HOUSE BUSINESS AND INDUSTRY COMMITTEE

Chairman, Rep. Jerry Metcalf, called the Business & Industry Committee to order on February 4, 1983, at 9:00 a.m. in Room 420 of the Capitol Building, Helena, Montana. All members were present.

HOUSE BILL 576

REP. EARL LORY, District 99, sponsor, opened by saying the Larchmont Golf Course in Missoula is going broke and the land will be turned back to the federal government if some means of financial assistance is not found. HB 576 will allow the course to sell beer and wine to its golfers and make a nice profit. It is a county run golf course. The license would be limited to publicly owned courses and would be handled by the county or the governmental agency running the golf course. It would be cancelled if the golf course shuts down. Two years ago the legislature did give a hard liquor license to airports.

PROPONENTS:

BARBARA EVANS, Chairman of the Board, Missoula County Commissioners, said this bill is very critical to Missoula County and its passage is very important to help the golf course survive. Because of delays in financing, increased interest charges, and only a partial year of play, the golf course is in grave financial danger. Current law limits the number of licenses available within a five mile radius of an incorporated municipality and does not provide for exception for public facilities that typically have beer and wine available. This bill would address both problems. (Exhibit #1)

DAN DESMOND, PGA Pro, Larchmont Golf Course, said there are 14 municipal courses in the state and this bill is not limited to helping Missoula. There are 9 that do not have beer and wine licenses. He said those who cannot afford to belong to a private course should have the full benefits of the game...He said the City of Spokane made a study which showed a "per round income" of \$1.29 in beer and wine sales. There will be 35,000 rounds played next summer at Larchmont.

BILL VERWOLF, City of Helena, said the City is looking to transfer the operation of the municipal course to an advisory commission and a board which will be responsible to run the golf course from on sight fees rather than Helena subsidizing the course. This bill would help them do that. It would help generate more business at the course.

OPPONENTS:

Bob Durkee, Montana Tavern Association, said this bill is to bail out one defunct operation by getting a freebie license at the expense of those in this industry who have to pay for theirs. FEBRUARY 4, 1983 Page 2 Business & Industry Committee

Durkee, continued...

The most important point is that the voters of Missoula County were the only people who voted for Initiative 94 in 1982 to eliminate the beer/wine quota system. (Exhibit #2)

REP. LORY, in closing, said the local government owning the course would lease the license for use at the golf course only. He said this is a bill for the pleasure of the public.

QUESTIONS:

REP. ELLERD: Would you be opposed to buying a \$200 license? Rep. Lory: The county quota is used. REP. HARPER: Is the cost of a wine and beer license set by rule? Mr. Durkee: By state law. Rep. Harper: They they would already have to pay into this bill if I read Section 3 right: Subject to all rules and statutes governing a retail beer license. Mr. HEFFELFINGER, Dept. of Revenue, said the bill is silent as far as he can see for any original purchase price of the original license. REP. FABREGA: What would a beer or wine license cost if one became available in Missoula County? Mr. Heffelfinger: Thirty or forty thousand dollars. REP. FABREGA: The people of Missoula spoke to this issue in voting for the Initiative. This may be a reason to give them an isolated license. REP. LYBECK: Of the municipal golf courses that currently have beer and wine licenses, who owns those licenses and how would this bill affect them? Mr. Desmond: Of those that I have talked to, they purchased their licenses many years ago and they would have the option of going under this bill or keeping their license or disposing of it. REP. ELLERD: What about a catering license? Rep. Pavlovich: It would cost \$35 a day which would be prohibitive. REP. METCALF: Has Missoula approached any current beer and wine license holder to move to the course? Ms. Evans: We currently have our club house in a double-wide trailer. We do not have room for a big operation. I read where the county would not be putting any more REP. JENSEN: money into this course. Would this bill be a determining factor whether the county would proceed or not proceed? Ms. Evans: Ι don't think we have any options. We will lose the land and lose the 1 1/2 million dollars we have put into the course. REP. ELLERD: I believe there would be private corporations and individuals who would buy the course. Mr. Desmond: We have a bond on this course and they would have first mortgage.

HOUSE BILL 574

REP. TED NEUMAN, District 33, sponsor, opened by saying this is a simple bill which exempts armored cards from regulation as motor carriers. He said there are many businesses that use the services of armored cars and opening this field up will lower the rates.

