

SENATE BILL NO. 415
INTRODUCED BY F. THOMAS, MOOD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE QUALIFICATIONS FOR A GOLF COURSE BEER AND WINE LICENSE; CHANGING THE REQUIREMENTS FOR NUMBER OF HOLES, COURSE LENGTH, AND PROXIMITY TO A MUNICIPALITY; AMENDING SECTION 16-4-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"16-4-109. 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 golf course beer and wine license, for use at a golf course. 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:

(a) ~~(I)~~ the golf course must consist of at least ~~48~~ 9 ~~18~~ holes and ~~6,000~~ 2,500 ~~6,000~~ lineal yards;

~~(b)~~(II) the golf course must be either within the limits of an incorporated city or town or within ~~4-mile~~ 5 miles ~~1 MILE~~ of the limits of an incorporated city or town; and

~~(c)~~(III) 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; OR

(B) (I) THE GOLF COURSE MUST CONSIST OF AT LEAST 9 HOLES AND 2,500 LINEAL YARDS;

(II) THE GOVERNING BODY OF THE GOLF COURSE IS INCORPORATED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE;

(III) THE GOLF COURSE MUST BE WITHIN 3 MILES OF THE LIMITS OF AN INCORPORATED CITY OR TOWN; AND

(IV) 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.

(2) The application must be made by the person or entity that owns and operates the golf course. If the owner of the golf course is not the state, a unit of the university system, or a local government, the owner must be approved by the department as provided in this chapter for the issuance of beer licenses.

(3) (a) Except as provided in subsection (3)(c), a golf course beer and wine license and all retail beer and wine sales under the license are subject to all statutes and rules governing a retail beer license with a wine

license amendment.

(b) If the owner of the golf course is not the state, a unit of the university system, or a local government:

(i) retail beer and wine sales may be made only during the time of the year that the golf course is open for business, and sales on days during that time must stop by 1 hour after sunset;

(ii) the seating capacity of the premises where the beer and wine are sold may not exceed 75 persons;
and

(iii) gaming or gambling is not authorized under the license issued under this section.

(c) If the owner of a golf course is the state, a unit of the university system, or a local government, the owner may lease the beer and wine license for use at the golf course to an individual or entity approved by the department of revenue.

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

NEW SECTION. Section 2. Effective Date. [This act] is effective on passage and approval.

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