

HOUSE BILL NO. 528

INTRODUCED BY G. HERTZ

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING BEER AND WINE PURCHASED AT PERMITTED SPECIAL EVENTS TO BE TAKEN OFF PREMISES IN ORIGINAL, UNOPENED CONTAINERS; AND AMENDING SECTION 16-4-301, MCA."

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

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

**"16-4-301. Special permits to sell all alcoholic beverages, beer, and table wine -- application and issuance.** (1) (a) An organization or institution that has a tax-exempt designation under the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended, that is organized and operated to raise funds for a needy person or that is an accredited Montana postsecondary school and that conducts a special event may receive a special permit to sell beer and table wine to the patrons of that special event. An organization may receive up to three special permits a year.

(b) A civic league or organization that has a tax-exempt designation under section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), as amended, or an organization authorized by an accredited Montana postsecondary school to engage in fundraising activities for intercollegiate athletics that has a tax-exempt designation under the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended, may receive up to 12 special permits a year to sell beer and table wine. For purposes of fundraising activities for intercollegiate athletics, only one organization for each Montana postsecondary school may be authorized to apply for and receive special permits under this section. All net earnings from the sale of beer and table wine must be contributed to the state of Montana or a political subdivision of the state or must be devoted to purposes required of entities under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended.

(c) An association or corporation engaged in professional sporting contests or junior hockey contests may receive one special permit to sell beer and table wine covering the entire season of play if:

- (i) the association or corporation is sanctioned by a sports organization that regulates the specific sport;
- (ii) the season of play of the sport is specified in advance;

1 (iii) an admission fee to the contests is charged; and

2 (iv) the contest events are held in facilities that provide seating for at least 1,000 patrons.

3 (d) A chamber of commerce or business league that has a tax-exempt designation under section  
4 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(6), as amended, may receive up to 12 special permits  
5 a year to sell beer and table wine. A chamber of commerce may not use one of its special permits for an event  
6 conducted by a business league, and a business league may not use one of its permits for an event conducted  
7 by a chamber of commerce. The chamber of commerce or business league receiving a special permit shall obtain  
8 liquor liability insurance for any event it conducts.

9 (e) ~~The~~ Unless the beer and wine sold under this subsection (1) is taken off premise in an original,  
10 unopened container, the beer and wine sold under this subsection (1) must be consumed at the time when and  
11 within the enclosure where the special event, activity, or sporting contest is held.

12 (f) An application for a special permit must be presented 3 days in advance, but the department may,  
13 for good cause, waive the 3-day requirement. The application must describe the location of the enclosure where  
14 the special event, activity, or sporting contest is to be held, the nature of the special event, activity, or sporting  
15 contest, and the period during which it is contemplated that the special event, activity, or sporting contest will be  
16 held. An application for a permit for professional sporting contests or junior hockey contests under subsection  
17 (1)(c) must provide the inclusive dates of the season of play for the sporting contest. The application must be  
18 accompanied by the amount of the permit fee and a written statement of approval of the premises where the  
19 special event, activity, or sporting contest is to be held issued by the local law enforcement agency that has  
20 jurisdiction over the premises.

21 (g) A special permit issued under this subsection (1) for the purpose of selling and serving beer at a  
22 special event, activity, or sporting contest conducted on the premises of a county fairground or public sports arena  
23 authorizes the permitholder to sell and serve beer in the grandstand and bleacher area of the premises, as well  
24 as from a booth, stand, or other fixed place on the premises.

25 (h) For the purposes of this subsection (1), a post of a nationally chartered veterans' organization or a  
26 lodge of a recognized national fraternal organization otherwise licensed under this code is an organization that  
27 may receive special permits for three special events a year, as described in subsection (1)(a), to sell beer and  
28 table wine. All net proceeds must go to the post or lodge acquiring the special permit.

29 (2) (a) A post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal  
30 organization not otherwise licensed under this code may receive, without notice or hearing as provided in

1 16-4-207, a special permit to sell beer and table wine or a special permit to sell all alcoholic beverages at the post  
2 or lodge to members and their guests only, to be consumed within the hall or building of the post or lodge.

3 (b) The application of a nationally chartered veterans' organization or lodge of a recognized national  
4 fraternal organization must describe the location of the hall or building where the special permit will be used and  
5 the date it the special permit will be used.

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

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