

STATE ADMINISTRATION  
JANUARY 19, 1981  
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on Monday, January 19, 1981, with Chairman Jerry Feda presiding. All members were present except Representatives Kanduch, Kropp, Pistoria, Ryan, Sales and Winslow who were excused. Representatives Kropp and Ryan came in toward the end of the meeting.

Chairman Feda opened the hearing on House Bill 144.

HOUSE BILL 144-SPONSOR, REPRESENTATIVE DAN YARDLEY, introduced the bill to the committee. This bill designates one-half day on Christmas Eve as a legal holiday and eliminates the state general election day from the holiday list. Representative Yardley stated that there would be no fiscal impact from this bill.

#### PROPOSERS

There were no proposers to House Bill 144.

#### OPPOSERS

There were no opposers to House Bill 144.

Chairman Feda opened the hearing to questions from the committee.

Tom Schneider was available to answer questions. (See Executive Session for amendment to language.)

Representative Yardley closed the hearing on House Bill 144.

Chairman Feda opened the hearing on House Bill 138.

Representative Ellerd, sponsor of HB 138, could not be present at the hearing. Chairman Feda allowed Senator Paul Boylan, co-sponsor, to introduce the bill.

HOUSE BILL 138-CO-SPONSOR, SENATOR PAUL BOYLAN, introduced HB 138 to the committee. As stated in the bill summary: Currently a licensed retailer cannot extend or relocate his business in close proximity to a church or school. This bill would amend the statute to prohibit the issuance of a license to any business or enterprise located in close proximity to a church or school.

PROPOSERS -HB 138

BOB DURKEE, Montana Tavern Assoc., arose in support of House Bill 138. He explained the stricken language to the committee. He said that they would not oppose any amendments to this part of the bill that would still allow a tavern owner to relocate his bar within his own business even though they would be within 600 feet of a church or school.

WILLIAM "BILL" GOGGIN, owner of the Ranch Motel, Restaurant and Lounge in West Yellowstone, testified in support of HB 138. He explained that he would like to relocate his lounge within his building, however, the new location would be in violation of the current law. He stated that relocating his lounge would help his business a great deal. Mr. Goggin's submitted written testimony from Lawrence Binfet, Mayor of West Yellowstone, Allen Warren, Executive Vice President, Chamber of Commerce of West Yellowstone and Craig Mathews, Chief of Police of West Yellowstone all in support of Mr. Goggin's request and in support of House Bill 138. Copies of these statements are attached and are EXHIBITS 1, 2, & 3 of the minutes.

GORDEN FIX, Owner of 5-Valley Bowl, Missoula, arose in support of HB 138. Mr. Fix would like to relocate the bar in his bowling alley but as the law is written is prohibited from doing so. The church located within the area near the bowling alley was constructed after the bowling alley was in existence.

ELLEN FEAVER, Department of Revenue, arose not as a proponent or opponent of HB 138, but to state that she did see a possible problem with the language on page 1, lines 11 and 12 concerning "extend or relocate".

OPPOSERS

GARY JENSEN, arose and stated that he had a problem with the language concerning relocation and also wanted clarification concerning the section of the bill dealing with renewal of licenses. He said that the department would not have any grounds for denying a license if the bill were passed as it is.

There were no other opponents to House Bill 138.

Chairman Feda opened the hearing to questions from the committee.

Representative Azzara said that the whole section of the law dealing with this issue should be repealed.

It was brought out that this bill would not allow a licensee to move his license to a different location. In order to relocate an entire business, a hearing must be held.

There was detailed discussion concerning the stricken language "extend or relocate".

Senator Boylan closed the hearing on House Bill 138.

#### HOUSE BILL 146-SPONSOR, REPRESENTATIVE BRAND.

Chairman Feda stated that Representative Brand had requested that the hearing on HB 146 be postponed until a bill sponsored by Representative Hemstad, dealing with the same subject, could be scheduled.

The committee was agreeable to postponing HB 146 until a later date.

Chairman Feda opened the hearing on House Bill 147.

#### HOUSE BILL 147-SPONSOR, REPRESENTATIVE BRAND.

Representative Brand was not able to be present but had requested that Mr. Larry Nachtsheim, Public Employees' Retirement System, introduce the bill to the committee. The bill, requested by the Public Employees' Retirement Board, provides that a death benefit received from the Public Employees' Retirement System will include interest earned on the benefit up to the first day of the month in which the benefit is paid. He stated that there would be no cost to the board from this bill.

