## HOUSE BILL NO. 194

## INTRODUCED BY MILES

## IN THE HOUSE

	IN THE HOUSE
JANUARY 14, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
JANUARY 21, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 22, 1987	PRINTING REPORT.
JANUARY 23, 1987	SECOND READING, DO PASS.
JANUARY 24, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED.
	TRANSMITTED TO SENATE.
	IN THE SENATE
JANUARY 26, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
FEBRUARY 7, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 11, 1987	SECOND READING, CONCURRED IN.
FEBRUARY 13, 1987	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.
	IN THE HOUSE
FEBRUARY 16, 1987	RECEIVED FROM SENATE.

SENT TO ENROLLING.

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2	INTRODUCED BY Ailes
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE
5	REQUIREMENT FOR APPROVAL BY THE DEPARTMENT OF HEALTH AND
6	ENVIRONMENTAL SCIENCES OF A CATERING ENDORSEMENT TO AN
7	ALL-BEVERAGES LIQUOR LICENSE AND OF A SPECIAL PERMIT TO SELL
8	BEER AND WINE AT SPECIAL EVENTS; AND AMENDING SECTIONS
9	16-4-204 AND 16-4-301, MCA."
.0	
1	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
. 2	Section 1. Section 16-4-204, MCA, is amended to read:
13	"16-4-204. Transfer catering endorsement. (1) (a)
4	Except as provided in subsection (1)(b), a license may be
.5	transferred to a new ownership and to a location outside the
6	quota area for which it was originally issued only when the
١7	following criteria are met:
8.	(i) the total number of all-beverages licenses in the
19	original quota area exceeded the quota for that area by at
20	least 25% in the most recent census prescribed in 16-4-502;
21	(ii) the total number of all-beverages licenses in the
22	quota area to which the license would be transferred,
23	exclusive of those issued under 16-4-209(1)(a) and (1)(b),
24	did not exceed that area's quota in the most recent census
25	prescribed in 16-4-502:

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(A) by more th	nan 33%; or
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- 2 (B) in an incorporated city of more than 10,000 3 inhabitants and within a distance of 5 miles from its 4 corporate limits by more than 43%; and
  - (iii) the department finds, after a public hearing, that the public convenience and necessity would be served by such a transfer.
  - (b) A license within an incorporated quota area may be transferred to a new ownership and to a new unincorporated location within the same county on application to and with consent of the department when the quota of the all-beverages licenses in the original quota area, exclusive of those issued under 16-4-209(1)(a) and (1)(b), exceeds the quota for that area by at least 25% in the most recent census and will not fall below that level because of the
  - (c) For 5 years after the transfer of a license between quota areas under subsection (1)(a), the license may not be mortgaged or pledged as security and may not be transferred to another person except for a transfer by inheritance upon the death of the licensee.
- 22 (d) Once a license is transferred to a new quota area 23 under subsection (1)(a), it may not be transferred to 24 another quota area or back to the original quota area.
  - (e) A license issued under 16-4-209(1)(a) may not be

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transfer.

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transferred to a location outside the quota area and the exterior boundaries of the Montana Indian reservation for which it was originally issued.

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- (2) (a) Any all-beverages licensee is, upon the approval and in the discretion of the liquor division, entitled to a catering endorsement to his all-beverages license to allow the catering and sale of alcoholic beverages to persons attending a special event upon premises not otherwise licensed for the sale of alcoholic beverages, such beverages to be consumed on the premises where the event is held.
- (b) A written application for a catering endorsement and an annual fee of \$250 must be submitted to the department for its approval.
- (c) A written application for each event for which the licensee intends to provide catering services, the written approval of the catering application by the sponsor of the special event, and a fee of \$35 must be filed with the department at least 3 days print to the event and shall describe the location of the premises where the event is to be held, the nature of the event, and the period during which the event is to be held. An all-beverages licensee who holds an endorsement granted under this subsection (2) may not receive approval to cater an event of which he is the sponsor. The catered event must be within 100 miles of the

- licensee's regular place of business. If obtained, the licensee shall display in a prominent place on those premises, the written approval from the department for each event which is catered pursuant to this subsection.
- 6 an event to be catered a written statement of approval of
  7 the premises where the event is to be held issued by the
  8 department-of-health--and--environmental--sciences--and--the
  9 local law enforcement agency that has jurisdiction over the
  10 premises where the event is to be held.
- 11 (e) The sale of alcoholic beverages pursuant to a 12 catering endorsement is subject to the provisions of 13 16-6-103.
- 14 (f) The sale of alcoholic beverages pursuant to a 15 catering endorsement is subject to the provisions of 16 16-3-306, unless entities named in 16-3-306 give their 17 written approval."
- 18 Section 2. Section 16-4-301, MCA, is amended to read: 19 "16-4-301. Special permits to sell all alcoholic 20 beverages, beer, and table wine -- application and issuance. (1) (a) Any association or corporation conducting a picnic, 21 22 convention, fair, civic or community enterprise, or sporting event shall in the discretion of the liquor division be 23 entitled to a special permit to sell beer and table wine to 24 25 the patrons of such event to be consumed within the

enclosure wherein the event is held.

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- (b) The application of any such association or corporation shall be presented 3 days in advance and shall describe the location of such enclosure where such event is to be held, the nature of the event, and the period when it is contemplated that the event will be held. The application shall be accompanied by the amount of the permit fee and a written statement of approval of the premises where the event is to be held issued by the department-of-health-and environmental-sciences-and-the local law enforcement agency that has jurisdiction over the premises where the event is to be held.
- (c) The permit issued to such association or corporation is a special permit but shall not authorize the sale of beer and table wine except starting 1 day in advance of the regular period when events are being held upon such grounds and during the period described in the application and for 1 day thereafter.
- (2) (a) A post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization not otherwise licensed under this code shall, in the discretion of the department, without notice or hearing as provided in 16-4-207, be entitled to a special permit to sell beer and table wine or a special permit to sell all alcoholic beverages at such post or lodge to

- 1 members and their guests only, to be consumed within the
  - hall or building of such post or lodge.
- 3 (b) The application of such nationally chartered
- 4 veterans' organization or lodge of a recognized national
- 5 fraternal organization shall describe the location of the
  - hall or building where the special permit will be used and
- 7 the date it will be used.
- 8 (c) The special permit issued shall be for a 24-hour
- 9 period only, ending at 2 a.m., and the department may not
- 10 issue more than 12 such permits to any such post or lodge
- 11 during a calendar year."
- 12 NEW SECTION. Section 3. Extension of authority. Any
- 13 existing authority of the department of revenue or the
- 14 department of health and environmental sciences to make
- 15 rules on the subject of the provisions of this act is
- 16 extended to the provisions of this act.

-End-

## APPROVED BY COMM. ON BUSINESS AND LABOR

1	HOUSE BILL NO. 194
2	INTRODUCED BY MILES
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE
5	REQUIREMENT FOR APPROVAL BY THE DEPARTMENT OF HEALTH AND
6	ENVIRONMENTAL SCIENCES OF A CATERING ENDORSEMENT TO AN
7	ALL-BEVERAGES LIQUOR LICENSE AND OF A SPECIAL PERMIT TO SELL
8	BEER AND WINE AT SPECIAL EVENTS; AND AMENDING SECTIONS
9	16-4-204 AND 16-4-301, MCA."
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 16-4-204, MCA, is amended to read:
13	"16-4-204. Transfer catering endorsement. (1) (a)
14	Except as provided in subsection (1)(b), a license may be
15	transferred to a new ownership and to a location outside the
16	quota area for which it was originally issued only when the
17	following criteria are met:
18	(i) the total number of all-beverages licenses in the
19	original quota area exceeded the quota for that area by at
20	least 25% in the most recent census prescribed in 16-4-502;
21	(ii) the total number of all-beverages licenses in the
22	quota area to which the license would be transferred,
23	exclusive of those issued under 16-4-209(1)(a) and (1)(b),
24	did not exceed that area's quota in the most recent census
25	prescribed in 16-4-502:

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(A) by more than 33%; or

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- 2 (B) in an incorporated city of more than 10,000 3 inhabitants and within a distance of 5 miles from its 4 corporate limits by more than 43%; and
- 5 (iii) the department finds, after a public hearing, 6 that the public convenience and necessity would be served by 7 such a transfer.
- 8 (b) A license within an incorporated quota area may be transferred to a new ownership and to a new unincorporated location within the same county on application to and with 10 consent of the department when the quota of the 11 12 all-beverages licenses in the original quota area, exclusive 13 of those issued under 16-4-209(1)(a) and (1)(b), exceeds the quota for that area by at least 25% in the most recent 14 15 census and will not fall below that level because of the 16 transfer.
- 17 (c) For 5 years after the transfer of a license
  18 between quota areas under subsection (l)(a), the license may
  19 not be mortgaged or pledged as security and may not be
  20 transferred to another person except for a transfer by
  21 inheritance upon the death of the licensee.
- 22 (d) Once a license is transferred to a new quota area 23 under subsection (1)(a), it may not be transferred to 24 another quota area or back to the original quota area.
  - (e) A license issued under 16-4-209(1)(a) may not be

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transferred to a location outside the quota area and the exterior boundaries of the Montana Indian reservation for which it was originally issued.

