

1 *Moore*
 2 *Williams* *H* BILL NO. *146* *Hennel*
 3 *Reid* *Duffy - Elliot* *Reid*
 4 *Haignilla* *FAG* *Hansen* *Ramirez* *Benn*
 5 *of* *Anderson* *Madam* *Falata*
 6 *Spach*
 7 *Sullivan*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ISSUANCE OF AN
 5 ALL-BEVERAGES LICENSE TO CERTAIN COUNTY FAIR BOARDS FOR USE
 6 ON LARGER FAIRGROUNDS; AMENDING SECTION 4-4-204, R.C.M.
 7 1947."

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

10 Section 1. Section 4-4-204, R.C.M. 1947, is amended to
 11 read as follows:

12 "4-4-204. Resort and fairground licenses. (1) It is
 13 the intent and purpose of this section to encourage the
 14 growth of quality recreational resort facilities in
 15 undeveloped areas of the state and to provide for the
 16 orderly growth of existing recreational sites by the
 17 establishment of resort areas within which retail liquor
 18 licenses may be issued by the department under the terms and
 19 as more particularly prescribed below. It is also the intent
 20 of this section to encourage the development of trade fairs,
 21 conventions, and similar business of major regional
 22 fairground facilities. In addition to the licenses as
 23 otherwise set forth in this act, the department may issue
 24 resort retail liquor licenses in a resort area or a
 25 fairground, as provided in this section.

1 (2) For the purposes of this section, a resort area is
 2 defined as a recreational facility meeting the
 3 qualifications determined by the department as hereinafter
 4 provided.

5 (3) The department shall determine that the area for
 6 which licenses are to be issued is a resort area, such
 7 determination to be made under and pursuant to rules and
 8 regulations to be first promulgated on or before December
 9 31, 1975. In addition to the other requirements of this
 10 code, a resort area for the purposes of qualification for
 11 the issuance of resort retail liquor license must have a
 12 current actual valuation of resort or recreational
 13 facilities, including land and improvements thereon, of not
 14 less than ~~five-hundred-thousand-dollars~~ ~~(\$500,000)~~, at least
 15 half of which valuation must be for a structure or
 16 structures within the resort area, and must be under the
 17 sole ownership or control of one person or entity at the
 18 time of the filing of the resort area plat referred to in
 19 the next paragraph subsection. The word control shall mean
 20 lands held under lease, option, or permit. before first
 21 adopting such rules and regulations in regard to resort
 22 liquor licenses, the department shall publish a notice of
 23 the hearing to be held on ~~said~~ ~~the~~ rules and regulations in
 24 a regularly published newspaper in the cities of Billings,
 25 Bozeman, Butte, Great Falls, Helena, Miles City, Kalispell,

1 and Missoula, Montana, ~~and the~~ publication to be published
 2 in said newspapers at least once a week for ~~four~~ 4
 3 consecutive weeks, the last of said publications being at
 4 least ~~ten--(10)~~ but not more than ~~thirty--(30)~~ days prior to
 5 the date set for said hearing, which shall be held in
 6 Helena, Montana, at a time and place designated by the
 7 department.

8 (4) The resort area must be determined by the resort
 9 developer or landowner by a plat setting forth the resort
 10 boundaries designating the ownership of the lands within the
 11 resort area which plat must be verified by the resort
 12 developer or landowner, and filed with the department prior
 13 to the filing of any applications by individuals for
 14 licenses within the resort area. Such plat must show the
 15 location and general design of the buildings, and other
 16 improvements to be built in ~~said the~~ area in which resort
 17 retail liquor licenses are ~~to~~ or may be located. A master
 18 plan for the development of the ~~said~~ area may be filed by
 19 the resort developer in satisfaction of this section.

20 (5) Upon such filing the department shall forthwith
 21 schedule a public hearing to be held in Helena, Montana, to
 22 determine whether the facility proposed by the resort
 23 developer or landowner is a resort area within the meaning
 24 of the rules and regulations of the department. At least
 25 ~~thirty--(30)~~ days prior to the date of the hearing, the

1 department shall publish notice thereof with a description
 2 of the location of the proposed resort area in a newspaper
 3 published in the county or counties in which the resort is
 4 located, once a week for ~~four--(4)~~ consecutive weeks. Each
 5 resort developer or landowner shall, at the time of filing
 6 his application, pay to the department an amount sufficient
 7 to cover the costs of ~~said the~~ publication. Persons may
 8 present statements to the department at the hearing in
 9 person or in writing in opposition or support of the plat.
 10 Within ~~thirty--(30)~~ days of the hearing the department shall
 11 accept or reject the plat. If rejected, the department must
 12 state its reasons and set forth the conditions, if any,
 13 under which the plat will be accepted and the decision of
 14 the department may be reviewed pursuant to the review
 15 procedure set forth in section 4-4-402.

