

CHAPTER NO. 461

HOUSE BILL NO. 779

INTRODUCED BY SCULLY

IN THE HOUSE

February 13, 1979	Introduced and referred to Committee on Business and Industry.
February 17, 1979	Committee recommend bill do pass as amended. Report adopted.
February 20, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on State Administration.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, pass consideration.
March 9, 1979	Second reading, concurred in as amended.
March 13, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 14, 1979	Returned from second house. Concurred in as amended.
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March 16, 1979

On motion, consideration of Senate amendments passed until the 63rd Legislative Day.

Second reading, pass consideration.

March 19, 1979

On motion, consideration passed for the day.

March 20, 1979

On motion, consideration passed until the 71st Legislative Day.

March 23, 1979

On motion, previous action reconsidered and Senate amendments placed on second reading this day.

Second reading, amendments adopted.

March 24, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 779  
2 INTRODUCED BY Sully

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLIC  
5 AIRPORT ALL-BEVERAGES BRANCH LICENSE."

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Airport all-beverages branch license. (1)  
9 The department of revenue shall issue one all-beverages  
10 license, to be known as a public airport all-beverages  
11 branch license, for each publicly owned airport served by  
12 scheduled airlines and enplaning and deplaning a minimum  
13 total of 20,000 passengers annually when:

- 14 (a) application is made;
- 15 (b) upon finding that this license is justified by  
16 public convenience and necessity, including the convenience  
17 and necessity of the public traveling by scheduled airlines;  
18 and
- 19 (c) following a hearing as provided in 16-4-207.

20 (2) Application shall be made by a licensee chosen by  
21 the agency owning and operating the airport. The application  
22 must be endorsed by the agency owning the airport.

23 (3) The department of community affairs or its  
24 successor, a county, a city, or a duly constituted airport  
25 authority may select the holder of an all-beverages license

1 within the quota area encompassing the airport to operate a  
2 branch retail facility at an airport owned and operated by  
3 said department, county, city, or airport.

4 (4) A public airport all-beverages branch license and  
5 all retail liquor sales thereunder shall be subject to all  
6 statutes and rules governing all-beverages licenses.

7 (5) The department of revenue shall issue a public  
8 airport all-beverages branch license to a qualified  
9 applicant regardless of the number of all-beverages licenses  
10 already issued within the all-beverages license quota area  
11 in which the airport is situated.

12 Section 2. Codification. It is intended that section 1  
13 of this act be codified as an integral part of Title 16,  
14 chapter 4, and the provisions of Title 16, chapters 1  
15 through 6, apply to section 1.

-End-

-2- HB 777  
INTRODUCED BILL

Approved by Committee  
on Business and Industry

1 HOUSE BILL NO. 779  
 2 INTRODUCED BY SCULLY  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLIC  
 5 AIRPORT ALL-BEVERAGES BRANCH LICENSE."  
 6  
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 8 Section 1. Airport all-beverages branch license. (1)  
 9 The department of revenue shall issue one all-beverages  
 10 license, to be known as a public airport all-beverages  
 11 branch license, for USE AT each publicly owned airport  
 12 served by scheduled airlines and enplaning and deplaning a  
 13 minimum total of 20,000 passengers annually when:  
 14 (a) application is made;  
 15 (b) upon finding that this license is justified by  
 16 public convenience and necessity, including the convenience  
 17 and necessity of the public traveling by scheduled airlines;  
 18 and  
 19 (c) following a hearing as provided in 16-4-207.  
 20 (2) Application shall be made by ~~a licensee chosen~~ by  
 21 the agency owning and operating the airport. ~~The application~~  
 22 ~~must be endorsed by the agency owning the airports~~  
 23 ~~(3) The department of community affairs or its~~  
 24 ~~successor, a county, a city, or a duly constituted airport~~  
 25 ~~authority may select the holder of an all-beverages license~~

1 ~~within the quota area encompassing the airport to operate a~~  
 2 ~~branch retail facility at an airport owned and operated by~~  
 3 ~~said department, county, city, or airport.~~  
 4 ~~(4)(3)~~ A public airport all-beverages branch license  
 5 and all retail liquor sales thereunder shall be subject to  
 6 all statutes and rules governing all-beverages licenses.  
 7 ~~(5)(4)~~ The department of revenue shall issue a public  
 8 airport all-beverages branch license to a qualified  
 9 applicant regardless of the number of all-beverages licenses  
 10 already issued within the all-beverages license quota area  
 11 in which the airport is situated.  
 12 SECTION 2. THERE IS A NEW MCA SECTION THAT READS:  
 13 Fee. The fee for one all-beverage license to a public  
 14 airport shall be \$800. This license is nontransferable.  
 15 Section 3. Codification. It is intended that ~~section 1~~  
 16 SECTIONS 1 AND 2 of this act be codified as an integral part  
 17 of Title 16, chapter 4, and the provisions of Title 16,  
 18 chapters 1 through 6, apply to ~~section 1~~ SECTIONS 1 AND 2.  
 -End-

HOUSE BILL NO. 779

INTRODUCED BY SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLIC AIRPORT ALL-BEVERAGES BRANCH LICENSE."