FEBRUARY 4, 1983 Page 3 Business & Industry

PROPONENTS:

DAVID BLATTER, Security Armored Cars, said he has been in the armored car business for 25 years. He bought a small business in Missoula two years ago and has tried to expand it outside Missoula. He has spent \$25,000 in attorney fees trying to break into the business but all he can contract with is federal agencies, not state government. He would like to see armored cars removed from the motor carrier classification.

JOHN CADBY, Montana Bankers Association, said they support this bill.

LEE TICKELL, S.R.S., said his department delivers \$22 million in food stamp certificates throughout the state and they use armored cars. Wells Fargo is the only one they can contract with. They spend \$28 thousand to \$51 thousand a year in this transaction. S.R.S. would like to be able to put out bids on this operation and this bill would allow that.

OPPONENTS: none

QUESTIONS:

REP. SCHULTZ: What's the PSC's reaction to this legislation? Mr. Budt, PSC: They are neutral on it. REP. KADAS: Why are they regulated by PSC? Mr. Budt: Transportation for Hire is regulated. REP. METCALF: Why under the regulating system is there only one major armored car business in the state? Mr. Budt: As the system is set up, the law requires that a new carrier coming into the area must prove that there is a need for another service. REP. HARPER: Is competition a need? Mr. Budt: No. that is not sufficient. REP. METCALF: When you filed for an expanded certificate, did Wells Fargo file an objection? Mr. Blatter: Yes. REP. LYBECK: How much does an armored car cost? Mr. Blatter: We just bought two trucks and spent in excess of \$90,000. This is a very expensive business and keeps anyone without experience out.

HOUSE JOINT RESOLUTION 16

REP. HAL HARPER, District 30, (in lieu of Rep. Menahan, sponsor) opened by saying he would have signed the bill had he had the chance. Instead of insuring a vehicle, this is going to insure the person driving the vehicle. Why should we have to insure every vehicle? It's the driver that should be insured. This idea appeals to me.

PROPONENTS:

GORDON BRUCE, Auditor - Insurance Dept., said he could answer any questions but he could not represent the Department on this bill.

REP. METCALF, said he thinks this is a good suggestion. It is an interim study request and it will have to go through the prioritization

FEBRUARY 4, 1983 Page 4 Business & Industry Committee

process. He had the experience recently of his insurance agent raising his limits and giving him more coverage than he wanted. He has had complaints from other people on this problem. He thinks we should study this now that insurance is required.

REP. FABREGA said he was in favor of this resolution. He believes it is important that the committee request a study.

REP. HART said alot of farm people are requesting this study be passed.

PAT MELBY, Alliance of American Insurers, said the idea of insuring the person instead of the vehicle has never been done in any other state. He said there are obvious problems with insuring the person and they don't know that this concept will work. If the bill is going to work, there has to be a study to see if it has a chance. They, therefore, support HJR 16.

OPPONENTS:

REP. KITSELMAN said Montana is a small state and to say that we are going to change the law is ridiculous. This is a very complicated issue. The system works well now. What about the person who is irresponsible and is not insured? We are going under the premise that people will insure themselves, but they will not. Each individual is so different. This bill will not work within all the other state laws.

REP. HARPER, in closing, said we have Rep. Kitselman saying this will not work and we have Pat Melby saying they are willing to make a study. Which one of you is trying to fool us? Pat Melby: Rep. Menahan is going to bring this back time after time. I want to have the study made so it will show that the concept cannot be actualized.

EXECUTIVE SESSION:

HOUSE BILL 574

REP. ELLISON made the motion that HOUSE BILL 574 DO PASS. Question: Motion carried unanimously.

HOUSE BILL 576

REP. KADAS made the motion that HOUSE BILL 576 DO PASS. REP. FABREGA moved the amendment changing "municipal" to "publicly owned". REP. HANSEN: What was the precedent for the beer and wine license at the airport? REP. FABREGA: Golf courses are shut down in the winter. It would be out of the question for them to buy a license.

FEBRJARY 4, 1983 Page 5 Business & Industry Committee

REP. PAVLOVICH: The Montana Tavern Association backs the quota system. We were thinking the off-sale permit like they have in grocery stores would work in this case. People could go in and buy their beer and go outside to drink it. REP. METCALF: There is a motion on the floor to change "municipal" to "publicly." Question: Motion carried unanimously. REP. BACHINI: What about the open container law? REP. METCALF: That applies to individual areas. REP. LYBECK: What we are setting here is a precedent. Alot of other businesses are in the same position. REP. FAGG: Ninty percent of golf courses have beer and wine. This golf course is in trouble. Are we going to give them the opportunity to help save themselves? The quota system is wrong to begin with. REP. HARPER: I don't agree with the guota system either. There is no way, however, that this bill is going to save the course. They can sell a six pack for \$6 and it still won't make enough profit to help. REP. METCALF: They have the option of getting an off premises license if they want. REP. HARPER: They would be buying a pipe dream.

