

HOUSE BILL NO. 248

Introduced: 01/14/83

Referred to Committee on Local Government: 01/14/83

Hearing: 1/22/83

Report: 01/26/83, Do Pass, As Amended

2nd Reading: 01/28/83, Do Pass

3rd Reading: 01/31/83, Do Pass

Transmitted to Senate: 1/31/83

Referred to Committee on Public Health, Welfare, & Safety:
02/01/83

Hearing: 3/21/83

Died in Senate Committee

1 House BILL NO. 248
2 INTRODUCED BY Rep. Hager
3 BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
6 COUNTY OR AN INCORPORATED CITY OR TOWN MAY ESTABLISH BY
7 RESOLUTION EXCEPTIONS THAT WOULD REDUCE OR ELIMINATE THE
8 STATUTE REQUIRING 600 FEET TO SEPARATE THE PREMISES OF A
9 BUSINESS THAT SERVES ALCOHOLIC BEVERAGES FROM A PLACE OF
10 WORSHIP OR SCHOOL; AMENDING SECTION 16-3-306, MCA."
11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Section 16-3-306, MCA, is amended to read:
14 "16-3-306. Proximity to churches and schools
15 restricted. (1) Except as provided in subsections (2), and
16 (3), and (4), no retail license may be issued pursuant to
17 this code to any business or enterprise whose premises are
18 within 600 feet of and on the same street as a building used
19 exclusively as a church, synagogue, or other place of
20 worship or as a school other than a commercially operated or
21 postsecondary school. This distance shall be measured in a
22 straight line from the center of the nearest entrance of the
23 place of worship or school to the nearest entrance of the
24 licensee's premises. This section is a limitation upon the
25 department's licensing 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 located on the site before the place of
6 worship or school opened; or
7 (b) was located in a bona fide hotel, restaurant, or
8 fraternal organization building at the site since January 1,
9 1937.
10 (3) Subsection (1) does not apply to licenses for the
11 sale of beer, table wine, or both in the original package
12 for off-premises consumption.
13 ~~(4) The governing body of a county or an incorporated~~
14 ~~city or town may adopt by resolution general exceptions that~~
15 ~~would reduce or eliminate the 600-foot rule in subsection~~
16 ~~(1). The resolution must specify the reason why an exception~~
17 ~~is necessary and the distance in feet that applies within~~
18 ~~the county or the city or town limits."~~

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 248

INTRODUCED BY FABREGA, TOWE, HAGER

BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A COUNTY OR AN INCORPORATED CITY OR TOWN MAY ESTABLISH BY RESOLUTION EXCEPTIONS THAT WOULD REDUCE OR ELIMINATE THE STATUTE REQUIRING 600 FEET TO SEPARATE THE PREMISES OF A BUSINESS THAT SERVES ALCOHOLIC BEVERAGES FROM A PLACE OF WORSHIP OR SCHOOL; AMENDING SECTION 16-3-306, MCA."

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), and (4), no retail license may be issued pursuant to this code to any business or enterprise whose premises are 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 licensee does not relocate his entrances any closer than the existing entrances and if the establishment:

(a) was 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.

(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.

~~(4) The governing body of a county, FOR THAT AREA OF THE COUNTY NOT WITHIN THE CORPORATE LIMITS OF A CITY OR TOWN, or an incorporated city or town may adopt by resolution general exceptions that would reduce or eliminate the 600-foot rule in subsection (1). The resolution must specify the reason why an exception is necessary and the distance in feet that applies within the county or the city or town limits."~~

-End-

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