

SENATE BILL NO. 27

Introduced: 1/3/83

Referred to Committee on Public Health, Welfare, & Safety:
1/3/83

Hearing: 1/26/83
Died in Committee

SENATE BILL NO. 27

INTRODUCED BY HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT
ESTABLISHMENTS LOCATED IN HISTORICAL BUILDINGS FROM THE
PROHIBITION AGAINST ISSUANCE OF RETAIL ALCOHOLIC BEVERAGES
LICENSES TO ESTABLISHMENTS LOCATED WITHIN 600 FEET OF A
CHURCH OR SCHOOL; AND 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) Subsection (1) does not apply to retail licenses
issued to a business or enterprise located in a structure
determined by the historic preservation officer to be a
"heritage property" under Title 22, chapter 3, part 4."~~

-End-

INTRODUCED BILL