The motion that HOUSE BILL 576 DO PASS AS AMENDED carried 12-7.

HOUSE JOINT RESOLUTION 16

REP. FABREGA made the motion that HJR 16 DO PASS. REP. ELLISON: Mr. Melby is willing to bet that the study will show this bill is not feasible. It's the best way to get rid of it. Question: The motion that HJR 16 DO PASS carried unanimously with Rep. Kitselman abstaining.

HOUSE BILL 351

REP. FABREGA made the motion that HOUSE BILL 351 be TABLED. Question: Carried unanimously.

The hearing adjourned at 11:00 a.m.

ITCOL1 REP. JERRY METCALF, CHALRMAN

Linda Palmer, Secretary

STANDING COMMITTEE REPORT

February 4 SPEAKER: MR. ••• 376 HOUSE having had under consideration Bill No. reading copy (white first color

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MUNICIPAL GOLF COURSE BRER AND WINE LICENSE: AND PROVIDING AN

IMMEDIATE EFFECTIVE DATE."

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STANDING COMMITTEE REPORT

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Chairman.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

February 4 19 33

GOVERNING NOTOR VEHICLE LIABILITY INSURANCE IN MONTANA.

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Chairman.

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ROLL CALL VOTE ------

COMMITTEE

BUSINESS & INDUSTRY COMMITTEE

CS-31

Exhibit #1

 Missoula County County Commissioners
Missoula County Courthouse • Missoula, Montana 59802 (406) 721-5700

> February 2, 1983 BCC-83-58

The Honorable Jerry Metcalf, Chairman House Business and Industry Committee

Mr. Chairman and members of the committee.

My name is Barbara Evans. I am chairman of the Board of County Commissioners from Missoula. I would like to speak today in favor of HB #576 which would allow beer and wine licenses for Municipal Golf Courses. This bill is very critical to Missoula County and its passage is very important to help the golf course survive. This is Missoula's only 18 hole publicly owned golf course and due to delays in financing, increased interest charges, and only a partial year of play, the golf course is financially in grave danger.

This is not just a relief bill for Missoula County. This bill can or will benefit other cities and counties who now or in the future operate publicly owned golf courses such as Great Falls, Helena, Billings and Hamilton. The land for Missoula's golf course was a grant from the Federal government and under the terms of the Grant we must either maintain the golf course as a recreational facility or repay the government approximately \$530,000. We are struggling in every way possible to save this course and ask that you help us in this effort.

The State of Montana has interest in the golf course too. The Federal Grant was channeled through the State Department of Fish, Wildlife and Parks. They technically are the granting agency and we must answer to them for the use of the funds.

Current law limits the number of licenses available within a five mile radius of an incorporated municipality and does not provide for exception for public facilities that typically have beer and wine available. This bill would address both problems.

This procedure is not unusual. Airports have already been granted similar exemptions from the quota requirement.

I would ask one very important change in wording. The bill specifically states "Municipal" and I would ask that the term be changed to "Publicly Owned". Technically, a County is not a Municipality.

On behalf of the Missoula County Commissioners I urge you to support this bill.

Barbara Evans, Chairman

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Bob Palmer, Commissioner

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Ann Mary Dussault, Commissioner



STATE HEADQUARTERS / 7 EDWARDS / LIVESTOCK BLDG. / P. O. BOX 851 HELENA, MONTANA 59624-0851 / PHONE 406-442-5040

STATEMENT IN OPPOSITION TO HB576 BEFORE HOUSE B&I COMMITTEE - 2/4/83

HB576 is strongly opposed by the Montana Tavern Association.

This is a bill for one golf course...Larchmont in Missoula. The attached news release from the <u>Missoulian</u> dated January 21st tells you why they want to sell beer and wine. They're broke and they want to bail out their defunct operation by getting a freebie license at the expense of those in this industry who have to pay for theirs.

If Larchmont hasn't been able to make it as a golf course, where is the equity in putting the burden on an already hard-pressed industry to solve their financial problems?

Perhaps the most important point is the fact that Initiative #94 proposed to eliminate the beer/wine quota. This went to the voters of Montana on November 2, 1982, and it was defeated by a 3 to 2 margin. The only county in the state that voted <u>for</u> I-94 was Missoula. The other 55 counties said NO, we do not want to eliminate the quota system.

