

SENATE BILL NO. 31

Introduced: 1/3/83

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

Hearing: 2/11/83  
Died in Committee

1                    SENATE    BILL NO. 31  
2    INTRODUCED BY HAGER  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT  
5    ESTABLISHMENTS LOCATED IN BUSINESS AND COMMERCIAL DISTRICTS  
6    FROM THE PROHIBITION AGAINST ISSUANCE OF RETAIL ALCOHOLIC  
7    BEVERAGE LICENSES TO ESTABLISHMENTS WITHIN 600 FEET OF A  
8    CHURCH OR SCHOOL; AMENDING SECTION 16-3-306, MCA."  
9  
10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11        Section 1. Section 16-3-306, MCA, is amended to read:  
12        "16-3-306. Proximity to churches and schools  
13        restricted. (1) Except as provided in subsections (2), and  
14        (3), and ~~(4)~~, no retail license may be issued pursuant to  
15        this code to any business or enterprise whose premises are  
16        within 600 feet of and on the same street as a building used  
17        exclusively as a church, synagogue, or other place of  
18        worship or as a school other than a commercially operated or  
19        postsecondary school. This distance shall be measured in a  
20        straight line from the center of the nearest entrance of the  
21        place of worship or school to the nearest entrance of the  
22        licensee's premises. This section is a limitation upon the  
23        department's licensing authority.  
24        (2) However, the department may renew a license for  
25        any establishment located in violation of this section if

1    the licensee does not relocate his entrances any closer than  
2    the existing entrances and if the establishment:  
3        (a) was located on the site before the place of  
4        worship or school opened; or  
5        (b) was located in a bona fide hotel, restaurant, or  
6        fraternal organization building at the site since January 1,  
7        1937.  
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.  
11        ~~(4) Subsection (1) does not apply to a retail license~~  
12        ~~issued to a business or enterprise:~~  
13        ~~(a) located within a zoning district zoned for~~  
14        ~~business or commercial use; or~~  
15        ~~(b) located within an area contiguous to a street or~~  
16        ~~highway if business or commercial establishments occupy at~~  
17        ~~least 75% of the area;~~  
18        ~~(i) along 300 or more feet of frontage upon the street~~  
19        ~~or highway; and~~  
20        ~~(ii) within 300 feet of either side or within 100 feet~~  
21        ~~of each side of the street or highway."~~

-End-

INTRODUCED BILL

SB 31