## IN THE SENATE

January 31, 1979

February 1, 1979
February 5, 1979
February 15, 1979

February 17, 1979

February 19, 1979
February 20, 1979
February 21, 1979

February 22, 1979

March 5, 1979

March 19, 1979

March 13, 1979

March 14, 1979

March 15, 1979

Introduced and referred to Committee on Business and Industry.

Fiscal note requested.
Fiscal note returned.
Committee recommend bill, as amended.

Printed and placed on members' desks.

Second reading, do pass.
Considered correctly engrossed.
Third reading, passed.
IN THE HOUSE
Introduced and referred to Committee on Business and Industry.

Rereferred to Committee on Rules.

Rereferred to Committee on Business and Industry.

Committee recommend bill, not concurred. Objection.

Second reading, not concurred.
IN THE SENATE
Returned from House, not concurred.

corporation is a special pernit but shall not authorize the sale of beer or all alroholichexacages except starting 1 day in advance of the regular period when events ore being held upon such grounds and during the period described in the application and for 1 day thereafter.
(2) (a) A post of a nationsliy chartered veterans: organization ore a lodge of a recognized national fraternal organizatione_a_stata_or_Iocal_raterans: organlzatione_a stata or local fratarnal_organlzatione_a cosintry clute churche civic group_or assoclatlone or_any_noporofit organization mose bylass proxide that the organlzation's purpasenis comunity servica 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 especial permit to sell beer or apectal permit to sell all alcoholic beverages et-sueh-post-of-Fodge e0-menbers-and-theip-gueste-enty-te-be-censumed-within-the hot+--op-bet+6tng--of-mat--post-or--7odge at its hall ar building to teathers_and their ounsts only.
(b) The application of-such-netionaliy--ehortered veterons--organization-or--Hodge-of-e-recogntzed-nationat froternet-orgontratton made_undac subsection_(2lial 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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shall be for a z+hour-period spacifisd_hwuluccuf_diys onlya
ent+ng-ot-2-0*|m=0-0nt-the A.day is considered tonextend from
A__arle until the_following_2 an⿴⿱冂一⿱一一厶儿
issue more-then-tz such permits to any such post--or--todge
applicant for mora than_60 days during a calendar yeari
howexer, sach permle may be for any number of specified days
So_lono as tha maxinum is notmexceeded."
    Section 2. Section 16-4-501. HCA, is amended to read:
    -16-4-501. License and permit fees. (1) Each beer
licenseev under the provisions of this code: shall pay an
annual license fee as follows:
    (a) esch brewer, wherever located, whose product is
sold or offered for sale within the state, s500; for each
storage depot, 8400;
    (b) each molesaler, 3400;
    (c) each beer retailer, s200; with a wine license
amendment. an additional s200;
    (d) for a license to sell beer at retall for
off-premises consumption only, the same as a retail beer
license:
    (e) any unit of a nationally chartered veterans"
organization, $50.
    (2) The permit fee under 16-4-301(1) is eemputed-et
the-rete-of }515\mathrm{ a day for each day beer is Licensed to be
sold ot-those-events-+esting-z-or-mope-ders-but-in-me-eese
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## be－tess－then－ 430 or 830 a＿day for each day all dicubulic beverages ace＿Licensad to besold－

（3）The permit fee under $26-4-301(2)$ is $\$ 10$ anday for the sale of beer only or $\$ 20$ a＿day for the sale of all alcoholic beveragese
（4）Passenger carrier incenses shall be issued upon payment by the applicant of an annual license fee in the sum of $\$ 300$ ．
（5）The annual license fee for a license to sell wine on the prealses，when issued as an amendment to a beer－only license，is $\$ 200$ ．
（6）The annull fee for resort retail 1 iquor licenses within a given resort area shall be 52,000 for each license．
（7）Each licensee licensed under the quotas of 16－4－201 shall pay an annual license fee as follows：
（a）except as hereinafter provided，for each license outside of incorporated cities and incorporated towns or in Incorporated cities and incorporated towns with a population of less than 2，000．3400；
（b）except as hereinafter provided＊for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles thereof， measured in a straight 1 ine frow the nearest entrance of the prewises to be licensed to the nearest boundary of such city．\＄500：

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(c) exceye as hereinafter provided, for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distence of 5 wiles thereof, ineasured in a straight line from the nearest entrance of the preaises to be licensed to the nearest boundary of such city. \$650;
(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 wles thercof, measured in a straight line from the nearest entrance of the preaises to be licensed to the nearest Doundary of such city, s800;
(e) the distance of 5 wies from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the promises to be licensed to the nearest boundary of such city or town; and where the prewises of the applicant to be licensed are situated within 5 miles of the corporate bouncaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the 1 arger incorparated city or incorporated town applies and shall be paid by tie duplicumte hira tho premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a s-mile limit, the license fee chargeable by tho sfoller
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> incorporated town or incorporated city applies and shall be paid by the applicant.
> (f) an applicant for the issuance of an original license to be located in areas descrived in subsectiun ( ${ }^{\text {( ) }}$ of this subsection shall pay a one-time original license fee of $\$ 20,000$ for any such litense issued. The one-time license fee of $\$ 20,000$ shall not apply to any transfer or renewal of a license duly issued prior to July 1. 1974. All licenses. however, are subject to the annual renewal fee of $\$ 800$.
> (8) The license fees herein provided for are exclusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beveragese"
> -End-