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- (2) (a) Any all-beverages licensee is, upon the approval and in the discretion of the liquor division, entitled to a catering endorsement to his all-beverages license to allow the catering and sale of alcoholic beverages to persons attending a special event upon premises not otherwise licensed for the sale of alcoholic beverages, such beverages to be consumed on the premises where the event is held.
- 12 (b) A written application for a catering endorsement 13 and an annual fee of \$250 must be submitted to the 14 department for its approval.
  - (c) A written application for each event for which the licensee intends to provide catering services, the written approval of the catering application by the sponsor of the special event, and a fee of \$35 must be filed with the department at least 3 days prior to the event and shall describe the location of the premises where the event is to be held, the nature of the event, and the period during which the event is to be held. An all-beverages licensee who holds an endorsement granted under this subsection (2) may not receive approval to cater an event of which he is the sponsor. The catered event must be within 100 miles of the

- licensee's regular place of business. If obtained, the licensee shall display in a prominent place on those premises, the written approval from the department for each event which is catered pursuant to this subsection.
  - (d) The licensee shall file with each application for an event to be catered a written statement of approval of the premises where the event is to be held issued by the department-of-health--and--environmental--sciences--and--the local law enforcement agency that has jurisdiction over the premises where the event is to be held.
- 11 (e) The sale of alcoholic beverages pursuant to a 12 catering endorsement is subject to the provisions of 13 16-6-103.
- 14 (f) The sale of alcoholic beverages pursuant to a
  15 catering endorsement is subject to the provisions of
  16 16-3-306, unless entities named in 16-3-306 give their
  17 written approval."
- 18 Section 2. Section 16-4-301, MCA, is amended to read: 19 "16-4-301. Special permits to sell all alcoholic 20 beverages, beer, and table wine -- application and issuance. 21 (1) (a) Any association or corporation conducting a picnic, 22 convention, fair, civic or community enterprise, or sporting 23 event shall in the discretion of the liquor division be 24 entitled to a special permit to sell beer and table wine to 25 the patrons of such event to be consumed within the

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enclosure wherein the event is held.

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- (b) The application of any such association or corporation shall be presented 3 days in advance and shall describe the location of such enclosure where such event is to be held, the nature of the event, and the period when it is contemplated that the event will be held. The application shall be accompanied by the amount of the permit fee and a written statement of approval of the premises where the event is to be held issued by the department—of—health—and environmental—sciences—and—the local law enforcement agency that has jurisdiction over the premises where the event is to be held.
  - (c) The permit issued to such association or corporation is a special permit but shall not authorize the sale of beer and table wine except starting 1 day in advance of the regular period when events are being held upon such grounds and during the period described in the application and for 1 day thereafter.
- organization or a lodge of a recognized national fraternal organization not otherwise licensed under this code shall, in the discretion of the department, without notice or hearing as provided in 16-4-207, be entitled to a special permit to sell beer and table wine or a special permit to sell all alcoholic beverages at such post or lodge to

- members and their guests only, to be consumed within the
  hall or building of such post or lodge.
- 3 (b) The application of such nationally chartered4 veterans' organization or lodge of a recognized national
- 5 fraternal organization shall describe the location of the
- 6 hall or building where the special permit will be used and
  - the date it will be used.
- 8 (c) The special permit issued shall be for a 24-hour
  9 period only, ending at 2 a.m., and the department may not
  10 issue more than 12 such permits to any such post or lodge
  11 during a calendar year."
- NEW-SECTION: --Section-3: --Extension-of-authority: --Any
  existing-authority-of--the--department--of--revenue--or--the
- department--of--health--and--environmental--sciences-to-make
- 15 rules-on-the-subject--of--the--provisions--of--this--act--is
- 16 extended-to-the-provisions-of-this-act-

-End-

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50th Legislature

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prescribed in 16-4-502:

