# SENATE BILI NO. 75 <br> TATRODUCED BY TURNAGE, TONE 

BY REOUEET OF THE REVENUE OVERSIGHT COMMITTER

IN THE SENATR

January 6. 1983

January 14, 1983

January 15, 1983

January 17, 1983
January 18, 1983

January 19, 1983

Januaxy 20, 1983

Pebruary 14, 1983

Pebruary 16, 1983

February 28, 1983
March 1, 1983

Introduced and referred to Comittee on Business and Industry.

Committee recommend bill do pass. Report adopted.

Bill printed and placed on nembers' desks.

Second reading, do pass.
Considered correctly engrossed.

Third reading, passea. Ayes, 47; Noes, 0. Transaitted to House.

TN THE HOUSE
Introduced and referred to Comittee on Businass and Industry.

Committee racommend bill be concurred in. Report adopted.

Motion pass consideration until the 46 th legislative day.

Second raading, concurran in.
Third reeding, concurred in.

## IN THE SENATE

March 2, 1983
Returned to Senate. Sent to
enrolling.
Reported correctly enrolled.
$\frac{\text { Alenete sin no. } 75}{\text { Ternage EOS }}$

intraduced by
$\qquad$
by request of the revenue oversight comhittee
a bill for an act entitled: an act clarifytwg the law relatimg to the determimtion of the mumber of available retail beer licenses in a corporate city quota area; AMENDING SECTION 16-4-105, MCA.*
be it enacted by the legislature of the state of montana: Section 1. Section 16-4-105, MCA, is amended to read: -16-4-105. Limit on retail beer licenses - wine Iicense amendments - off-premises consumption. (1) Except as otherwise provided by law. a license to sell beer at retail or beer and wine at retaily in accordance with the provisions of this code and the rules of the department, may be issued to any person, firmp or corporation who is approved by the department as a fit and proper person, firms or corporation to sell beer. except that:
(a) the number of retail beer licenses that the department may issue for premises situated within incorporated cities and incorporated toms and within a distance of 5 wiles from the corporate limits of such cities and towns shall be determined on the basis of population prescribed in 16-4-502 as follows:
(i) in incorporated towns of 500 inhabitants or less and within a distance of 5 miles from the corporate limits of such toms, not more than one retail beer ilicense, which may not be used in conjunction with a retail all-beverages Iicense;
(if) in incorporated cities or incorporated towns of more than 500 inhabitants and not over 2,000 inhabitants and within a distance of 5 miles from the corporate lifits of such cities or towas, one cetail beer license for each 500 inhabitants, which may not be used in conjunction with retail all-beverages. Iicenses;
(iifi in incorporated cities of over 2,000 inhabitants and within a distance of 5 mites from the corporate 1 mits of such cities, four retiall beer licenses for the first 2 2000 iohabitantse two additional retail beer licenses for the ffest next 2,000 Inhabitants or major fraction thereofe and one additional retail beer license for each additional 2,000 Inhabitants, which may not be used in conjunction with retail all-beverages 1 icenses;
(b) the number of the inhabitants in such cities and towns, exclusive of the number of inhabitants residing within a distance of 5 miles from the corporate inits thereof, shall govern the number of retail beer licenses that may be issued for use within such cities and towns and within a distance of 5 miles from the corporate limits
thereof. If two or more incorporated municipalities are situated within a distance of 5 Elles from each othery the total number of retail beer licenses that may be issued for use in both of such municipalities and within a distance of 5 wiles from their respective corporate limits shall be determined on the basis of the combined populations of both of such municipalities and may not axceed the foregoing Iimitationse The distance of 5 biles from the corporate Iimits of any incorporated city or incorporated town shall be measured over the shortest public road or highway froa the nearest entrance of the premises proposed for licensing to the nearest corporate boundary of such city or town.
(c) retail beer licenses of issue on March 7, 1947, and which are in excess of the foregoing limitations shall be renewable, but no nev licenses may be issued in vialation of such lumitations;
(d) such limitations do not prevent the issuance of a nontransferable and nonassignable retail beer license to a post af a nationally chartered veterans* organization or a lodge of a recognized mational fraternal organization if such veterans or fraternal organization has been in existence for a period of 5 years or more prior to January 1. 1949 ;
(e) the number of retall beer licenses that the departaent may issue for use at premises situated outside of
any incorporated city or incorporated town and outside of the area within a distance of 5 miles from the corporate Iimits thereof or for use at premises situated within any unincorporated town shall be as determined by the department in the exercise of its sound discretions except that no retail beer license may be issued for any premises so situated unless the department determines that the issuance of such license is required by public convenience and necessity.
(2) A person holding a license to sell beer for consumption on the premises at retail may apply to the department for an amendment to the license pernitting tise holder to sell wine as well as beer. The division may issue such amendeent if it finds, on satisfactory showing oy the applicant, that the sale of wine for consumption on the premises would be supplementary to a restaurant or prepared-food business. A person holding a beer-and-wine incense may sell wine for consumption on or off the premises. Nonretention of the beer license, for whatever reason, shall mean automatic loss of the wine amendment license.
(3) A retail license to sell beer or table wines or both. in the original peckages for off-premises consumption only may be issued to any person, firm, or corporation who is approved by the department as afit and proper person,

