

SENATE JOINT RESOLUTION NO. 35

INTRODUCED BY BOYLAN, ELLERD, NORDTVEDT, ECK, ELLIOTT,
SIVERTSEN, VINCENT, MANLEY, HEALY, KOLSTAD, HAZELBAKER,
GRAHAM, McCALLUM, SEIFERT, HALLIGAN, MAZUREK, WALLIN,
P. RYAN, PAVLOVICH, MANUEL, QUILICI, STORY

IN THE SENATE

April 16, 1981 Introduced and referred to
 Committee on Business and
 Industry.

April 17, 1981 Committee recommend bill do
 pass as amended. Report
 adopted.

 Bill printed and placed on
 members' desks.

April 20, 1981 Second reading, do pass.

 On motion rules suspended.
 Bill placed on calendar
 for third reading this day.

 Third reading, passed.
 Ayes, 48; Noes, 0.
 Transmitted to House.

IN THE HOUSE

April 21, 1981 Introduced and referred to
 Committee on State Adminis-
 tration.

 Committee recommend bill be
 concurred in. Report adopted.

 On motion to suspend the
 rules and allow bills out
 of Committee be placed on
 second reading. Motion
 adopted.

April 22, 1981

Second reading, concurred in.

On motion rules suspended
and bill placed on third
reading this day.

Third reading, concurred in.
Ayes, 90; Noes, 6.

IN THE SENATE

April 22, 1981

Returned from House. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* JOINT RESOLUTION NO. *35* *Enrolled*
 2 INTRODUCED BY *Doyle, Callard, Lundbeck, Cole*
 3 *Director*
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF *Waller*
 5 REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE *Keegan*
 6 PROMULGATION OF A RULE BY THE DEPARTMENT OF REVENUE *Carbil*
 7 PROVIDING FOR THE USE OF THE MOST RECENT CENSUS DATE OR *Ward*
 8 POPULATION ESTIMATE DATE ESTABLISHED BY THE CENSUS BUREAU, *Leiber*
 9 U.S. DEPARTMENT OF COMMERCE, IN DETERMINING ALL-BEVERAGE *Stoy*
 10 LIQUOR LICENSE QUOTAS.

11
 12 WHEREAS, the quota of all-beverage liquor licenses for
 13 a county or an incorporated city or town under section
 14 16-4-201, MCA, is based upon census figures or population
 15 estimates prepared by the Census Bureau, U.S. Department of
 16 Commerce; and

17 WHEREAS, the Department of Revenue is the executive
 18 agency charged with the issuance of all-beverage liquor
 19 licenses and has no administrative rules governing their
 20 policy in respect to the use of census data or population
 21 estimates; and

22 WHEREAS, it appears that when the Department of Revenue
 23 is preparing to issue quota all-beverage licenses based upon
 24 the decennial census it recomputes the census by considering
 25 boundary changes not reflected in the census and then

1 adjusts population to the boundary changes instead of using
 2 the Census Bureau's recognized boundaries and populations as
 3 of census day; and

4 WHEREAS, the all-beverage license quota is to be
 5 reexamined more often than every 10 years under the
 6 provisions of section 16-4-502, MCA (as amended by Chapter
 7 25, Laws of 1981, effective March 4, 1981), using
 8 intervening population estimates prepared by the Census
 9 Bureau and, under present Department of Revenue policy, each
 10 such estimate is subject to review and adjustment, thus
 11 defeating the use of a population estimate or census as a
 12 basis for license quotas; and

13 WHEREAS, such an arbitrary method of readjustment at
 14 whatever time the Department of Revenue elects to figure
 15 quotas for all-beverage licenses causes uncertainties for
 16 persons affected, causing further dissatisfaction with state
 17 government; and

18 WHEREAS, such uncertainty and ambiguity would be
 19 eliminated by providing that population and established and
 20 recognized boundaries shall be determined only in reference
 21 to the latest census or, when there is no census, upon the
 22 most recent Bureau of Census population estimates; and

23 WHEREAS, the use of Census Bureau census or population
 24 estimate dates would provide certainty and predictability of
 25 action because there would be only one standard--that of the

INTRODUCED BILL

1 Bureau of the Census, which provides a specific census date,
2 area, and population to be used for quota allocations,
3 avoiding uncertain areas and ambiguous dates for population
4 area computation, and any changes occurring after that
5 specific date are reflected in the next census or estimate
6 of the Bureau of the Census.