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

Section 1. Airport all-beverages branch license. (1) The department of revenue shall issue one all-beverages license, to be known as a public airport all-beverages branch license, for USE AT each publicly owned airport served by scheduled airlines and enplaning and deplaning a minimum total of 20,000 passengers annually when:

(a) application is made;

(b) upon finding that this license is justified by public convenience and necessity, including the convenience and necessity of the public traveling by scheduled airlines; and

(c) following a hearing as provided in 16-4-207.

(2) Application shall be made by a licensee chosen by the agency owning and operating the airport. The application must be endorsed by the agency owning the airports

~~(3) The department of community affairs or its successor, a county, a city, or a duly constituted airport authority may select the holder of an all-beverages license~~

~~within the quota area encompassing the airport to operate a branch retail facility at an airport owned and operated by said department, county, city, or airport.~~

~~(4)(3) A public airport all-beverages branch license and all retail liquor sales thereunder shall be subject to all statutes and rules governing all-beverages licenses.~~

~~(5)(4) The department of revenue shall issue a public airport all-beverages branch license to a qualified applicant regardless of the number of all-beverages licenses already issued within the all-beverages license quota area in which the airport is situated.~~

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

Fee. The fee for one all-beverage license to a public airport shall be \$800. This license is nontransferable.

Section 3. Codification. It is intended that section 1 SECTIONS 1 AND 2 of this act be codified as an integral part of Title 16, chapter 4, and the provisions of Title 16, chapters 1 through 6, apply to section 1 SECTIONS 1 AND 2.

-End-

1 HOUSE BILL NO. 779  
2 INTRODUCED BY SCULLY

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PUBLIC  
5 AIRPORT ALL-BEVERAGES BRANCH LICENSE, AND PROVIDING AN  
6 IMMEDIATE EFFECTIVE DATE."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Airport all-beverages branch license. (1)  
10 The department of revenue shall issue one all-beverages  
11 license, to be known as a public airport all-beverages  
12 branch license, for USE AT each publicly owned airport  
13 served by scheduled airlines and enplaning and deplaning a  
14 minimum total of 20,000 passengers annually when:

- 15 (a) application is made;
- 16 (b) upon finding that this license is justified by
- 17 public convenience and necessity, including the convenience
- 18 and necessity of the public traveling by scheduled airlines;
- 19 and
- 20 (c) following a hearing as provided in 16-4-207.

21 (2) Application shall be made ~~by a licensee chosen~~ by  
22 the agency owning and operating the airport. ~~The application~~  
23 ~~must be endorsed by the agency owning the airport. THE~~  
24 AGENCY OWNING AND OPERATING THE AIRPORT MAY LEASE THE  
25 AIRPORT ALL-BEVERAGES LICENSE TO AN INDIVIDUAL OR ENTITY

1 APPROVED BY THE DEPARTMENT.

2 ~~{3}--The--department--of--community--affairs--or--its~~  
3 ~~successor--a--county--a--city--or--a--duly--constituted--airport~~  
4 ~~authority--may--select--the--holder--of--an--all--beverages--license~~  
5 ~~within--the--quota--area--encompassing--the--airport--to--operate--a~~  
6 ~~branch--retail--facility--at--an--airport--owned--and--operated--by~~  
7 ~~said--department--county--city--or--airports~~

8 ~~{4}{3}~~ A public airport all-beverages branch license  
9 and all retail liquor sales thereunder shall be subject to  
10 all statutes and rules governing all-beverages licenses.

11 ~~{5}{4}~~ The department of revenue shall issue a public  
12 airport all-beverages branch license to a qualified  
13 applicant regardless of the number of all-beverages licenses  
14 already issued within the all-beverages license quota area  
15 in which the airport is situated.

16 SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

17 Fee. The fee for one all-beverage license to a public  
18 airport shall be \$800. This license is nontransferable.

19 Section 3. Codification. It is intended that ~~section 1~~  
20 SECTIONS 1 AND 2 of this act be codified as an integral part  
21 of Title 16, chapter 4, and the provisions of Title 16,  
22 chapters 1 through 6, apply to ~~section 1~~ SECTIONS 1 AND 2.

23 SECTION 4. EFFECTIVE DATE. THIS ACT IS EFFECTIVE UPON  
24 PASSAGE AND APPROVAL.

-End-

March 9, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 779 be amended as follows:

1. Title, line 5.

Following: "LICENSE"

Insert: ", AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 22.

Following: line 21

Insert: "(a) The agency owning and operating the airport may lease the airport all-beverages license to an individual or entity approved by the department."

3. Page 2.

Following: line 18

Insert: "Section 4. Effective date. This act is effective upon passage and approval."