

HOUSE BILL NO. 31

INTRODUCED BY R. FITZGERALD

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALCOHOLIC BEVERAGE LAWS RELATED TO ACADEMIC BREWER LICENSES; ALLOWING A UNIT OF THE MONTANA UNIVERSITY SYSTEM OR A MONTANA COMMUNITY COLLEGE THAT IS PART OF A COMMUNITY COLLEGE DISTRICT THE ABILITY TO APPLY FOR AN ACADEMIC BREWER LICENSE; DEFINING "POSTSECONDARY INSTITUTION"; AMENDING SECTION 16-4-314, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 16-4-314, MCA, is amended to read:

"16-4-314. Academic brewer license under small brewer exception -- Flathead valley community college or Montana state university-Billings-- conditions. (1) Flathead valley community college or Montana state university-Billings A postsecondary institution may apply for an academic brewer license under this section that allows the licensee to brew and sell beer to wholesalers as provided in this section. The academic brewer license:

(a) does not allow for the sale of beer at retail and does not allow for the operation of a sample room as provided in 16-3-213;

(b) is limited to production of 10,000 barrels annually;

(c) allows for distribution only to wholesalers as provided in 16-3-214;

(d) is under the ownership of Flathead valley community college or Montana state university-Billings a postsecondary institution;

~~(e) is not subject to quotas under 16-4-105 or to the provisions of 16-3-306 ;~~

~~(f) may not offer gambling activities;~~

(E) MAY NOT OFFER GAMBLING ACTIVITIES;

~~(g)(e)(F)~~ is otherwise subject to laws applying to brewery licenses as provided in this code; and

1           ~~(h)(f)(g)~~ must operate in an on-campus facility operated ~~in conjunction with a beer-brewing class or~~  
 2 ~~curriculum taught at the community college or Montana state university-Billings~~ in conjunction with a beer-  
 3 brewing class or curriculum taught at the postsecondary institution or in conjunction with research at the  
 4 postsecondary institution.

5           (2)     When ~~Flathead valley community college or Montana state university-Billings~~ a postsecondary  
 6 institution has met the conditions in subsection (3) and has paid the fee specified for a brewer under 16-4-501,  
 7 the department shall issue the academic brewer license.

8           (3)     To obtain a license under this section, ~~Flathead valley community college or Montana state~~  
 9 ~~university-Billings~~ a postsecondary institution shall:

10           (a)     document approval by the ~~community college district~~ postsecondary institution's board of  
 11 trustees or the board of regents of higher education, as applicable;

12           (b)     identify the on-campus location of the site where classes in beer making are to be held or  
 13 where research is to take place; and

14           (c)     for criminal background requirements under 16-4-414, designate two or more individuals, each  
 15 of whom must have responsibility for licensing compliance and each of whom must meet the requirements in  
 16 16-4-401(4)(a).

17           (4)     For the purposes of this section, the term "postsecondary institution" means:

18           (a)     a unit of the Montana university system as described in 20-25-201; or

19           (b)     a Montana community college that is part of a community college district as defined in 20-15-  
 20 101.

21           ~~(4)(5)~~ The department may adopt rules to implement this section."

22

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

24

- END -