

SENATE BILL 302

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Business and Industry.
February 1, 1979	Fiscal note requested.
February 5, 1979	Fiscal note returned.
February 15, 1979	Committee recommend bill, as amended.
February 17, 1979	Printed and placed on members' desks.
February 19, 1979	Second reading, do pass.
February 20, 1979	Considered correctly engrossed.
February 21, 1979	Third reading, passed.

IN THE HOUSE

February 22, 1979	Introduced and referred to Committee on Business and Industry.
March 5, 1979	Rereferred to Committee on Rules.
March 19, 1979	Rereferred to Committee on Business and Industry.
March 13, 1979	Committee recommend bill, not concurred. Objection.
March 14, 1979	Second reading, not concurred.

IN THE SENATE

March 15, 1979	Returned from House, not concurred.
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SENATE BILL NO. 302  
Sen. [Signature]  
Rep. [Signature]

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE NUMBER OF GROUPS WHICH MAY OBTAIN TEMPORARY PERMITS TO SELL BEER OR ALL ALCOHOLIC BEVERAGES; 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 all 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, a state or local veterans' organization, a state or local fraternal organization, a country club, church, civic group or association, or any nonprofit organization whose bylaws provide that the organization's purpose is community service 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 at its hall or building to members and their guests only.~~

(b) The application ~~of such nationally chartered veterans' organization or lodge of a recognized national fraternal organization~~ made under subsection (2)(a) 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 under subsection (2)(a)

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INTRODUCED BILL

1 shall be for a 24-hour period ~~specified number of days~~ only,  
 2 ~~ending at 2 a.m. and the A day is considered to extend from~~  
 3 ~~8 a.m. until the following 2 a.m.~~ The department may not  
 4 issue ~~more than 12~~ such permits to any such post-~~or--~~judge  
 5 applicant for ~~more than 60 days~~ during a calendar year;  
 6 ~~however, each permit may be for any number of specified days~~  
 7 ~~so long as the maximum is not exceeded."~~

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

9 "16-4-501. License and permit fees. (1) Each beer  
 10 licensee, under the provisions of this code, shall pay an  
 11 annual license fee as follows:

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

15 (b) each wholesaler, \$400;

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

18 (d) for a license to sell beer at retail for  
 19 off-premises consumption only, the same as a retail beer  
 20 license;

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

23 (2) The permit fee under 16-4-301(1) is ~~computed at~~  
 24 ~~the rate of \$15 a day for each day beer is licensed to be~~  
 25 ~~sold at those events lasting 2 or more days but in no case~~

1 ~~be less than \$30 or \$30 a day for each day all alcoholic~~  
 2 ~~beverages are licensed to be sold.~~

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

6 (4) Passenger carrier licenses shall be issued upon  
 7 payment by the applicant of an annual license fee in the sum  
 8 of \$300.

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

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

14 (7) Each licensee licensed under the quotas of  
 15 16-4-201 shall pay an annual license fee as follows:

16 (a) except as hereinafter provided, for each license  
 17 outside of incorporated cities and incorporated towns or in  
 18 incorporated cities and incorporated towns with a population  
 19 of less than 2,000, \$400;

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

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

7 (d) for each license in incorporated cities with a  
 8 population of 10,000 or more or within a distance of 5 miles  
 9 thereof, measured in a straight line from the nearest  
 10 entrance of the premises to be licensed to the nearest  
 11 boundary of such city, \$800;

12 (e) the distance of 5 miles from the corporate limits  
 13 of any incorporated cities and incorporated towns is  
 14 measured in a straight line from the nearest entrance of the  
 15 premises to be licensed to the nearest boundary of such city  
 16 or town; and where the premises of the applicant to be  
 17 licensed are situated within 5 miles of the corporate  
 18 boundaries of two or more incorporated cities or  
 19 incorporated towns of different populations, the license fee  
 20 chargeable by the larger incorporated city or incorporated  
 21 town applies and shall be paid by the applicant. When the  
 22 premises of the applicant to be licensed are situated within  
 23 an incorporated town or incorporated city and any portion of  
 24 the incorporated town or incorporated city is without a  
 25 5-mile limit, the license fee chargeable by the smaller

1 incorporated town or incorporated city applies and shall be  
 2 paid by the applicant.

3 (f) an applicant for the issuance of an original  
 4 license to be located in areas described in subsection (d)  
 5 of this subsection shall pay a one-time original license fee  
 6 of \$20,000 for any such license issued. The one-time license  
 7 fee of \$20,000 shall not apply to any transfer or renewal of  
 8 a license duly issued prior to July 1, 1974. All licenses,  
 9 however, are subject to the annual renewal fee of \$800.

10 (g) The license fees herein provided for are exclusive  
 11 of and in addition to other license fees chargeable in  
 12 Montana for the sale of alcoholic beverages."

-End-

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STATE OF MONTANA

REQUEST NO. 193-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 2, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 302 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 proposed bill increases the number of groups which may obtain temporary permits to sell beer or all alcoholic beverages.

