

HOUSE BILL 285

IN THE HOUSE

January 20, 1979

Introduced and referred to
Committee on Business and
Industry.

February 5, 1979

Committee recommend bill,
do not pass.

February 6, 1979

Report adopted.

HOUSE BILL NO. 285

INTRODUCED BY Ernst

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW ISSUANCE OF A SPECIAL PERMIT TO SELL ALL ALCOHOLIC BEVERAGES AT A PICNIC, CONVENTION, FAIR, CIVIC OR COMMUNITY ENTERPRISE, OR SPORTING EVENT CONDUCTED BY AN ASSOCIATION OR CORPORATION; AMENDING SECTIONS 16-4-301 AND 16-4-501, MCA."

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

Section 1. Section 16-4-301, MCA, is amended to read:

"16-4-301. Special permits to sell all alcoholic beverages or beer -- application and issuance. (1) (a) Any association or corporation conducting a picnic, convention, fair, civic or community enterprise, or sporting event shall in the discretion of the liquor division be entitled to a special permit to sell beer ~~or a special permit to sell all alcoholic beverages~~ to the patrons of such event to be consumed within the enclosure wherein the event is held.

(b) The application of any such association or corporation shall be presented 10 days in advance and shall describe the location of such enclosure where such event is to be held, the nature of the event, and the period when it is contemplated that the event will be held. The application shall be accompanied by the amount of the permit fee.

(c) The permit issued to such association or corporation is a special permit but shall not authorize the sale of beer ~~or alcoholic beverages~~ except starting 1 day in advance of the regular period when events are being held upon such grounds and during the period described in the application and for 1 day thereafter.

(2) (a) A post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization not otherwise licensed under this code shall, in the discretion of the department, without notice or hearing as provided in 16-4-207, be entitled to a special permit to sell beer or a special permit to sell all alcoholic beverages at such post or lodge to members and their guests only, to be consumed within the hall or building of such post or lodge.

(b) The application of such nationally chartered veterans' organization or lodge of a recognized national fraternal organization shall describe the location of the hall or building where the special permit will be used and the date it will be used.

(c) The special permit issued shall be for a 24-hour period only ending at 2 a.m., and the department may not issue more than 12 such permits to any such post or lodge during a calendar year."

Section 2. Section 16-4-501, MCA, is amended to read:

1 *16-4-501. License and permit fees. (1) Each beer
2 licensee, under the provisions of this code, shall pay an
3 annual license fee as follows:

4 (a) each brewer, wherever located, whose product is
5 sold or offered for sale within the state, \$500; for each
6 storage depot, \$400;

7 (b) each wholesaler, \$400;

8 (c) each beer retailer, \$200; with a wine license
9 amendment, an additional \$200;

10 (d) for a license to sell beer at retail for
11 off-premises consumption only, the same as a retail beer
12 license;

13 (e) any unit of a nationally chartered veterans'
14 organization, \$50.

15 (2) The permit fee under 16-4-301(1) is computed at
16 the rate of \$15 a day for ~~each day beer is sold at those~~
17 ~~events lasting 2 or more days but in no case be less than~~
18 ~~\$30 the sale of beer only, with a minimum fee of \$30, and~~
19 ~~\$30 a day for the sale of all alcoholic beverages, with a~~
20 ~~minimum fee of \$60.~~

21 (3) The permit fee under 16-4-301(2) is \$10 for the
22 sale of beer only or \$20 for the sale of all alcoholic
23 beverages.

24 (4) Passenger carrier licenses shall be issued upon
25 payment by the applicant of an annual license fee in the sum

1 of \$300.

2 (5) The annual license fee for a license to sell wine
3 on the premises, when issued as an amendment to a beer-only
4 license, is \$200.

5 (6) The annual fee for resort retail liquor licenses
6 within a given resort area shall be \$2,000 for each license.

7 (7) Each licensee licensed under the quotas of
8 16-4-201 shall pay an annual license fee as follows:

9 (a) except as hereinafter provided, for each license
10 outside of incorporated cities and incorporated towns or in
11 incorporated cities and incorporated towns with a population
12 of less than 2,000, \$400;

13 (b) except as hereinafter provided, for each license
14 in incorporated cities with a population of more than 2,000
15 and less than 5,000 or within a distance of 5 miles thereof,
16 measured in a straight line from the nearest entrance of the
17 premises to be licensed to the nearest boundary of such
18 city, \$500;

19 (c) except as hereinafter provided, for each license
20 in incorporated cities with a population of more than 5,000
21 and less than 10,000 or within a distance of 5 miles
22 thereof, measured in a straight line from the nearest
23 entrance of the premises to be licensed to the nearest
24 boundary of such city, \$650;

25 (d) for each license in incorporated cities with a

1 population of 10,000 or more or within a distance of 5 miles
 2 thereof, measured in a straight line from the nearest
 3 entrance of the premises to be licensed to the nearest
 4 boundary of such city, \$800;

5 (e) the distance of 5 miles from the corporate limits
 6 of any incorporated cities and incorporated towns is
 7 measured in a straight line from the nearest entrance of the
 8 premises to be licensed to the nearest boundary of such city
 9 or town; and where the premises of the applicant to be
 10 licensed are situated within 5 miles of the corporate
 11 boundaries of two or more incorporated cities or
 12 incorporated towns of different populations, the license fee
 13 chargeable by the larger incorporated city or incorporated
 14 town applies and shall be paid by the applicant. When the
 15 premises of the applicant to be licensed are situated within
 16 an incorporated town or incorporated city and any portion of
 17 the incorporated town or incorporated city is without a
 18 5-mile limit, the license fee chargeable by the smaller
 19 incorporated town or incorporated city applies and shall be
 20 paid by the applicant.

21 (f) an applicant for the issuance of an original
 22 license to be located in areas described in subsection (d)
 23 of this subsection shall pay a one-time original license fee
 24 of \$20,000 for any such license issued. The one-time license
 25 fee of \$20,000 shall not apply to any transfer or renewal of

1 a license duly issued prior to July 1, 1974. All licenses,
 2 however, are subject to the annual renewal fee of \$800.

3 (8) The license fees herein provided for are exclusive
 4 of and in addition to other license fees chargeable in
 5 Montana for the sale of alcoholic beverages."

-End-

STATE OF MONTANA

REQUEST NO. 87-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 23, 19 79, there is hereby submitted a Fiscal Note for House Bill 285 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

This bill allows issuance of a special permit to sell all alcoholic beverages at a picnic, convention, fair, civic or community enterprise, or sporting event conducted by an association or corporation.

ASSUMPTIONS

- 1) The permit fee for the sale of alcoholic beverages is \$30 a day with a minimum fee of \$60.
- 2) The average fee per request is \$67.50.
- 3) The number of requests for special permits will be 400 a year for FY80 and FY81.
- 4) Administrative costs will be absorbed.

FISCAL IMPACT

Special Permit to sell all
Alcoholic Beverages
(\$30 a day, \$60 minimum)
under current law
under proposed law
Estimated Increase

<u>FY 80</u>	<u>FY 81</u>
0	0
<u>\$27,000</u>	<u>\$27,000</u>
<u>\$27,000</u>	<u>\$27,000</u>

FUND INFORMATION

General Fund

Estimated Increase

<u>\$27,000</u>	<u>\$27,000</u>
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PREPARED BY DEPARTMENT OF REVENUE

Richard L. Young
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 4/26/79