SENATE BILL 60

Introduced by Gage

1/08	Introduced
1/09	First Reading
1/09	Referred to Business & Industry
1/15	Hearing
1/18	Committee Report--Bill Not Passed
1/19	Adverse Committee Report Adopted

1   _Senate_ BILL NO. _60_

2   INTRODUCED BY _Day_

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW AGENCY   LIQUOR

5   STORES   NEAR   NATIONAL   PARKS   TO SELL LIQUOR ON SUNDAYS AND

6   STATE   HOLIDAYS   DURING   THE   SUMMER   TOURIST   SEASON;   AND

7   AMENDING SECTION 16-1-106, MCA."

8

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

10   **Section 1.** Section 16-1-106, MCA, is amended to read:

11   "16-1-106. Definitions. As used in this code, the

12   following definitions apply:

13   (1) "Agency   agreement"   means an agreement between the

14   department and a person appointed to sell liquor   and   table

15   wine as a commission merchant rather than as an employee.

16   (2) "Agency store" means a state liquor store operated

17   by a person appointed to sell liquor and table wine as a

18   commission merchant rather than as an employee.

19   ~~(2)~~(3) "Alcohol"   means ethyl alcohol, also called

20   ethanol, or the hydrated oxide of ethyl.

21   ~~(3)~~(4) "Alcoholic beverage" means a compound produced

22   and sold for human consumption as a drink that contains more

23   than .5% of alcohol by volume.

24   ~~(4)~~(5) "Beer" means a malt beverage containing not more

25   than 7% of alcohol by weight.

1   ~~(5)~~(6) "Beer   importer" means a person other than a

2   brewer who imports malt beverages.

3   ~~(6)~~(7) "Brewer" means a person who produces   malt

4   beverages.

5   ~~(7)~~(8) "Department" means the department of revenue.

6   ~~(8)~~(9) "Immediate family" means a spouse, dependent

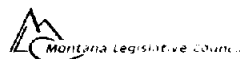7   children, or dependent parents.

8   ~~(9)~~(10) "Import" means to transfer beer or table wine

9   from outside the state of Montana into the state of Montana.

10   ~~(10)~~(11) "Industrial use" means a use described as

11   industrial use by the federal Alcohol Administration Act and

12   the federal rules and regulations of 27 CFR.

13   ~~(11)~~(12) "Liquor" means an alcoholic beverage except

14   beer and table wine.

15   ~~(12)~~(13) "Malt beverage" means an alcoholic beverage

16   made by the fermentation of an infusion or decoction, or a

17   combination of both, in potable brewing water, of malted

18   barley with or without hops or their parts or their products

19   and with or without other malted cereals and with or without

20   the   addition   of unmalted or prepared cereals, other

21   carbohydrates, or products prepared therefrom and with or

22   without other wholesome products suitable for human food

23   consumption.

24   ~~(13)~~(14) "Package" means a container or receptacle used

25   for holding an alcoholic beverage.

INTRODUCED BILL

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1 †14†(15) "Posted price" means the retail price of liquor

2 and table wine as fixed and determined by the department and

3 in addition thereto an excise and license tax as provided in

4 this code.

5 †15†(16) "Proof gallon" means a U.S. gallon of liquor at

6 60 degrees on the Fahrenheit scale that contains 50% of

7 alcohol by volume.

8 †16†(17) "Public place" means a place, building, or

9 conveyance to which the public has or may be permitted to

10 have access and any place of public resort.

11 †17†(18) "Rules" means rules published by the department

12 pursuant to this code.

13 †18†(19) "State liquor facility" means a facility owned

14 or under control of the department for the purpose of

15 receiving, storing, transporting, or selling alcoholic

16 beverages.

17 †19†(20) "State liquor store" means a retail store

18 operated by the department in accordance with this code for

19 the purpose of selling liquor and table wine.

20 †20†(21) "Storage depot" means a building or structure

21 owned or operated by a brewer at any point in the state of

22 Montana off and away from the premises of a brewery, and

23 which structure is equipped with refrigeration or cooling

24 apparatus for the storage of beer and from which a brewer

25 may sell or distribute beer as permitted by this code.

1 †21†(22) "Subwarehouse" means a building or structure

2 owned or operated by a licensed beer wholesaler or table

3 wine distributor, located at a site in Montana other than

4 the site of such beer wholesaler's or table wine

5 distributor's warehouse or principal place of business, and

6 used for the receiving, storage, and distribution of beer or

7 table wine as permitted by this code.

8 †22†(23) "Table wine" means wine as defined below which

9 contains not more than 16% alcohol by volume.

10 †23†(24) "Warehouse" means a building or structure

11 located in Montana owned or operated by a licensed beer

12 wholesaler or table wine distributor for the receiving,

13 storage, and distribution of beer or table wine as permitted

14 by this code.

15 †24†(25) "Wine" means an alcoholic beverage made from or

16 containing the normal alcoholic fermentation of the juice of

17 sound, ripe fruit or other agricultural products without

18 addition or abstraction, except as may occur in the usual

19 cellar treatment of clarifying and aging, and that contains

20 more than 0.5% but not more than 24% of alcohol by volume.

21 Wine may be ameliorated to correct natural deficiencies,

22 sweetened, and fortified in accordance with applicable

23 federal regulations and the customs and practices of the

24 industry. Other alcoholic beverages not defined as above but

25 made in the manner of wine and labeled and sold as wine in

1   accordance with federal regulations are also wine."

2   NEW SECTION. **Section 2.** Sales hours -- agency stores

3   near national parks. Agency stores within 15 miles of a

4   national park boundary may operate and sell liquor and table

5   wine on Sundays and state holidays during the summer tourist

6   season of June, July, August, and September.

7   NEW SECTION. **Section 3.** Codification instruction.

8   [Section 2] is intended to be codified as an integral part

9   of Title 16, chapter 2, part 1, and the provisions of Title

10   16, chapter 2, part 1, apply to [section 2].

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