7

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
9 OF REPRESENTATIVES OF THE STATE OF MONTANA:

10 That under the authority of section 16-1-303, MCA,
11 implementing sections 16-4-201 and 16-4-502, MCA, the
12 Department of Revenue shall proceed within 30 days of the
13 passage of this resolution to adopt a rule providing that
14 the population of counties and incorporated cities and towns
15 to be used to determine the quotas for all-beverage liquor
16 licenses be the unaltered and unadjusted most recent census
17 or population estimate established by the Census Bureau,
18 U.S. Department of Commerce, and shall therefore reflect on
19 a specified date an official population within specified
20 boundaries to be used to ascertain the applicable quotas.

-End-

Approved by Committee
on Business and Industry

SENATE JOINT RESOLUTION NO. 35

INTRODUCED BY BOYLAN, ELLERD, NORDTVEDT, ECK, ELLIOTT,
SIVERTSEN, VINCENT, MANLEY, HEALY, KOLSTAD, HAZELBAKER,
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P. RYAN, PAVLOVICH, MANUEL, QUILICI, STORY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE
PROMULGATION OF A RULE BY THE DEPARTMENT OF REVENUE
PROVIDING FOR THE USE OF THE MOST RECENT CENSUS DATE OR
POPULATION ESTIMATE DATE ESTABLISHED BY THE CENSUS BUREAU,
U.S. DEPARTMENT OF COMMERCE, IN DETERMINING ALL-BEVERAGE
LIQUOR LICENSE QUOTAS.

WHEREAS, the quota of all-beverage liquor licenses for
a county or an incorporated city or town under section
16-4-201, MCA, is based upon census figures or population
estimates prepared by the Census Bureau, U.S. Department of
Commerce; and

WHEREAS, the Department of Revenue is the executive
agency charged with the issuance of all-beverage liquor
licenses and has no administrative rules governing their
policy in respect to the use of census data or population
estimates; and

WHEREAS, it appears that when the Department of Revenue

is preparing to issue quota all-beverage licenses based upon
the decennial census it recomputes the census by considering
boundary changes not reflected in the census and then
adjusts population to the boundary changes instead of using
the Census Bureau's recognized boundaries and populations as
of census day; and

WHEREAS, the all-beverage license quota is to be
reexamined more often than every 10 years under the
provisions of section 16-4-502, MCA (as amended by Chapter
25, Laws of 1981, effective March 4, 1981), using
intervening population estimates prepared by the Census
Bureau and, under present Department of Revenue policy, each
such estimate is subject to review and adjustment, thus
defeating the use of a population estimate or census as a
basis for license quotas; and

WHEREAS, such an arbitrary method of readjustment at
whatever time the Department of Revenue elects to figure
quotas for all-beverage licenses causes uncertainties for
persons affected, causing further dissatisfaction with state
government; and

WHEREAS, such uncertainty and ambiguity would be
eliminated by providing that population and established and
recognized boundaries shall be determined only in reference
to the latest census or, when there is no census, upon the
most recent Bureau of Census population estimates; and

1 WHEREAS, the use of Census Bureau census or population
2 estimate dates would provide certainty and predictability of
3 action because there would be only one standard--that of the
4 Bureau of the Census, which provides a specific census date,
5 area, and population to be used for quota allocations,
6 avoiding uncertain areas and ambiguous dates for population
7 area computation, and any changes occurring after that
8 specific date are reflected in the next census or estimate
9 of the Bureau of the Census.

10

11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
12 OF REPRESENTATIVES OF THE STATE OF MONTANA:

13 (1) THAT THE CLEAR LEGISLATIVE INTENT AND PURPOSE OF
14 THE PHRASE "MOST RECENT OFFICIAL UNITED STATES CENSUS AS
15 AUTHORIZED BY CONGRESS" AS CONTAINED IN SECTIONS 16-4-201
16 AND 16-4-502, MCA, AS AMENDED BY CHAPTER 25, LAWS OF 1981,
17 IS TO DIRECT THE DEPARTMENT OF REVENUE TO RECOGNIZE AND
18 FOLLOW THE REGULATIONS AND PROCEDURES OF THE BUREAU OF
19 CENSUS, UNITED STATES DEPARTMENT OF COMMERCE, IN
20 ESTABLISHING CENSUS DATA AND IN DETERMINING THE CUTOFF DATES
21 FOR RECOGNITION OF BOUNDARY CHANGES FOR THE DECENNIAL CENSUS
22 OPERATIONS.

