

1 SENATE BILL NO. 59

2 INTRODUCED BY L. NELSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A POST OF A NATIONALLY CHARTERED
 5 VETERANS' ORGANIZATION OR A LODGE OF A RECOGNIZED NATIONAL FRATERNAL ORGANIZATION
 6 IS ENTITLED TO A SPECIAL PERMIT TO SELL BEER AND TABLE WINE TO PATRONS OF AN EVENT EVEN
 7 IF THE POST OR LODGE IS OTHERWISE LICENSED UNDER THE PROVISIONS OF TITLE 16, MCA;
 8 LIMITING EVENTS TO THREE A YEAR; REQUIRING THAT NET PROCEEDS FROM AN EVENT GO TO THE
 9 POST OR LODGE ACQUIRING THE SPECIAL PERMIT; AND AMENDING SECTION 16-4-301, MCA; AND
 10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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14 **Section 1.** Section 16-4-301, MCA, is amended to read:

15 **"16-4-301. Special permits to sell all alcoholic beverages, beer, and table wine -- application and**
 16 **issuance.** (1) (a) Any association or corporation conducting a picnic, convention, fair, civic or community
 17 enterprise, or sporting event ~~shall is,~~ in the discretion of the liquor division, ~~be~~ entitled to a special permit
 18 to sell beer and table wine to the patrons of ~~such the~~ event, ~~and except as provided in subsection (1)(c),~~
 19 ~~the beer and wine must~~ to be consumed within the enclosure ~~wherein where~~ the event is held, ~~except as~~
 20 ~~provided in subsection (1)(d).~~

21 (b) The application of ~~any such an~~ association or corporation ~~shall must~~ be presented 3 days in
 22 advance and ~~shall must~~ describe the location of ~~such the~~ enclosure where ~~such the~~ event is to be held,
 23 the nature of the event, and the period when it is contemplated that the event will be held. The application
 24 ~~shall must~~ be accompanied by the amount of the permit fee and a written statement of approval of the
 25 premises where the event is to be held issued by the local law enforcement agency that has jurisdiction
 26 over the premises where the event is to be held.

27 (c) The permit issued to ~~such the~~ association or corporation is a special permit but ~~shall does~~ not
 28 authorize the sale of beer and table wine except starting 1 day ~~in advance of~~ before the regular period
 29 when events are being held upon ~~such the~~ grounds, ~~and~~ during the period described in the application, ~~and~~
 30 for 1 day ~~thereafter~~ after the period described in the application.

1 (d) A special permit issued under this subsection (1) for the purpose of selling and serving beer
 2 at an event conducted on the premises of a county fairground or public sports arena authorizes the
 3 permit holder to sell and serve beer in the grandstand and bleacher area of the premises, as well as from
 4 a booth, stand, or other fixed place on the premises.

5 (e) For the purposes of this subsection (1), a post of a nationally chartered veterans' organization
 6 or a lodge of a recognized national fraternal organization OTHERWISE LICENSED UNDER THIS CODE is an
 7 association entitled to a special permit PERMITS FOR THREE EVENTS A YEAR AS DESCRIBED IN SUBSECTION (1)(A) to
 8 sell beer and table wine whether or not the post or lodge is otherwise licensed under this code. ALL NET
 9 PROCEEDS MUST GO TO THE POST OR LODGE ACQUIRING THE SPECIAL PERMIT.

10 (2) (a) A post of a nationally chartered veterans' organization or a lodge of a recognized national
 11 fraternal organization not otherwise licensed under this code ~~shall~~ is, in the discretion of the department,
 12 without notice or hearing as provided in 16-4-207, ~~be~~ entitled to a special permit to sell beer and table
 13 wine or a special permit to sell all alcoholic beverages at ~~such~~ the post or lodge to members and their
 14 guests only, to be consumed within the hall or building of ~~such~~ the post or lodge.

15 (b) The application of ~~such~~ a nationally chartered veterans' organization or lodge of a recognized
 16 national fraternal organization ~~shall~~ must describe the location of the hall or building where the special
 17 permit will be used and the date it will be used.

18 (c) The special permit issued ~~shall be~~ is for a 24-hour period only, ending at 2 a.m., and the
 19 department may not issue more than 12 ~~such~~ special permits to any ~~such~~ post or lodge during a calendar
 20 year."

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

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