

Chairman Brand called the meeting to order at 9:05 a.m., roll call was taken with Reps. Azzara, Sales, and Bennett excused.

HB 87-Sponsored by Rep. Gould -- It is a pleasure to be here for my first time. This bill cleans up the statute and is simply clarification. Rep. Metcalf is here with an amendment and some other witnesses.

Rep. METCALF-In the new codes the state officers have been redefined and would no longer get copies of the Journal, so we are clarifying this situation. I have brought some amendments (see Attachment #1) to insert language that was inadvertently left out.

BOB CLARK-State Historical Society Library -- The state Historical Library has, in the past, been the only repository for state documents. We no longer do that -- the State Library has taken over that function. We have been getting too many copies of the Journals and don't want to waste them.

HAROLD CHAMBERS-Montana State Library -- After the last session, when I tried to get copies for distribution, I had problems since there was no statute that the State Library get such copies. It was recommended that we put in a specific bill stating the number needed for the repositories across the state.

NO OPPONENTS

O'CONNELL-This seems like a bill to save paper, and thus a step forward.

HB 71-Sponsored by Rep. Feda -- This bill was introduced at the request of the Department of Revenue, so I will turn it over to the revenue people.

TOM MULHOLLAND-Department of Revenue -- We do have an amendment (see Attachment #2). He stated that when the statute was originally passed, the beer and liquor laws were separate; but that the two had since been combined relative to the proximity of alcohol distribution near churches or schools. No statute has ever been passed to separate on-premise consumption (bars) from off-premise consumption (grocery stores) since the law was passed to allow grocery stores to sell beer, he said. With the amendment, this is cleared up, and also we are changing the 600' rule to a 600' radius -- if you had a bar on a corner and a church across the street, all the bar owner had to do was to move his front door around the corner to comply with the law. So, with the radius clause, it will be much easier to administer.

NO OPPONENTS

MAGONE-What is the reason for changing the center-line of the door reference to the closest point? MULHOLLAND-Because of an appeal that came up, and the ruling examiner ruled that the bill applied to the entire establishment, not just the door. This appeal was upheld several times. MAGONE-In the event of the wine bill going through, would that be included as a store in the amendment? MULHOLLAND-Yes. JOHNSTON-How did they arrive at 600'? MULHOLLAND-It goes back to the 1930's. O'CONNELL-I believe it has to do with the average city block. BRAND-How many businesses will be an exception to this rule? MULHOLLAND-Right now, we have 400 grocery stores, and with the wine bill we expect more. BRAND-Does this include church functions where they have liquor in the church?

BRAND cont.-A lot of times they sell liquor on the premises. MULHOLLAND-We very seldom issue a license for a function that sells liquor on the premises. What I think you might be referring to would be an instance where the facility furnishes ice and mixes, or sometimes sells beer - these are temporary permits, not licenses, and that is a different statute.

HB 98-Sponsored by Rep. Bardanoue -- At the present time, the salary of the Lt. Governor is somewhat ambiguous, since the new Constitution creates a full time Lt. Governor. This statute was first enacted in an era when the Lt. Gov. was part time and only paid when the Governor was out of the state. Now he is a full time officer, but this old statute was still on the books. The Lt. Governor made the changes that he would not take the salary under 1703. He wrote me a letter in July of 1977 which Frank Adams carried in his Sunday column -- (Bardanoue then read the article, which was rather tongue-in-cheek, and I therefore do not include it in the Minutes since it seems extraneous). Mr. Schwinden doesn't feel he should receive the differential, and some other Lt. Governor may have a different opinion but this just clears it up.

JOE ROBERTS-Attorney for the Governor's Office -- For the reasons stated, this statute is an anachronism. It does enact the change mandated by the Constitution, and we certainly support this change.

NO OPPONENTS

EXECUTIVE SESSION

HB 71-FEDA moves the amendment. Motion carries unanimously.

FEDA moves AS AMENDED DO PASS, motion carries unanimously.

HB 87-O'CONNELL moves the amendments.

ZEZOTARSKI-This amendment clears up the grammar in the bill, and makes the language consistent.

Motion to amend carries.

O'CONNELL moves HB 87 AS AMENDED DO PASS, motion carries unanimously.

HB 98-PISTORIA moves DO PASS, motion carries unanimously.

PISTORIA moves to have HB 98 placed on the Consent Calendar, motion carries unanimously.

BRAND-I think that's all we should do for now without these other members.

KROPP moves to adjourn, so moved, motion carries unanimously.

Adjourned: 9:35 a.m.



Joe Brand, Chairman



Nita Sierke, Secretary