

House Bill 175

In The House

January 13, 1981

Introduced and referred
to Committee on Business
and Industry.

January 24, 1981

Committee recommend bill
do not pass.

HOUSE BILL NO. 175

INTRODUCED BY Yardley

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND 16-4-201, MCA, PROVIDING FOR A DIMINISHING NUMBER OF INHABITANTS REQUIRED FOR AN ALL-BEVERAGES LICENSE QUOTA IN INCORPORATED CITIES OF OVER 3,000 INHABITANTS."

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

Section 1. Section 16-4-201, MCA, is amended to read:

"16-4-201. All-beverages license quota. (1) Except as otherwise provided by law, a license to sell liquor, beer, and wine at retail (an all-beverages license) in accordance with the provisions of this code and the rules of the department may be issued to any person who is approved by the department as a fit and proper person to sell such beverages, except that the number of all-beverages licenses that the department may issue for premises situated within incorporated cities and incorporated towns and within a distance of 5 miles from the corporate limits of such cities and towns shall be determined on the basis of population as shown by the most recent official United States census authorized by congress, as follows:

(a) in incorporated towns of 500 inhabitants or less and within a distance of 5 miles from the corporate limits

of such towns, not more than two retail licenses;

(b) in incorporated cities or incorporated towns of more than 500 inhabitants and not over 3,000 inhabitants and within a distance of 5 miles from the corporate limits of such cities and towns, three retail licenses for the first 1,000 inhabitants and one retail license for each additional 1,000 inhabitants;

(c) in incorporated cities of over 3,000 inhabitants and within a distance of 5 miles from the corporate limits thereof, five retail licenses for the first 3,000 inhabitants and one retail license for each additional 1,500 inhabitants. In the year January 1, 1982, to January 1, 1983, the retail license in addition to the five retail licenses shall be for each additional 1,400 inhabitants; in the calendar year 1983, for each additional 1,300 inhabitants; in the calendar year 1984, for each additional 1,200 inhabitants; in the calendar year 1985, for each additional 1,100 inhabitants; in the calendar year 1986 and thereafter, for each additional 1,000 inhabitants.

(2) The number of the inhabitants in such cities and towns, exclusive of the number of inhabitants residing within a distance of 5 miles from the corporate limits thereof, shall govern the number of retail licenses that may be issued for use within such cities and towns and within a distance of 5 miles from the corporate limits thereof. If

1 two or more incorporated municipalities are situated within
 2 a distance of 5 miles from each other, the total number of
 3 retail licenses that may be issued for use in both of such
 4 municipalities and within a distance of 5 miles from their
 5 respective corporate limits shall be determined on the basis
 6 of the combined populations of both of such municipalities
 7 and may not exceed the foregoing limitations.
 8 Notwithstanding the preceding sentence, the total population
 9 for determining the quota of a city may include with the
 10 city's population the population residing outside but within
 11 5 miles of the city limits in a case where the number of
 12 persons residing outside but within 5 miles of the city
 13 exceeds the number of persons residing within the city.
 14 Such a determination may be made only upon a special census
 15 taken by the department or its agent at the expense of the
 16 applicant for a license under this section. The distance of
 17 5 miles from the corporate limits of any incorporated city
 18 or incorporated town shall be measured in a straight line
 19 from the nearest entrance of the premises proposed for
 20 licensing to the nearest corporate boundary of the city or
 21 town.

22 (3) Retail all-beverages licenses of issue on March 7,
 23 1947, and which are in excess of the foregoing limitations
 24 shall be renewable, but no new licenses may be issued in
 25 violation of such limitations.

1 (4) Such limitations do not prevent the issuance of a
 2 nontransferable and nonassignable (as to ownership only)
 3 retail license to any post of a nationally chartered
 4 veterans' organization or any lodge of a recognized national
 5 fraternal organization if such veterans' or fraternal
 6 organization has been in existence for a period of 5 years
 7 or more prior to January 1, 1949.

8 (5) The number of retail all-beverages licenses that
 9 the department may issue for use at premises situated
 10 outside of any incorporated city or incorporated town and
 11 outside of the area within a distance of 5 miles from the
 12 corporate limits thereof may not be more than one license
 13 for each 750 population of the county after excluding the
 14 population of incorporated cities and incorporated towns in
 15 such county."

-End-