

House Bill 138

In The House

January 9, 1981	Introduced and referred to Committee on State Administration.
January 20, 1981	Committee recommend bill do pass as amended.
January 21, 1981	Bill printed and placed on members' desks.
January 22, 1981	Motion pass consideration.
February 2, 1981	Second reading pass consideration. Motion to rerefer to Committee. Rereferred to Committee on State Administration.
February 12, 1981	Committee recommend bill do pass as amended.
February 13, 1981	Bill printed and placed on members' desks.
February 14, 1981	Second reading do pass.
February 16, 1981	Correctly engrossed.
February 17, 1981	Third reading passed.

In The Senate

February 18, 1981	Introduced and referred to Committee on Judiciary.
March 3, 1981	Committee recommend bill concurred.
March 4, 1981	On motion taken from Bills and Journal and referred to Judiciary. Motion adopted.
April 23, 1981	Died in Committee.

1 HOUSE BILL NO. 138  
2 INTRODUCED BY Edward Bayless

1 site since January 1, 1937."

-End-

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
5 16-3-306, MCA, PREVENTING THE LICENSING OF ANY BUSINESS  
6 SELLING ALCOHOL IN CLOSE PROXIMITY TO A CHURCH OR SCHOOL."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9 Section 1. Section 16-3-306, MCA, is amended to read:  
10 "16-3-306. Proximity to churches and schools  
11 restricted. ~~\* No retail licensee may not extend or relocate~~  
12 ~~his license may be issued pursuant to this code to any~~  
13 ~~business or enterprise whose~~ premises are within 600 feet of  
14 and on the same street as a building used exclusively as a  
15 church, synagogue, or other place of worship or as a school  
16 other than a commercially operated or postsecondary school.  
17 This distance shall be measured in a straight line from the  
18 center of the nearest entrance of the place of worship or  
19 school to the nearest entrance of the licensee's premises.  
20 This section is a limitation upon the department's licensing  
21 authority. However, the department may renew a license for  
22 any establishment located in violation of this section if  
23 the establishment was either located on the site before the  
24 place of worship or school opened or located in a bona fide  
25 hotel, restaurant, or fraternal organization building at the

-2- INTRODUCED BILL  
HB 138

Approved by Committee  
on State Administration

HOUSE BILL NO. 138

INTRODUCED BY ELLERD, BOYLAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 16-3-306, MCA, PREVENTING THE ~~LICENSING~~ RELOCATION TO A NONCONTIGUOUS SITE OF ANY BUSINESS SELLING ALCOHOL IN CLOSE PROXIMITY TO A CHURCH OR SCHOOL AND APPLYING THE 600-FOOT DISTANCE REQUIREMENT TO AN EXTENSION OF A LICENSEE'S PREMISES."

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

Section 1. Section 16-3-306, MCA, is amended to read:

"16-3-306. Proximity to churches and schools restricted. ~~A No A retail licensee may not extend or relocate his license may be issued pursuant to this code to any business or enterprise whose~~ LICENSEE MAY NOT RELOCATE HIS premises are TO A NONCONTIGUOUS SITE within 600 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school other than a commercially operated or postsecondary school. This distance shall be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. IF A LICENSEE EXTENDS THE ORIGINAL BOUNDARIES OF HIS PREMISES, THE 600-FOOT DISTANCE REQUIREMENT MUST APPLY. This

section is a limitation upon the department's licensing authority. However, the department may renew a license for any establishment located in violation of this section if the establishment was either located on the site before the place of worship or school opened or located in a bona fide hotel, restaurant, or fraternal organization building at the site since January 1, 1937."

-End-

SECOND READING

Approved by Committee  
on State Administration

HOUSE BILL NO. 138  
INTRODUCED BY ELLERD, BOYLAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
16-3-306, MCA, PREVENTING THE ~~RELOCATING~~ RELOCATION TO A  
~~NONCONTIGUOUS SITE~~ LICENSING OF ANY BUSINESS CERTAIN  
BUSINESSES SELLING ALCOHOL IN CLOSE PROXIMITY TO A CHURCH OR  
SCHOOL ~~AND APPLYING THE 600-FOOT DISTANCE REQUIREMENT TO AN~~  
~~EXTENSION OF A LICENSEE'S PREMISES."~~

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HIS LICENSE MAY BE ISSUED PURSUANT TO THIS CODE TO ANY  
BUSINESS OR ENTERPRISE WHOSE premises ~~are to a noncontiguous~~  
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building used exclusively as a church, synagogue, or other  
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operated or postsecondary school. This distance shall be  
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entrance of the licensee's premises. ~~if a licensee extends~~

~~THE ORIGINAL BOUNDARIES OF HIS PREMISES, THE 600-FOOT~~  
~~DISTANCE REQUIREMENT MUST APPLY.~~ This section is a  
limitation upon the department's licensing authority.  
However, the department may renew a license for any  
establishment located in violation of this section, PROVIDED  
THE LICENSEE DOES NOT RELOCATE HIS PREMISES TO A  
NONCONTIGUOUS SITE OR RELOCATE HIS ENTRANCES ANY CLOSER THAN  
THE EXISTING ENTRANCES, if the establishment was either  
located on the site before the place of worship or school  
opened or located in a bona fide hotel, restaurant, or  
fraternal organization building at the site since January 1,  
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