

SENATE BILL NO. 178

INTRODUCED BY LEE, KOLSTAD

IN THE SENATE

January 19, 1981	Introduced and referred to Committee on State Administration.
January 29, 1981	Committee recommend bill do pass as amended. Report adopted.
January 30, 1981	Bill printed and placed on members' desks.
January 31, 1981	Second reading, do pass.
February 2, 1981	Correctly engrossed.
February 3, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 4, 1981	Introduced and referred to Committee on Business and Industry.
March 10, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1981	Second reading, concurred in.
March 14, 1981	Third reading, concurred in as amended. Ayes, 87; Noes, 5.

IN THE SENATE

March 16, 1981	Returned from House with amendments.
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March 17, 1981

On motion, consideration be
passed for the day.

March 18, 1981

Second reading, amendments
concurred in.

March 20, 1981

Third reading, amendments
concurred in. Ayes, 47; Noes, 0.
Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 178
 2 INTRODUCED BY *Cue Holstad*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 16-3-306, MCA, TO PROVIDE AN ADDITIONAL EXCEPTION TO THE
 6 RESTRICTION LIMITING PROXIMITY OF RETAIL LIQUOR LICENSEES TO
 7 SCHOOLS AND PLACES OF WORSHIP."

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

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

11 "16-3-306. Proximity to churches and schools
 12 restricted. (1) A retail licensee may not extend or relocate
 13 his premises within 600 feet of and on the same street as a
 14 building used exclusively as a church, synagogue, or other
 15 place of worship or as a school other than a commercially
 16 operated or postsecondary school. This distance shall be
 17 measured in a straight line from the center of the nearest
 18 entrance of the place of worship or school to the nearest
 19 entrance of the licensee's premises. This section is a
 20 limitation upon the department's licensing authority.

21 (2) However, the department may renew a license for
 22 any establishment located in violation of this section if
 23 the establishment:

24 (a) was either located on the site before the place of
 25 worship or school opened; or

1 (b) was located in a bona fide hotel, restaurant, or
 2 fraternal organization building at the site since January 1,
 3 1937; or
 4 (c) obtains the written approval of the place of
 5 worship or school to sell alcoholic beverages in closer
 6 proximity than is allowed under subsection (1)."

-End-

-2- INTRODUCED BILL
 SB 178

Approved by Committee
on State Administration

1 SENATE BILL NO. 178
2 INTRODUCED BY LEE, KOLSTAD

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 16-3-306, MCA, TO PROVIDE AN ADDITIONAL EXCEPTION EXCEPTIONS
6 TO THE RESTRICTION LIMITING PROXIMITY OF RETAIL LIQUOR
7 LICENSEES TO SCHOOLS AND PLACES OF WORSHIP."

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

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

11 "16-3-306. Proximity to churches and schools
12 restricted. (1) * EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND
13 (3), a retail licensee may not extend or relocate his
14 premises within 600 feet of and on the same street as a
15 building used exclusively as a church, synagogue, or other
16 place of worship or as a school other than a commercially
17 operated or postsecondary school. This distance shall be
18 measured in a straight line from the center of the nearest
19 entrance of the place of worship or school to the nearest
20 entrance of the licensee's premises. This section is a
21 limitation upon the department's licensing authority.

22 (2) However, the department may renew a license for
23 any establishment located in violation of this section if
24 the establishment:

25 (a) was either located on the site before the place of

1 worship or school opened; ~~or~~
2 (b) was located in a bona fide hotel, restaurant, or
3 fraternal organization building at the site since January 1,
4 1937; or
5 (c) obtains the written approval of the place of
6 worship or school to sell alcoholic beverages in closer
7 proximity than is allowed under subsection (1).
8 (3) SUBSECTION (1) DOES NOT APPLY TO LICENSES FOR THE
9 SALE OF BEER, TABLE WINE, OR BOTH IN THE ORIGINAL PACKAGE
10 FOR OFF-PREMISES CONSUMPTION."

-End-

SECOND READING

SENATE BILL NO. 178

INTRODUCED BY LEE, KOLSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 16-3-306, MCA, TO PROVIDE AN ADDITIONAL EXCEPTION EXCEPTIONS TO THE RESTRICTION LIMITING PROXIMITY OF RETAIL LIQUOR LICENSEES TO SCHOOLS AND PLACES OF WORSHIP."