23 (2) That under the authority of section 16-1-303, MCA,
24 implementing sections 16-4-201 and 16-4-502, MCA, the
25 Department of Revenue shall proceed within 30 days of the

1 passage of this resolution to adopt a rule providing that
2 the population of counties and incorporated cities and towns
3 to be used to determine the quotas for all-beverage liquor
4 licenses be the unaltered and unadjusted most recent census
5 or population estimate established by the Census Bureau,
6 U.S. Department of Commerce, OR THE MOST RECENT POPULATION
7 ESTIMATES AS PROVIDED IN 16-4-502, and shall therefore
8 reflect on a specified date an official population within
9 specified boundaries to be used to ascertain the applicable
10 quotas.

-End-

SENATE JOINT RESOLUTION NO. 35

INTRODUCED BY BOYLAN, ELLERD, NORDTVEDT, ECK, ELLIOTT, SIVERTSEN, VINCENT, MANLEY, HEALY, KOLSTAD, HAZELBAKER, GRAHAM, McCALLUM, SEIFERT, HALLIGAN, MAZUREK, WALLIN, P. RYAN, PAVLOVICH, MANUEL, QUILICI, STORY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE PROMULGATION OF A RULE BY THE DEPARTMENT OF REVENUE PROVIDING FOR THE USE OF THE MOST RECENT CENSUS DATE OR POPULATION ESTIMATE DATE ESTABLISHED BY THE CENSUS BUREAU, U.S. DEPARTMENT OF COMMERCE, IN DETERMINING ALL-BEVERAGE LIQUOR LICENSE QUOTAS.

WHEREAS, the quota of all-beverage liquor licenses for a county or an incorporated city or town under section 16-4-201, MCA, is based upon census figures or population estimates prepared by the Census Bureau, U.S. Department of Commerce; and

WHEREAS, the Department of Revenue is the executive agency charged with the issuance of all-beverage liquor licenses and has no administrative rules governing their policy in respect to the use of census data or population estimates; and

WHEREAS, it appears that when the Department of Revenue

is preparing to issue quota all-beverage licenses based upon the decennial census it recomputes the census by considering boundary changes not reflected in the census and then adjusts population to the boundary changes instead of using the Census Bureau's recognized boundaries and populations as of census day; and

WHEREAS, the all-beverage license quota is to be reexamined more often than every 10 years under the provisions of section 16-4-502, MCA (as amended by Chapter 25, Laws of 1981, effective March 4, 1981), using intervening population estimates prepared by the Census Bureau and, under present Department of Revenue policy, each such estimate is subject to review and adjustment, thus defeating the use of a population estimate or census as a basis for license quotas; and

WHEREAS, such an arbitrary method of readjustment at whatever time the Department of Revenue elects to figure quotas for all-beverage licenses causes uncertainties for persons affected, causing further dissatisfaction with state government; and

WHEREAS, such uncertainty and ambiguity would be eliminated by providing that population and established and recognized boundaries shall be determined only in reference to the latest census or, when there is no census, upon the most recent Bureau of Census population estimates; and

1 WHEREAS, the use of Census Bureau census or population
2 estimate dates would provide certainty and predictability of
3 action because there would be only one standard--that of the
4 Bureau of the Census, which provides a specific census date,
5 area, and population to be used for quota allocations,
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16 AND 16-4-502, MCA, AS AMENDED BY CHAPTER 25, LAWS OF 1981,
17 IS TO DIRECT THE DEPARTMENT OF REVENUE TO RECOGNIZE AND
18 FOLLOW THE REGULATIONS AND PROCEDURES OF THE BUREAU OF
19 CENSUS, UNITED STATES DEPARTMENT OF COMMERCE, IN
20 ESTABLISHING CENSUS DATA AND IN DETERMINING THE CUTOFF DATES
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4 licenses be the unaltered and unadjusted most recent census
5 or population estimate established by the Census Bureau,
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7 ESTIMATES AS PROVIDED IN 16-4-502, and shall therefore
8 reflect on a specified date an official population within
9 specified boundaries to be used to ascertain the applicable
10 quotas.

-End-

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-End-