16 (6) Once filed with the department, the boundaries of
 17 a resort may not be changed without full hearing as above
 18 provided and the prior approval of the department, which
 19 approval shall be according to public convenience and
 20 necessity.

21 (7) When the department has accepted a plat and a
 22 given resort area has been determined, applications may then
 23 be filed with the department by persons for the issuance of
 24 resort retail liquor licenses within the ~~said~~ resort area.
 25 Each applicant must submit plans showing the location,

1 appearance, and floor plan of the premises for which
2 application for a license is made.

3 (8) If an applicant otherwise qualifies for a resort
4 license but the premises to be licensed are still in
5 construction, or are otherwise incomplete and at the time of
6 such application, the department shall issue a letter
7 stating that the license will be issued at such time as the
8 qualifications for a licensed premises have been met,
9 setting forth such time limitations and requirements as the
10 department may establish.

11 ~~(9) A fairground license may be issued to the fair~~
12 ~~board of a county of the first class upon a showing that the~~
13 ~~market value of the fairground facilities exceeds \$2 million~~
14 ~~and that the facilities can attract trade fairs,~~
15 ~~conventions, and similar events of regional or statewide~~
16 ~~significance. A fair board so licensed has the privileges~~
17 ~~of an all-beverages license, upon the fairgrounds.~~

18 (10) In addition to the restrictions on sale or
19 transfer of a license as provided in section 4-4-206 herein,
20 no resort or fairground retail liquor license may be sold or
21 transferred for operation at a location outside of the
22 boundaries of the resort area or fairground.

23 (11) The annual fee for resort retail-liquor or
24 fairground licenses within a given resort area shall be two
25 thousand-dollars-(\$2,000) for each such license.

1 (12) A resort retail-liquor or fairground license shall
2 not be subject to the quota limitations set forth in section
3 4-4-202 above and a resort retail-liquor or fairground
4 license shall be issued by the department on the basis that
5 the department has determined that such license is justified
6 by public convenience and necessity, following a hearing as
7 provided in section 4-4-302."

-End-

Approved by Committee
on Business and Industry

1 HOUSE BILL NO. 146

2 INTRODUCED BY GERKE, SCULLY, ELLERD,

3 KESSLER, HANSEN, HUENNEKENS, WILLIAMS,

4 MOORE, FAGG, PORTER, RAMIREZ, McLANE, FRATES,

5 LYNCH, QUILICI, STAIGHILLER, J. GUNDERSON, COLBURN

6
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8 ALL-BEVERAGES LICENSE TO CERTAIN COUNTY FAIR BOARDS FOR USE
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20 establishment of resort areas within which retail liquor
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22 as more particularly prescribed below. It is also the intent
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5 defined as a recreational facility meeting the
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8 (3) The department shall determine that the area for
9 which licenses are to be issued is a resort area, such
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12 31, 1975. In addition to the other requirements of this
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16 facilities, including land and improvements thereon, of not
17 less than ~~five-hundred-thousand-dollars-(\$500,000)~~, at least
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22 the next paragraph subsection. The word control shall mean
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24 adopting such rules and regulations in regard to resort
25 liquor licenses, the department shall publish a notice of

1 the hearing to be held on ~~said the~~ rules and regulations in
 2 a regularly published newspaper in the cities of Billings,
 3 Bozeman, Butte, Great Falls, Helena, Miles City, Kalispell,
 4 and Missoula, Montana, ~~said the~~ publication to be published
 5 in said newspapers at least once a week for four ~~4~~
 6 consecutive weeks, the last of said publications being at
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 8 the date set for said hearing, which shall be held in
 9 Helena, Montana, at a time and place designated by the
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14 (9) A fairground license may be issued to the fair
 15 board of a county of the first class upon a showing that the
 16 market value of the fairground facilities exceeds \$2 million
 17 and that the facilities can attract trade fairs,
 18 conventions, and similar events of regional or statewide
 19 significance. A fair board so licensed has the privileges
 20 of an all-beverages license, upon the fairgrounds. HOWEVER,
 21 SUCH LICENSE IS EFFECTIVE FOR AND SUCH PRIVILEGES MAY BE
 22 EXERCISED ON NO MORE THAN A TOTAL OF 60 DAYS IN ANY SINGLE
 23 CALENDAR YEAR.

24 (10) In addition to the restrictions on sale or
 25 transfer of a license as provided in section 4-4-206 herein,

1 no resort or fairground retail liquor license may be sold or
 2 transferred for operation at a location outside of the
 3 boundaries of the resort area or fairground.

4 (11) The annual fee for resort ~~retail-liquor~~ or
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 11 the department has determined that such license is justified
 12 by public convenience and necessity, following a hearing as
 13 provided in section 4-4-302.*

-End-