ASSUMPTIONS

- 1) The number of requests for a special permit due to this legislation will be 400 a year for FY80 and FY81.
- 2) The average number of days per request will be 30.
- 3) The special permit fee will average \$20 a day.
- 4) Administrative costs will be absorbed.

FISCAL IMPACT

Special Permit License Fee (Beer and all-beverage licenses) - Effect of proposed legislation Estimated Increase	<u>FY80</u>	<u>FY81</u>
	<u>\$240,000</u>	<u>\$240,000</u>

FUND INFORMATION

General Fund Estimated Increase	<u>\$240,000</u>	<u>\$240,000</u>
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LONG-RANGE EFFECTS

This legislation should increase revenues by approximately \$250,000 per year for the next few years.

LOCAL IMPACT

City/county general funds will receive in total increased revenues approximating \$120,000 per year.

*Richard L. Drang*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 4/5/79

Approved by Committee  
on Business and Industry

SENATE BILL NO. 302

INTRODUCED BY REGAN, GRAHAM, HAZELBAKER

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE NUMBER OF GROUPS WHICH MAY OBTAIN TEMPORARY PERMITS TO SELL BEER OR ALL ALCOHOLIC BEVERAGES; 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 all 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, a state or local veterans' organization, a state or local fraternal organization, a country club, church, civic group or association, or any nonprofit organization whose bylaws provide that the organization's purpose is community service~~ 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 at its hall or building to members and their guests only.~~

(b) The application of ~~such nationally chartered veterans' organization or lodge of a recognized national fraternal organization~~ made under subsection (2)(a) 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 under subsection (2)(a)

1 shall be for a 24-hour-period specified number of days only,  
 2 ending at 2 a.m. and the A day is considered to extend from  
 3 8 a.m. until the following 2 a.m. The department may not  
 4 issue more than 12 such permits to any such post- or --todge  
 5 applicant for more than 60 days during a calendar year;  
 6 however, each permit may be for any number of specified days  
 7 so long as the maximum is not exceeded."

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

9 "16-4-501. License and permit fees. (1) Each beer  
 10 licensee, under the provisions of this code, shall pay an  
 11 annual license fee as follows:

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

15 (b) each wholesaler, \$400;

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

18 (d) for a license to sell beer at retail for  
 19 off-premises consumption only, the same as a retail beer  
 20 license;

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

23 (2) The permit fee under 16-4-301(1) is computed at  
 24 the rate of \$15 a day for each day beer is licensed to be  
 25 sold at--these-events--lasting-2-or-more-days-but-in-no-case

1 be-less-than-\$90 or \$30 a day for each day all alcoholic  
 2 beverages are licensed to be sold.

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

6 (4) Passenger carrier licenses shall be issued upon  
 7 payment by the applicant of an annual license fee in the sum  
 8 of \$300.

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

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

14 (7) Each licensee licensed under the quotas of  
 15 16-4-201 shall pay an annual license fee as follows:

16 (a) except as hereinafter provided, for each license  
 17 outside of incorporated cities and incorporated towns or in  
 18 incorporated cities and incorporated towns with a population  
 19 of less than 2,000, \$400;

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

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

7 (d) for each license in incorporated cities with a  
 8 population of 10,000 or more or within a distance of 5 miles  
 9 thereof, measured in a straight line from the nearest  
 10 entrance of the premises to be licensed to the nearest  
 11 boundary of such city, \$800;

12 (e) the distance of 5 miles from the corporate limits  
 13 of any incorporated cities and incorporated towns is  
 14 measured in a straight line from the nearest entrance of the  
 15 premises to be licensed to the nearest boundary of such city  
 16 or town; and where the premises of the applicant to be  
 17 licensed are situated within 5 miles of the corporate  
 18 boundaries of two or more incorporated cities or  
 19 incorporated towns of different populations, the license fee  
 20 chargeable by the larger incorporated city or incorporated  
 21 town applies and shall be paid by the applicant. When the  
 22 premises of the applicant to be licensed are situated within  
 23 an incorporated town or incorporated city and any portion of  
 24 the incorporated town or incorporated city is without a  
 25 5-mile limit, the license fee chargeable by the smaller

1 incorporated town or incorporated city applies and shall be  
 2 paid by the applicant.

3 (f) an applicant for the issuance of an original  
 4 license to be located in areas described in subsection (d)  
 5 of this subsection shall pay a one-time original license fee  
 6 of \$20,000 for any such license issued. The one-time license  
 7 fee of \$20,000 shall not apply to any transfer or renewal of  
 8 a license duly issued prior to July 1, 1974. All licenses,  
 9 however, are subject to the annual renewal fee of \$800.

10 (8) The license fees herein provided for are exclusive  
 11 of and in addition to other license fees chargeable in  
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-End-



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 21 in incorporated cities with a population of more than 2,000  
 22 and less than 5,000 or within a distance of 5 miles thereof,  
 23 measured in a straight line from the nearest entrance of the  
 24 premises to be licensed to the nearest boundary of such  
 25 city, \$500;

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