#### PROPONENTS

TOM SCHNEIDER, Montana Public Employees' Assoc., arose and stated that they had no problems with the bill.

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#### OPPONENTS HB-147

There were no opponents to HB 147 present at the hearing.

Chairman Feda opened the hearing to questions from the committee.

There were no questions concerning House Bill 147.

Mr. Nachtsheim closed the hearing on House Bill 147.

HOUSE BILL 225-SPONSOR, REPRESENTATIVE ELLISON, was not able to be present for a hearing on HB 225. At the request of the committee, HB 225 will be heard on Tuesday, January 20, 1981 at 8:00 a.m. in room 436.

#### EXECUTIVE SESSION

HOUSE BILL 138

NO ACTION TAKEN  
SUB-COMMITTEE APPOINTED

There was discussion among the committee that the language as written needed to be amended. Several suggestions were discussed by the committee.

Representative Spilker said that she felt the bill should be left as it is.

The main concern of some of the committee members was that a owner could build on to an existing building and put the bar in the new part of the building, violating the "600 feet law".

Representative Dussault moved that the following amendment be adopted by the committee:

Page 1, line 12.

Following: "issued"

Insert: "nor permission granted to relocate to a non-contiguous site"

Following further discussion, it was decided by Chairman Feda to put House Bill 138 into a sub-committee. Representatives Briggs, Hanson and Dussault were appointed to the sub-committee.

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Representative Mueller made a motion to pass House Bill 138 for the day. This motion was voted on and carried unanimously.

HOUSE BILL 144

DO PASS AS AMENDED

Representative Dussault moved the following amendment.

Page 2, line 3.

Following: "Sunday"

Strike: "or Christmas Eve"

A vote was taken and carried unanimously.

Representative O'Connell moved that HB 144 DO PASS AS AMENDED. Representative Mueller seconded the motion. Question being called, a vote was taken and carried unanimously that HB 144 DO PASS AS AMENDED.

HOUSE BILL 147

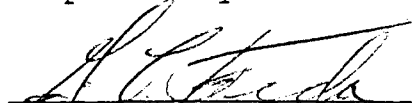
DO PASS

Representative O'Connell moved that HB 147 DO PASS. Representative Mueller seconded the motion. Question being called, a vote was taken and carried unanimously that HB 147 DO PASS.

For the record Representatives McBride and Spilker stated that they did not feel it was right for the committee to take action on a bill when the sponsor was not present for the hearing.

A motion was made and seconded to adjourn. Meeting adjourned at 9:45 a.m.

Respectfully submitted,

  
G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

HOUSE STATE ADMINISTRATION

Bill Summaries

January 19, 1981

*Sub Comm*  
HB 138 (Ellerd): Currently a licensed retailer cannot extend or relocate his business in close proximity to a church or school. This bill would amend the statute to prohibit the issuance of a license to any business or enterprise located in close proximity to a church or school.

*DPAP*  
HB 144 (Yardley): This bill designates one-half day on Christmas Eve as a legal holiday and eliminates the state general election day from the holiday list. If Christmas Eve falls on a Sunday, there will be no other one-half day off authorized.

*No Hearing Held*  
HB 146 (Brand): This bill, requested by the Public Employees' Retirement Board, requires the State Auditor to make the state contribution to the Municipal Police Officers' Retirement system from the insurance premium taxes on or before August 1 of each year.

*PP*  
HB 147 (Brand): This bill, requested by the Public Employees' Retirement Board, provides that a death benefit received from the Public Employees' Retirement System will include interest earned on the benefit up to the first day of the month in which the benefit is paid.

*1-20*  
HB 225 (Ellison): This bill proposes a constitutional amendment to provide that if the legislature is not in session when the Governor vetoes a bill, the Governor will return the bill to the Secretary of State, who will poll the members of both houses by mail to determine whether the legislators wish to override the veto.

# TOWN OF WEST YELLOWSTONE

Box 579

WEST YELLOWSTONE, MONTANA 59758

Telephone 406 646-7795

January 15, 1981

Re: To amend the law in support of having a lounge  
within 600 feet of a church.

