

1 *HB* BILL NO. *216*
 2 INTRODUCED BY *Bradley Vincent Scull, Peterson*
 3 *David Harris*

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

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

11 Section 1. Airport all-beverages licenses. (1) The
 12 department of revenue shall issue one all-beverages license,
 13 to be known as a public airport all-beverages license, for
 14 each publicly-owned airport served by scheduled airlines,
 15 enplaning a minimum of 20,000 passengers annually for which
 16 application is made, upon finding that this license is
 17 justified by public convenience and necessity, including the
 18 convenience and necessity of the public traveling by
 19 scheduled airlines, following a hearing as provided in
 20 4-4-302.

21 (2) The department of community affairs or its
 22 successor, a county, a city, or a duly constituted airport
 23 authority may apply for and hold one public airport
 24 all-beverages license to be used at each airport owned and
 25 operated by said department, county, city, or airport

1 authority.

2 (a) A public airport all-beverages license shall be
 3 issued in the name of the public agency operating the
 4 airport but must be transferred to the lessee operating the
 5 establishment on the publicly-owned airport premises. The
 6 transfer agreement shall contain a provision that upon
 7 termination of the lessee's lease on airport premises the
 8 license will be transferred back to the public agency or the
 9 successor lessee without compensation. If control of the
 10 airport passes to an entity which is not the department of
 11 community affairs or its successor, a county, a city, or a
 12 duly constituted airport authority, the license lapses.

13 (b) A public airport all-beverages license and all
 14 retail liquor sales thereunder shall be subject to all
 15 statutes and rules governing all-beverages licenses.

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

21 Section 2. Codification. This act shall be codified as
 22 a section within the Montana Alcoholic Beverage Code.

-End-

HB 216

STATE OF MONTANA

REQUEST NO. 101-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 21, 19 77, there is hereby submitted a Fiscal Note for House Bill 216 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION

This bill creates a public airport retail all-beverages license which may not be transferred except to lessees of publicly-owned airport premises and permits each publicly-owned airport to hold such public airport retail all-beverages license.

ASSUMPTIONS

1. An all liquor license for airports will cost \$800.
2. 3 airports currently serve liquor - Great Falls, Billings, Butte
3. 5 additional airports would qualify to serve liquor under the provisions of this bill--Missoula, Kalispell, Helena, West Yellowstone, and Bozeman.
4. All airports that qualify would purchase these licenses.
5. No additional airports would sell liquor, throughout the biennium, under the current law.
6. Administrative costs would remain unchanged.

FISCAL IMPACT

	<u>FY 78</u>	<u>FY 79</u>
Liquor License Revenue from public airports under current law.	\$2,400	\$2,400
Liquor License Revenue from public airports under proposed law.	<u>6,400</u>	<u>6,400</u>
INCREASED LIQUOR LICENSE REVENUE	<u><u>\$4,000</u></u>	<u><u>\$4,000</u></u>

CONCLUSION

The state should increase liquor license revenues from airports by \$4,000 each fiscal year.

PREPARED BY DEPARTMENT OF REVENUE

Richard L. Drury for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-77