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city of more than 10,000

2	INTRODUCED BY MILES
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE
5	REQUIREMENT FOR APPROVAL BY THE DEPARTMENT OF HEALTH AND
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 16-4-204, MCA, is amended to read:
13	"16-4-204. Transfer catering endorsement. (1) (a)
14	Except as provided in subsection (1)(b), a license may be
15	transferred to a new ownership and to a location outside the
16	quota area for which it was originally issued only when the
17	following criteria are met:
18	(i) the total number of all-beverages licenses in the
19	original quota area exceeded the quota for that area by at
20	least 25% in the most recent census prescribed in 16-4-502;
21	(ii) the total number of all-beverages licenses in the
22	quota area to which the license would be transferred,

exclusive of those issued under 16-4-209(1)(a) and (1)(b),

did not exceed that area's quota in the most recent census

Montaina Legislative Council

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2	(B) in an incorporated city of more than 10,000
3	inhabitants and within a distance of 5 miles from its
4	corporate limits by more than 43%; and
5	(iii) the department finds, after a public hearing,
6	that the public convenience and necessity would be served by
7	such a transfer.
В	(b) A license within an incorporated quota area may be
9	transferred to a new ownership and to a new unincorporated
10	location within the same county on application to and with
11	consent of the department when the quota of the
12	all-beverages licenses in the original quota area, exclusive
13	of those issued under 16-4-209(1)(a) and (1)(b), exceeds the
14	quota for that area by at least 25% in the most recent
15	census and will not fall below that level because of the
16	transfer.
17	(c) For 5 years after the transfer of a license
18	between quota areas under subsection (1)(a), the license may
19	not be mortgaged or pledged as security and may not be
20	transferred to another person except for a transfer by
21	inheritance upon the death of the licensee.
22	(d) Once a license is transferred to a new quota area
23	under subsection (1)(a), it may not be transferred to

by more than 33%; or

another quota area or back to the original quota area.

(e) A license issued under 16-4-209(1)(a) may not be

under subsection (1)(a), it may not be transferred to

transferred to a location outside the quota area and the exterior boundaries of the Montana Indian reservation for which it was originally issued.

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- (2) (a) Any all-beverages licensee is, upon the approval and in the discretion of the liquor division, entitled to a catering endorsement to his all-beverages license to allow the catering and sale of alcoholic beverages to persons attending a special event upon premises not otherwise licensed for the sale of alcoholic beverages, such beverages to be consumed on the premises where the event is held.
- 12 (b) A written application for a catering endorsement
  13 and an annual fee of \$250 must be submitted to the
  14 department for its approval.
  - (c) A written application for each event for which the licensee intends to provide catering services, the written approval of the catering application by the sponsor of the special event, and a fee of \$35 must be filed with the department at least 3 days prior to the event and shall describe the location of the premises where the event is to be held, the nature of the event, and the period during which the event is to be held. An all-beverages licensee who holds an endorsement granted under this subsection (2) may not receive approval to cater an event of which he is the sponsor. The catered event must be within 100 miles of the

- licensee's regular place of business. If obtained, the
  licensee shall display in a prominent place on those
- 3 premises, the written approval from the department for each
- 4 event which is catered pursuant to this subsection.
- 5 (d) The licensee shall file with each application for
- 6 an event to be catered a written statement of approval of
- 7 the premises where the event is to be held issued by the
- 8 department-of-health--and--environmental--sciences--and--the
- 9 local law enforcement agency that has jurisdiction over the
- 10 premises where the event is to be held.
- 11 (e) The sale of alcoholic beverages pursuant to a 12 catering endorsement is subject to the provisions of
- 13 16-6-103.

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- 14 (f) The sale of alcoholic beverages pursuant to a
- 15 catering endorsement is subject to the provisions of
  - 16-3-306, unless entities named in 16-3-306 give their
- 17 written approval."
- 18 Section 2. Section 16-4-301, MCA, is amended to read:
- 19 "16-4-301. Special permits to sell all alcoholic
  - beverages, beer, and table wine -- application and issuance.
- 21 (1) (a) Any association or corporation conducting a picnic,
- 22 convention, fair, civic or community enterprise, or sporting
- 23 event shall in the discretion of the liquor division be
- 24 entitled to a special permit to sell beer and table wine to
- 25 the patrons of such event to be consumed within the

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enclosure wherein the event is held.

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- (b) The application of any such association or corporation shall be presented 3 days in advance and shall describe the location of such enclosure where such event is to be held, the nature of the event, and the period when it is contemplated that the event will be held. The application shall be accompanied by the amount of the permit fee and a written statement of approval of the premises where the event is to be held issued by the department—of—health—and environmental—sciences—and—the local law enforcement agency that has jurisdiction over the premises where the event is to be held.
- (c) The permit issued to such association or corporation is a special permit but shall not authorize the sale of beer and table wine except starting 1 day in advance of the regular period when events are being held upon such grounds and during the period described in the application and for 1 day thereafter.
- (2) (a) A post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization not otherwise licensed under this code shall, in the discretion of the department, without notice or hearing as provided in 16-4-207, be entitled to a special permit to sell beer and table wine or a special permit to sell all alcoholic beverages at such post or lodge to

