

1

HOUSE BILL NO. 668

2

INTRODUCED BY E. BUTTREY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALCOHOL LAWS TO PROHIBIT THE LICENSE OF AN  
5 ENLISTED PERSONS', NONCOMMISSIONED OFFICERS', OR OFFICERS' CLUB LOCATED ON A STATE  
6 OR FEDERAL MILITARY RESERVATION OR A POST OF A NATIONALLY CHARTERED VETERANS'  
7 ORGANIZATION OR A LODGE OF A RECOGNIZED NATIONAL FRATERNAL ORGANIZATION FROM  
8 OFFERING GAMBLING AS PROVIDED UNDER TITLE 23, CHAPTER 5, PARTS 3, 5, OR 6; AMENDING  
9 SECTION 23-5-119, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10

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

12

13 **Section 1.** Section 23-5-119, MCA, is amended to read:

14 **"23-5-119. Appropriate alcoholic beverage license for certain gambling activities.** (1) Except as  
15 provided in subsection (3), to be eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6, an applicant  
16 must own in the applicant's name:

17 (a) a retail all-beverages license issued under 16-4-201, but the owner of a license transferred  
18 after July 1, 2007, pursuant to 16-4-204 is not eligible to offer gambling. Licenses issued under 16-4-201(8)(c)  
19 after [the effective date of this act] may not offer gambling activities;

20 (b) except as provided in subsection (1)(c), a license issued prior to October 1, 1997, under 16-4-  
21 105, authorizing the sale of beer and wine for consumption on the licensed premises. Licenses issued under  
22 16-4-105(1)(e) after [the effective date of this act] may not offer gambling activities;

23 (c) a beer and wine license issued in an area outside of an incorporated city or town as provided in  
24 16-4-105(1)(f). The owner of the license whose premises are situated outside of an incorporated city or town  
25 may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title  
26 23, chapter 5, part 3, 5, or 6.

27 (d) a retail beer and wine license issued under 16-4-109;

28 (e) a resort retail all-beverages license issued under 16-4-213; or

1 (f) a retail all-beverages license issued under 16-4-208.

2 (2) For purposes of subsection (1)(b), a license issued under 16-4-105 prior to October 1, 1997,  
3 may be transferred to a new owner or to a new location or transferred to a new owner and location by the  
4 department of revenue pursuant to the applicable provisions of Title 16. The owner of the license that has been  
5 transferred may offer gambling if the owner and the premises qualify under Title 23, chapter 5, part 3, 5, or 6.

6 (3) Lessees of retail all-beverages licenses issued under 16-4-208 or beer and wine licenses

7 issued under 16-4-109 who have applied for and been granted a gambling operator's license under 23-5-177  
8 are eligible to offer and may be granted permits for gambling authorized under Title 23, chapter 5, part 3, 5, or  
9 6.

10 (4) A license transferee or a qualified purchaser operating pending final approval under 16-4-433  
11 who has been granted a gambling operator's license under 23-5-177 may be granted permits for gambling  
12 under Title 23, chapter 5, part 3, 5, or 6.

13 (5) A license issued under a competitive bidding process as provided in 16-4-430 is not eligible to  
14 offer gambling under Title 23, chapter 5, part 3, 5, or 6."

15

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

17