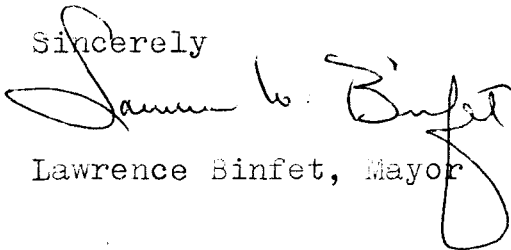
To whom it may concern:

This letter is to express the opinion of the Town of West Yellowstone, favoring a change in the current Montana Law, which would provide anyone holding a liquor license for a lounge, may move the location of their lounge, within the same building, even if it is within 600 feet of a church.

West Yellowstone is a unique resort community and the entire townsite is considered commercial. Therefore, we feel that any restrictions regarding a liquor license or a lounge location are not necessary due to the nature and status of Town.

The Town would appreciate your consideration in changing the law that would allow a lounge to be within 600 feet on a street where there is a church.

Sincerely



Lawrence Binfet, Mayor



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# West Yellowstone, Montana Chamber of Commerce

P.O. Box 458 West Yellowstone, Montana 59758 • (406) 646-7528

EXHIBIT 2

Jan. 16, 1981

TO: Montana House of Representatives

Dear Sirs:

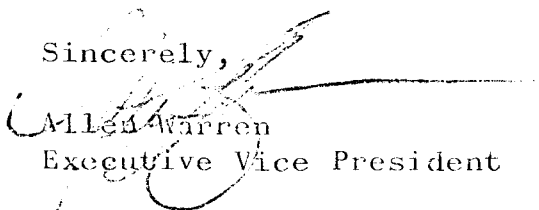
The Chamber of Commerce of West Yellowstone strongly supports Mr. Goggin's request to be able to use his liquor license in his upstairs club room as well as the bar downstairs.

The Ranch is one of our finest dining establishments and the undue hardship imposed upon it by "the letter of the law" seems highly unreasonable.

To be able to serve alcoholic beverages in one part of an establishment and not in another under the same roof makes no sense at all.

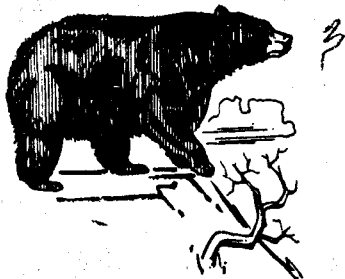
The City of West Yellowstone will benefit from more frequent and easier use of the room in question since it will provide our tourist industry with another first class facility for small parties and banquets.

Sincerely,

  
Allen Warren

Executive Vice President





## WEST YELLOWSTONE POLICE DEPARTMENT

January 16, 1981

To Whom It May Concern:

It has been brought to my attention that the "Ranch Motel, Restaurant and Lounge" has requested a variance in the regulations concerning the distance a liquor establishment may be located in relationship to a House or Worship, School etc.

The Ranch presently operates a Lounge within the allowable distance. The owner, Mr William Goggin, is asking to be allowed to move his license from the lower floor lounge upstairs to a proposed new lounge. As the Police Chief of West Yellowstone I can see no problem with his proposal. The upstairs location would keep the license within the Police Departments regular beat as required.

I have known Mr. Goggin for almost a year and find his present operation a very "clean" one as far as the Police Department is concerned. Mr. Goggin has always been very co-operative with law enforcement in West Yellowstone. The Police Department is seldom called on any matters which require Police attention as Mr. Goggin's establishment draws a more mature crowd and his employees handle operations always in a professional manner. Since my appointment as Police Chief in May 1979 we have not had a single complaint involving noise or disturbance called in by neighbors of the Ranch.

I am sure if the variance were allowed Mr Goggin's establishment would continue to operate as in the past, with no foreseeable problems for law enforcement. Thanking you in advance for considering my views, I remain:

Respectfully,

Craig Mathews, Chief of Police

# VISITORS' REGISTER

HOUSE

St. Adm.

COMMITTEE

 $\tau_{LL}$ 

H B 138

Date \_\_\_\_\_

1-19

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE

COMMITTEE

U L L

HB-144

Date

1-19

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE COMMITTEE

RULL

Date \_\_\_\_\_

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE

COMMITTEE

RTLL

SPONSOR

Date \_\_\_\_\_

HB -147

1-19

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.