- members and their guests only, to be consumed within the hall or building of such post or lodge.
- 3 (b) The application of such nationally chartered 4 veterans' organization or lodge of a recognized national 5 fraternal organization shall describe the location of the 6 hall or building where the special permit will be used and 7 the date it will be used.
- 8 (c) The special permit issued shall be for a 24-hour
  9 period only, ending at 2 a.m., and the department may not
  10 issue more than 12 such permits to any such post or lodge
  11 during a calendar year."
- NEW-SECTION:--Section-3:--Extension--of-authority:--Any
  existing-authority-of--the--department--of--revenue--or--the
  department--of--health--and--environmental--sciences-to-make
  rules-on-the-subject--of--the--provisions--of--this--act--is
  extended-to-the-provisions-of-this-act-

-End-

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4	A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE
5	REQUIREMENT FOR APPROVAL BY THE DEPARTMENT OF HEALTH AND
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17	following criteria are met:
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19	original quota area exceeded the quota for that area by at
20	least 25% in the most recent census prescribed in 16-4-502;
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22	quota area to which the license would be transferred,
23	exclusive of those issued under 16-4-209(1)(a) and (1)(b),
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25	prescribed in 16-4-502:

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INTRODUCED BY MILES

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2 (B) in an incorporated city of more than 10,000 3 inhabitants and within a distance of 5 miles from its 4 corporate limits by more than 43%; and

(iii) the department finds, after a public hearing, that the public convenience and necessity would be served by such a transfer.

(b) A license within an incorporated quota area may be transferred to a new ownership and to a new unincorporated location within the same county on application to and with consent of the department when the quota of the all-beverages licenses in the original quota area, exclusive of those issued under 16-4-209(1)(a) and (1)(b), exceeds the quota for that area by at least 25% in the most recent census and will not fall below that level because of the transfer.

(c) For 5 years after the transfer of a license between quota areas under subsection (1)(a), the license may not be mortgaged or pledged as security and may not be transferred to another person except for a transfer by inheritance upon the death of the licensee.

22 (d) Once a license is transferred to a new quota area 23 under subsection (l)(a), it may not be transferred to 24 another quota area or back to the original quota area.

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licensee's regular place of business. If obtained, the 1 licensee shall display in a prominent place on those 2 premises, the written approval from the department for each 3 event which is catered pursuant to this subsection.

- (d) The licensee shall file with each application for an event to be catered a written statement of approval of the premises where the event is to be held issued by the department-of-health--and--environmental--sciences--and--the local law enforcement agency that has jurisdiction over the premises where the event is to be held.
- 11 (e) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 12 16-6-103. 13
  - (f) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval."
  - Section 2. 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) Any association or corporation conducting a picnic, convention, fair, civic or community enterprise, or sporting event shall in the discretion of the liquor division be entitled to a special permit to sell beer and table wine to the patrons of such event to be consumed within the

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- (b) The application of any such association or corporation shall be presented 3 days in advance and shall describe the location of such enclosure where such event is to be held, the nature of the event, and the period when it is contemplated that the event will be held. The application shall be accompanied by the amount of the permit fee and a written statement of approval of the premises where the event is to be held issued by the department-of-health-and environmental-sciences-and-the local law enforcement agency that has jurisdiction over the premises where the event is to be held.
- (c) The permit issued to such association or corporation is a special permit but shall not authorize the sale of beer and table wine except starting 1 day in advance of the regular period when events are being held upon such grounds and during the period described in the application and for 1 day thereafter.
- (2) (a) A post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization not otherwise licensed under this code shall, in the discretion of the department, without notice or hearing as provided in 16-4-207, be entitled to a special permit to sell beer and table wine or a special permit to sell all alcoholic beverages at such post or lodge to

members and their guests only, to be consumed within the hall or building of such post or lodge.

- 3 (b) The application of such nationally chartered 4 veterans' organization or lodge of a recognized national 5 fraternal organization shall describe the location of the 6 hall or building where the special permit will be used and 7 the date it will be used.
  - (c) The special permit issued shall be for a 24-hour period only, ending at 2 a.m., and the department may not issue more than 12 such permits to any such post or lodge during a calendar year."

NEW-SECTION: --Section-3: --Extension--of-authority: --Any
existing-authority-of--the--department--of--revenue--or--the
department--of--health--and--environmental--sciences-to-make
rules-on-the-subject--of--the--provisions--of--this--act--is
extended-to-the-provisions-of-this-act;

-End-

-6-

-5- HB 194

HB 194