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. (1) * EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), A retail licensee may not extend or relocate his premises 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. This section is a limitation upon the department's licensing authority.

(2) However, the department may renew a license for any establishment located in violation of this section if the establishment:

(a) was either located on the site before the place of

worship or school opened; or

(b) was located in a bona fide hotel, restaurant, or fraternal organization building at the site since January 1, 1937; or

(c) obtains the written approval of the place of worship or school to sell alcoholic beverages in closer proximity than is allowed under subsection (1).

(3) SUBSECTION (1) DOES NOT APPLY TO LICENSES FOR THE SALE OF BEER, TABLE WINE, OR BOTH IN THE ORIGINAL PACKAGE FOR OFF-PREMISES CONSUMPTION."

-End-

THIRD READING

1 SENATE BILL NO. 178

2 INTRODUCED BY LEE, KOLSTAD

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 16-3-306, MCA, TO ~~PROVIDE AN ADDITIONAL EXCEPTION~~ EXCEPTIONS
6 ~~TO THE RESTRICTION LIMITING~~ PREVENT THE LICENSING OF CERTAIN
7 BUSINESSES SELLING ALCOHOL IN CLOSE PROXIMITY OF ~~RETAIL~~
8 ~~LIQUOR LICENSEES TO SCHOOLS AND PLACES OF WORSHIP; AND~~
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

13 "16-3-306. Proximity to churches and schools
14 restricted. (1) A EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND
15 (3), A NO retail licensee LICENSE may not extend or relocate
16 his BE ISSUED PURSUANT TO THIS CODE TO ANY BUSINESS OR
17 ENTERPRISE WHOSE premises ARE within 600 feet of and on the
18 same street as a building used exclusively as a church,
19 synagogue, or other place of worship or as a school other
20 than a commercially operated or postsecondary school. This
21 distance shall be measured in a straight line from the
22 center of the nearest entrance of the place of worship or
23 school to the nearest entrance of the licensee's premises.
24 This section is a limitation upon the department's licensing
25 authority.

1 (2) However, the department may renew a license for
2 any establishment located in violation of this section if
3 THE LICENSEE DOES NOT RELOCATE HIS ENTRANCES ANY CLOSER THAN
4 THE EXISTING ENTRANCES AND IF the establishment:

5 (a) was either located on the site before the place of
6 worship or school opened; ~~or~~ OR

7 (b) was located in a bona fide hotel, restaurant, or
8 fraternal organization building at the site since January 1,
9 1937; ~~or~~

10 ~~(c) obtains the written approval of the place of~~
11 ~~worship or school to sell alcoholic beverages in closer~~
12 ~~proximity than is allowed under subsection (1).~~

13 (3) SUBSECTION (1) DOES NOT APPLY TO LICENSES FOR THE
14 SALE OF BEER, TABLE WINE, OR BOTH IN THE ORIGINAL PACKAGE
15 FOR OFF-PREMISES CONSUMPTION."

16 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
17 PASSAGE AND APPROVAL.

-End-

March 9, 1981

THE HOUSE BUSINESS AND INDUSTRY amends SENATE BILL 178 in the third reading copy as follows:

1. Title, lines 5, 6 and 7.

Following: "TO" on line 5

Strike: the remainder of line 5 through "LIMITING" on line 6

Insert: "PREVENT THE LICENSING OF CERTAIN BUSINESSES SELLING ALCOHOL
IN CLOSE"

Following: "PROXIMITY" on line 6

Strike: the remainder of line 6 and "LICENSEES" on line 7

Following: "WORSHIP" on line 7

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 13.

Following: "(3),"

Strike: "A"

Insert: "No"

Following: "retail"

Strike: "licensee"

Insert: "license"

Following: "may"

Strike: remainder of line 13

Insert: "be issued pursuant to this code to any business or enterprise
whose"

3. Page 1, line 14.

Following: "premises"

Insert: "are"

4. Page 1, following line 23.

Insert: "the licensee does not relocate his entrances any closer than
the existing entrances and if"

4a. Page 2, line 1

Following: "or"

Insert: "or"

5. Page 2, lines 4, 5, 6, and 7.

Following: "1937" on line 4

Strike: the remainder of line 4 and lines 5, 6, and 7 through (1)"

6. Page 2, following line 10.

Insert: "Section 2. Effective date. This act is effective on passage
and approval."

BE CONCURRED IN AS AMENDED