## FISCAL NOTE

In compliance with a written request received Februaty_2, , 19, 79 , there is hereby submitted a Fiscal Note for Senate Bi11 302 $\qquad$ 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) FY80 FY81

- Effect of proposed legislation Estimated Increase
$\$ 240,000 \quad \$ 240,000$

FUND INFORMATION
General Fund
Estimated Increase
$\$ 240,000$
$\$ 240,000$

## 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.


Approved by Committee on Business and Induatry

SENATE BILL NO. 302
Introduced by regan g grahah thazelbaker
a bill for an act entitled: man act to increase the number OF GROUPS WHICH MAY OBTAIN TEWPORARY PERMITS TO SELL BEER OR ALL ALCOHOLIC BEVERAGES; AMENOING SECTIONS 16-4-301 AMO 16-4-501, MCA.* be it enacted by the legislature of the state of montana: Section 1. Section 16-4-301. MCA, 4 s amended to read: *16-4-301. Special pernits to sell all alconolic beverages or beer -- application and issuance. (i) (a) Any association or corporation conducting a picnic. conventions fair, civic or community enterprisep or sporting event shall in the discretion of the liquor division be entitied to a special permit to sell beer of anspecial pergit to sell_all alconolicmeyerages to the patrons of such event to be consumed within the enclosure wherefn 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 helid. 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 sate of beer ar all alcaholicmavacages 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 ori a lodge of a recognlzed national fraternal organizationy_d_stata_or local raterans"_organizations_a stata_or_local_frateroal_organkatione_d_countcy_cluba shacelix cixic_oroup_or atsoclatione_or_any_osporofit grganization_mose bylats_orovide_that tba_ocganixation't purpose is_cominity_recyice not otherwise licensed under this code shall, in the discretion of the department. without notice or hearing as provided in 16-4-207. be entitied to a specital persit to sell beer or a special permit to sell all alcoholic beverages ot-sueh-post-or-7odge to-mewbers-and-thetf-guests-entyp-to-be-consuned-wtehtn-the hat7--or--baithtng--of--apeh-pest--or--7odge at_lts_hall_or puilding tonmang and theic guasts only-
(b) The application of--such--netionetzy---chartered veterang--organtzation--or--7odge--of-a-recegntzed-nettonet fraternat-orgonitetton made_under_subsection_(214a) 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)

[^0]shall be for a 24-nour-pertod specified_ountar of daxs onlya ending-at-2-armev-and-the Aday_is_consideced_to_extend_fing日_asean-until the folloming_2_aeme Ibe department may not issue mere-then-tz such permits to any such pest--or--todge applicant for_mara_than_60_days during a calendar yeara homevers each pernit_may be for any_numer_of_soacified_days solong_as_the_eaxinutis_not_exceededo"

Section 2. Section 16-4-501, MCA, is amended to read:
"16-4-501. License and permit feese (1) Each beer licensee, under the provisions of this coden shall pay an annual license fee as fallows:
(a) eech brewer. wherever located. whose product is sold or offered for sale within the stater 3500 ; for sach storage depot. 4400 ;
(b) each wholesaler. 5400 ;
(c) each beer reteiler: s200; with a wine license amendeent, an additional $\$ 200$;
(d) for a license to sell beer at retail for off-premises consumption only, the same as a retall beer 1icense;
(e) any unit of a nationally chartered veterans" organization. $\$ 50$.
(2) The permit fee under 16-4-301(1) is eampoted-at the-rate-ef $s 15$ a day for each day beer is liceased_to_be sold st-these-events-testing-z-or-more-deys-but-tn-no-cese
> be-tess-thon- 530 or_ 30 _a_day_for_each_day_all_alcoholic bevarages_are_licensed_to_be_sold.
> (3) The permit fee under 16-4-301(2) is $\$ 10$ a_day for the sale of beer onty or $\$ 20$ a_day for the sale of all alcoholic beverages.
> (4) Passenger carrier licenses shall be issued upon payment by the applicant of an annual license fee in the sum of $\$ 300$.
> (5) The annual icense fee for a license to sell wine on the premises. when issued as an amendment to a beer-only itcenser is $\$ 200$.
> (6) The annual fee for resort retail liquor licenses within a given resort area shall be $\$ 2,000$ for each license.
> (7) Each licensee licensed under the quotas of 16-4-201 shalif pay an annual icense fee as follows:
> (a) except as hereinafter provided, for each license outside of incorporated cities and incorporated towns or in Incorporated cities and incorporated towns with a population of less than 2,000, \$400;
> (b) except as hereinafter provided, for each license In incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city. 8500 ;
(c) except as hereinafter providedy for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city. $\$ 650$;
(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, \$800;
(e) the distance of 5 mites from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the mesrest boundary of such city or town; and where the premises of the applicant to be licensed are situated within 5 mites of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and shall be paid by the applicant. When the prewises of the applicant to be licensed are situated within an incorporated town or incorporated city and any pertion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller

[^1]-End-

## SENATE BILL NO. 302

INIRDOUCED BY REGAN, GRAHAM, HAZELBAKER
a bill for an act entitled: man act to increase the mumber of groups hhich may obtain temporary permits to selt 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: m16-4-301. Special permits to sell all alcoholic beverages or beer -- application and issuance. (1) (a) Any association or corporation conducting a picnic. convention, fairy civic or commity enterprisep or sporting event shall in the discretion of the liquor division be entitled to a special permit to sell beer or a special_pergit_to_sell_all alcoholicmexarages to the patrons of such event to be consumed within the enclosure whereln the event is melde
(b) The application of any such association or corporation shall be presented 10 days in advance and shall describe the location of such enctosure 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 alcobolic bexerages except starting 1 day in advance of the regular period when events are being held upon such grounds and during the perfod descfibed in the application and for 1 day thereafter
(2) (a) a post of a nationaliy chartered veterans" organization org a lodge of a recognized national fraternal organizationa_d_state_or_local_xaterans organizatione__a
 thurchz cixic oroup_or associations_or_ank_nonocofit organzatlon_mosa_bxlams_oroyida_that_the_organization's pucposit is comminity setcyice not othervise licensed under this code shall. in the discretion of the departeent. without notice or hearing as provided in 16-4-207, be ontitled to special permit to sell beer or a special permit to sell all alcoholic beverages st-sueh-post-or-7ndge te-meabers-and-theip-gutsta-onty-to-be-consumed-wtthtn--the noti--er--baitatng--ef-men-pert-or--todge at_its_hall_ar mildiog to mathers_and_theic guests enly*
(b) The application of--sueh--nationtly---ehapteref vezerons²--organitetion--or--todge--of-a-retognized-nationat fraternet-orgenteotion made ynder_subsection_i21ial shall describe the location of the hall or building where the special permit will be used and the date it will be usede.
(c) The special permit issued under_subsection_1211al

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shall be for a 24-houp-period specified_oumbac_of_days onlya
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Section 2. Section 16-4-501. MCA. is amended to read:
"16-4-501. License and permit fees. (1) Each beer ilcenseep under the provisions of this codep shall par an annuel ilcense tee as follows:
(a) each brewer, wherever located, whose product is sold or offered for sale within the state, 8500 ; for ench sterage depote s40es
(D) Each wholesaler, s400;
(c) each beer retailer, s200; with a wine license amendment, an additional \(\mathbf{3 2 0 0}\);
(d) for fifense to sell beer at retail for off-prenises consumption oniy, the same as a retail beer IIcense;
(e) any unlt of a nationally chartered veterans* organization, 850.
(2) The permit fee under 16-4-301(1) is emprated-at the-rote-of \(\$ 15\) a day for each day beer is liceased_te_be sold et-those-events-7asting-i-or-more-days-but-+n-no-ease
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 bexaczgandiralicensed_tamenald-(3) The permit fee under 16-4-301(2) is 310 a_day for the sale of beer only or $\$ 20$ a_day for the sale of all alconolic beverages.
(4) Passenger carrier licenses shall be issued upon payment by the applicant of an anmual license fee in the sum of $\$ 300$.
(5) The annual license fee for a license to sell wine
on the promises, when issued as an amendment to a beer-only license, is $\$ 200$.
(6) The annual fee for resort retail liquor licenses
within given resort area shall be $\$ 2,000$ for each license.
(7) Each licensee licensed under the quotas of 16-4-201 shall par an annual license fee as follows:
(a) except as hereinafter provided. for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, 5400 :
(b) except as hereinafter providede for each license in Incorporatud cities with population of more than 2,000 and less than 5,000 or within distance of 5 miles thereof, measured in straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such elty. 8500:電

- SM 302
(c) except as hereinafter provided* for each license in incorporated cities with a population of more than 5,000 and less than 10.000 or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, $\$ 650$ :
(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, \$800;
(e) the distance of 5 miles from the corporate linits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and shall be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorperated city is without a 5-mile limite the icense fee chargeable by the smaller
incorporated town or incorporated efty applies and shall be paid by the applicant.
(f) an applicant for the issuance of an original license to be located in areas described in subsection (d) of this subsection shall pay a onetime original license fee of $\$ 20,000$ for any such license issued. The one-time license fee of 520,000 shall not apply to any transfer or renewal of a Iicense duly issued prior to July 1. 1974. All ifcenses. however are subject to the annual renewal fee of $\$ 800$.
(a) Ihe license fees herein provided for are exciusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beverages."
-End-


[^0]:    ${ }^{-2-}$ SECOND READI* SB 302

[^1]:    incorporated town or incorporated city applies and shall be paid by the applicant.
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    (8) The license fees herein provided for are exclusive of and in addition to other iicense fees chargeabie in Montana for the sale of alcoholic beveragese:

