

MINUTES OF THE MEETING  
BUSINESS AND INDUSTRY COMMITTEE  
MONTANA STATE SENATE

April 17, 1981

The regular meeting of the Business and Industry Committee was called to order by Chairman Hazelbaker at 9:00 a.m. in room 404 of the Capitol Building on Friday, April 17. All members were present.

SENATE JOINT RESOLUTION NO. 35:

Senator Boylan, District #38 presented the bill. The bill will direct the Department of Revenue to promulgate a rule, providing for the use of the most recent census date or population estimate date established by the census bureau, U.S. Department of Commerce, in determining all-beverage liquor license quotas.

After the census, according to the figures, Bozeman was supposed to have two more liquor licenses. He mentioned the bills that affected quotas and the census. We finally got the census resolved and in the meantime Bozeman annexed 320 acres and this brought in three bars, which upset the quota.

Diane and Dave Beck had spent a considerable amount of money to build a nice bar and restaurant with the idea there would be more licenses available. The Department of Revenue has said that because this happened simultaneously they could not issue any more licenses. After this the local census will be taken every year. We want the department to make an administrative rule to set this up. We can show by statute that at a certain point in time the department can allow two more liquor licenses.

This is unique to Bozeman but it could happen anywhere. We have an amendment to make it work and give better direction to the department.

DAVID BECK: Bozeman. We first made contact with the department in 1979 to find out what the procedure was. We were told that they would issue new licenses based on the census. We were told there would be no conflict, but on January 1, 1980 the new city limits were established. On December 31, 1980 the official census was published. The department would not accept our application. We thought House Bill 21 would resolve the problem. This nullifies the all-beverage license issued through the department. If Bozeman is denied we will suffer a tremendous loss. Boundaries have to be established.

MONTE BECK: I am Mr. Beck's brother but also an attorney in Great Falls. I am here just to point out what I found in the federal laws. He read the statutes that pertain to changes in boundaries.

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He went on to talk of the annexation and the cut-off date. He commented that it is pretty clear that you follow the United States statute in this. So we have a conflict here and this resolution is to direct the department to follow the federal statues. He read and presented the amendment.

This amendment, is to tell the department that that was the intent and that they must recognize the federal code reference regarding boundaries. Copy attached.


CHAIRMAN HAZELBAKER: It is a time-frame thing that we are addressing here, so they can get their liquor license.

There was some general discussion about the quota system.

SENATOR REGAN moved the proposed amendments. The motion carried with the vote unanimous.

SENATOR DOVER moved the bill, as amended do pass. The motion carried with the vote unanimous.

The meeting adjourned at 9:35 a.m.



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Frank W. Hazelbaker, Chairman

Mary Ellen Connelly, Secretary

ROLL CALL

BUSINESS and INDUSTRY COMMITTEE

47th LEGISLATIVE SESSION -- 1981

Date

4/17/81

| NAME                          | PRESENT | ABSENT | EXCUSED |
|-------------------------------|---------|--------|---------|
| Goodover, Pat - Vice Chairman | /       |        |         |
| Hazelbaker, Frank - Chairman  | /       |        |         |
| Blaylock, Chet                | ✓       |        |         |
| Boylan, Paul                  | /       |        |         |
| Dover, Harold                 | /       |        |         |
| Kolstad, Allen                | /       |        |         |
| Lee, Gary                     | /       |        |         |
| Regan, Pat                    | /       |        |         |
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Each day attach to minutes.

Amend SJR 35.

1. Page 3.

Following: line 9

Insert: "(1) That the clear legislative intent and purpose of the phrase "most recent official United States Census as authorized by Congress" as contained in sections 16-4-201 and 16-4-502, MCA, as amended by Chapter 25, Laws of 1981, is to direct the Department of Revenue to recognize and follow the regulations and procedures of the Bureau of Census, United States Department of Commerce, in establishing census data and in determining the cutoff dates for recognition of boundary changes for the decennial census operations.

(2) "

2. Page 3, line 11.

Following: "Commerce,"

Insert: "or the most recent population estimates as provided in 16-4-502,"



# STANDING COMMITTEE REPORT

April 17, 19 81

MR. **PRESIDENT:**

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **SENATE JOINT RESOLUTION** Bill No. **35**

Respectfully report as follows: That **SENATE JOINT RESOLUTION** Bill No. **35**

**Introduced copy, be amended as follows:**

**1. Page 3.**

**Following: line 9**

**Insert: "(1) That the clear legislative intent and purpose of the phrase "most recent official United States Census as authorized by Congress" as contained in sections 16-4-201 and 16-4-502, MCA, as amended by Chapter 25, Laws of 1981 is to direct the Department of Revenue to recognize and follow the regulations and procedures of the Bureau of Census, United States Department of Commerce, in establishing census data and in determining the cutoff dates for recognition of boundary changes for the decennial census operations.**

**(2) "**

**55943**

**Continued:**

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SENATE JOINT RESOLUTION NO. 35

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2. Page 3, line 11.

Following: "Commerce,"

Insert: "or the most recent population estimates as provided  
in 16-4-502,"

And, as so amended,

DO PASS: