golf course beer and wine  
 5 license and all retail beer and wine sales ~~thereunder~~ under the license are subject to all statutes and rules  
 6 governing a retail beer license with a wine license amendment.

7 (B) IF THE OWNER OF THE GOLF COURSE IS NOT THE STATE, A UNIT OF THE UNIVERSITY SYSTEM, OR A LOCAL  
 8 GOVERNMENT:

9 (i) RETAIL BEER AND WINE SALES MAY BE MADE ONLY DURING THE TIME OF THE YEAR THAT THE GOLF COURSE  
 10 IS OPEN FOR BUSINESS, AND SALES ON DAYS DURING THAT TIME MUST STOP BY 1 HOUR AFTER SUNSET;

11 (ii) THE SEATING CAPACITY OF THE PREMISES WHERE THE BEER AND WINE ARE SOLD MAY NOT EXCEED 75  
 12 PERSONS; AND

13 (iii) GAMING OR GAMBLING IS NOT AUTHORIZED UNDER THE LICENSE ISSUED UNDER THIS SECTION.

14 (C) IF THE OWNER OF A GOLF COURSE IS THE STATE, A UNIT OF THE UNIVERSITY SYSTEM, OR A LOCAL  
 15 GOVERNMENT, THE OWNER MAY LEASE THE BEER AND WINE LICENSE FOR USE AT THE GOLF COURSE TO AN INDIVIDUAL OR  
 16 ENTITY APPROVED BY THE DEPARTMENT OF REVENUE.

17 (4) The department of revenue shall issue a ~~publicly owned~~ golf course beer and wine license to  
 18 a qualified applicant regardless of the number of beer and wine licenses already issued within the beer and  
 19 wine license quota area in which the golf course is situated. A license issued pursuant to this section is  
 20 nontransferable."

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22 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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