In addition to defying the expressed will of the voters of Montana, this bill is unjust. Tavern owners PAY for their licenses; municipal golf courses would not. Tavern owners PAY taxes on their businesses; municipal golf courses would not. Then HB576 allows this tax-free, nonquota license to be leased out. Montana tavern operators are prohibited by statute from doing this.

Bills like this have come before the Legislature in session after session, only to be rejected because they are local, self-serving issues. But they could impact on every community and every on-sale retail licensee in the state.

We urge the Committee to likewise reject HB576.

* * * *

MISSOULIAN Missoula, MT 59807 (D-31,342, S-33,916)

国际公主指挥

SUPERIOR CLIPPING SERVICE

Plan would permit beer on golf courses

By JEFF COLE of the Missoulian

The connection between beer and golf, says one Missoula duffer, is as natural as that between dog and bone.

Applying that logic, county officials have convinced a local legislator to propose a law making it easier to serve beer and wine at the city's financially strained Larchmont municipal golf course.

The bill, requested by county Commissioner Barbara Evans, would exempt the state's public courses from the quota system limiting the number of liquor licenses to be used in a given area.

It is being drafted by the Legislative Council and Rep. Earl Lory, a Missoula Republican, said this week that he will sponsor the measure.

Larchmont's newly appointed finance coordinator, county Budget Officer Paul Dwight, said that he has been trying to find a way to provide beer and wine sales at the course.

While he still doesn't know if the course could acquire the necessary license, Dwight said, "I feel in the back of my mind that it (the change) can't hurt, that it can only help."

Larchmont's municipal golf course board was disbanded by the comissioners last month and replaced with Dwight, who is charged with reorganizing the debt-troubled course.

Larchmont, valued at \$2.6 million, was started with a \$530,000 federal recreation grant almost five years ago. The 18-hole course is just west of Reserve Street and south of Missoula Community Hospital, near Fort Missoula.

To complete the course, the commissioners approved the sale of \$1.1 million in bonds in 1981. But construction delays and cost overruns, coupled with high, 13.5 percent interest rates on the bonds, brought serious financial woes on the course by the end of its first partial season last summer.

Last fall, ffle commissioners lent the course \$100,000 from the tax-supported county general fund.

And golf course board members arrived before the commissioners in December in search of another \$100,-000 loan.

The commissioners refused, instead appointing Dwight to salvage the operation.

He said this week that he believes the course can survive with a strong season and turnout during the next few years. "We're still here," he said. "We're going on a day-to-day basis."

Dwight said he has spent much of the last several weeks re-negotiating debts with course creditors.

"They want us to survive," Dwight said, and local businessmen in particular "have been very, very helpful."

Both Dwight and Dan Desmond, course pro and manager, said that local golfers have also been offering to help in any way possible.

Desmond said that if the proposed change in law ultimately means they can serve alcohol, "It definitely would have a very positive effect on cash flow for us."

While there's no way to tell exactly how much money could be raised through liquor sales, Desmond said, a similar Spokane, Wash., course earns about \$30,000-\$40,000 annually from beer and wine sales.

He said that during last summer's partial season, golfers frequently left for a cold, alcoholic beverage after playing several rounds.

If the drinks were available at the course, he added, "they might very well be inclined to play another round."

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74% Voter Turnout

BOARD OF COUNTY COMMISSIONERS • Missouri County Courthouse • Missouria, Montana 6980, demoining to the too

> February 2, 1983 BCC-83-58

The Honorable Jerry Metcalf, Chairman House Business and Industry Committee

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I would ask one very important change in wording. The bill specifically states "Municipal" and I would ask that the term be changed to "Publicly Owned". Technically, a County is not a Municipality.

On behalf of the Missoula County Commissioners I urge you to support this bill.

Barbara Evans, Chairman

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Bob Palmer, Commissioner

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Ann Mary Dussault, Commissioner

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

		VISITOR'S REGISTER		
	HOUSE	B+I	COMMITTEE	
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SPONSOR				

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

	VISITOR'S REGISTER	
HOUSE	B+I	COMMITTEE
BILL HB 574		DATE 2-4
SPONSOR		

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NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
DAVID. BLATTER	1730 CANNON	Security Armond	X	
Jed Mumon		Security Armond Dest 33	×	
LEE TICKELL	HELENA	5.R.S.	\checkmark	
John ladly	n Hicking	My Bankers ann	\times	
fige Ellin	Hicking	Mr Bankers ann Mt Releid Cosm	X	
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