

1 *Senate* BILL NO. *222*
 2 INTRODUCED BY *Reuben Goodover Latt*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLIC
 5 AIRPORT RETAIL LIQUOR LICENSE WHICH MAY NOT BE TRANSFERRED
 6 EXCEPT TO LESSEES OF PUBLICLY OWNED AIRPORT PREMISES AND
 7 PERMITTING EACH PUBLICLY OWNED AIRPORT TO HOLD SUCH PUBLIC
 8 AIRPORT RETAIL LIQUOR LICENSE AND A RETAIL BEER LICENSE."

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

11 Section 1. (1) The department of revenue shall issue
 12 one (1) retail liquor license, to be known as a public
 13 airport retail liquor license, for each publicly owned
 14 airport for which application is made, upon finding that
 15 said license is justified by public convenience and
 16 necessity, including the convenience and necessity of the
 17 public traveling by scheduled airlines, following a hearing
 18 as provided in section 4-407.1.

19 (2) The department of intergovernmental relations or
 20 its successor, a county, a city, or a duly constituted
 21 airport authority may apply for and hold one (1) public
 22 airport retail liquor license and one (1) retail beer
 23 license, each to be used at each airport owned and operated
 24 by said department, county, city, or airport authority.

25 (3) (a) A public airport retail liquor license shall

1 be issued in the name of the public agency operating the
 2 airport and may not be transferred to another person, except
 3 that said license may be transferred to a lessee of publicly
 4 owned airport premises upon appropriate provision for the
 5 retransfer of said license to said public agency upon
 6 termination of the lease of airport premises. If control of
 7 the airport passes to an entity which is not the department
 8 of intergovernmental relations or its successor, a county, a
 9 city, or a duly constituted airport authority, said license
 10 lapses.

11 (b) A public airport retail liquor license and all
 12 retail liquor sales thereunder shall be subject to all
 13 statutes, rules, and regulations governing retail liquor
 14 licenses.

15 (c) The department of revenue shall issue a public
 16 airport retail liquor license to a qualified applicant
 17 regardless of the number of retail liquor licenses already
 18 issued within the retail liquor license quota area in which
 19 the airport is situated.

20 (d) The existence upon the airport premises of a
 21 privately operated establishment holding a retail liquor
 22 license shall not affect the right of the public agency
 23 operating the airport to a public airport retail liquor
 24 license.

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SB 222

Approved by Committee
on State Administration

SENATE BILL NO. 222

INTRODUCED BY DUNKLE, GOODOVER, GALT

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLIC AIRPORT RETAIL LIQUOR LICENSE WHICH MAY NOT BE TRANSFERRED EXCEPT TO LESSEES OF PUBLICLY OWNED AIRPORT PREMISES AND PERMITTING EACH PUBLICLY OWNED AIRPORT TO HOLD SUCH PUBLIC AIRPORT RETAIL LIQUOR LICENSE AND A RETAIL BEER LICENSE."

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

Section 1. (1) The department of revenue shall issue one (1) retail liquor license, to be known as a public airport retail liquor license, for each publicly owned airport for which application is made, upon finding that said license is justified by public convenience and necessity, including the convenience and necessity of the public traveling by scheduled airlines, following a hearing as provided in section 4-407.1.

(2) The department of intergovernmental relations or its successor, a county, a city, or a duly constituted airport authority may apply for and hold one (1) public airport retail liquor license and one (1) retail beer license, each to be used at each airport owned and operated by said department, county, city, or airport authority.

(3) (a) A public airport retail liquor license shall

~~be issued in the name of the public agency operating the airport, and may not be transferred to another person, except that said license may be transferred to a lessee of publicly owned airport premises upon appropriate provision for the retransfer of said license to said public agency upon termination of the lease of airport premises BUT MUST BE TRANSFERRED TO A PRIVATE LESSEE WHO SHALL OPERATE THE ESTABLISHMENT UPON THE PUBLICLY OWNED AIRPORT PREMISES. THE TRANSFER AGREEMENT SHALL CONTAIN A PROVISION FOR THE RETRANSFER OF THE LICENSE TO THE PUBLIC AGENCY UPON THE TERMINATION OF THE LEASE OF THE AIRPORT PREMISES.~~ If control of the airport passes to an entity which is not the department of intergovernmental relations or its successor, a county, a city, or a duly constituted airport authority, said license lapses.

(b) A public airport retail liquor license and all retail liquor sales thereunder shall be subject to all statutes, rules, and regulations governing retail liquor licenses.

(c) The department of revenue shall issue a public airport retail liquor license to a qualified applicant regardless of the number of retail liquor licenses already issued within the retail liquor license quota area in which the airport is situated.

~~(d) The existence upon the airport premises of a~~

1 privately-operated-establishment--holding--a-retail-liquor
2 license-shall-not-affect-the-right-of-the-public-agency
3 operating-the-airport--to--a-public-airport-retail-liquor
4 licenser

-End-