1 firme or corporation to sell beer or table winey or bothy 2 and whose premises proposed for licensing are operated as a 3 bona fide grocery store or a drugstore ifcensed as a 4 pharmacy. The number of such licenses that the department 5 may issue is not iinited by the provisions of subsection (1) 6 of this section but shall be determined by the department in 7 the exercise of its sound discretion, and the department may in the exercise of its sound discretion grant or deny any application for any such license or suspend or revoke any such license for cause."
-End-


By Request df the revemue oversight commitiee

A BILL FOR AM ACT ENTITLED: AAN ACT CLARIFYTNG THE LAN RELATIMG TO THE DETERMIMATION OF THE MUABER OF AVAILABLE RETAIL BEER LICENSES IN A CORPORATE CITY QUOTA AREA; AMENDING SECTION 16-4-105. MCA.*

## BE IT ENACTED BY THE LEGISEATURE OF THE STATE OF MONTAMA:

Section 2. Section 16-4-105. MCA: is amended to reade
-16-4-105. Liejt on retail beer licenses - wine Ifcense amendments - off-prentises consumptione (1) Except as otherwise provided by law a fleense to sell beer at retail or beer and wine at retail. in accordance with the provistions of this code and the rules of the departmenty may be issued to any persong firme or corporation tho is approved by the departwent as a fit and praper persong firm, or corporation to sell beer. except that:
(a) the number of retail beer licenses that the department may issue for premises situated within incorporated cities and incorporated towns and within a distance of 5 miles from the corporate limits of such cities and towns shall be determinod on the basis of population prescribed in 16-4-502 as follows:
(b) in incorporated towns of 500 inhabitants or less and within a distance of 5 bites frow the corporate lifits of such townst not more than one retall beer Itcenser which may not be used in conjunction with a retall ell-beverages Bicense:
(It) in ineorporated cities or incerporated towns of more than 500 inhabitants and not over 2,000 inhabitants and within a distance of 5 miles from the corporate lintits of such cities or towns one catilil beer license for each 500 irimbitants, which may not be used in conjunction with retail all-beverages. Iicenses;
(iti) in inciorporated cities of over 2,000 inhabitants and within a distence of 5.mires from the corporate libits of such cities, four retall begr liaenses for the first 20000 inhafiltants two additional retall beer licenses for the forst naxt $2 \% 000$ intiabitants or major fraction thereofis and one additional retail beer license for each additional 2,000 inhabitants, which may not be used in conjunction with retail all-beverages 1 icenses;
(b) the number of the inhabitants in such cities and townst exclusive of the number of inhabitants residing within a distance of 5 wiles from the corporate inits thereof, shall govern the number of retail beer licenses that may be issued for use within such cities and towns and within a distance of 5 miles from the corporate limits

any incorporated city or incorporated town and outside of the area within a distance of 5 wiles froe the corporate limits thereof or for use at premises situated within any unincorporated town shall be as determined by the department in the exercise of its sound discretions except that no retail beer license may be issued for any prenises so situated unless the department determines that the issuance of such license is required by pubfic convenience and necassity-
(2) A person holding a license to sell beer for consumption on the premise's at retail may apply to the department for an amendment to the license permitting the holder to sell wine as well as beer. The division may issue such amendiment if it finds, on a setisfactory showing oy the applicante that the sale of wine for consumption on the premises would be supplemantary to a restaurant or prepared-food business. A person holding a beer-and-wine ifcense may sell wine for consumption on or off the prewises. Nonretention of the beer iicense, for whatever reasony shall mean automatic loss of the wine amendment 7fcense.
(3) A retail ifense to sell bear or table wine or both, in the originel peckages for off-previlsas consumption only may be issued to any persone firmp or corporation who is approved by the department as a fit and proper person.

1 firm, or corporation to sell beer or tablewine or bothe and whose preilisés proposed for licensing are operated as a bona fide grocery store or a drugstore itcensed as a pharmacy. The number of such licenses that the department may issue is not ifimited by the prowisions of subsection (1) of this section but shall be determined by the departent in the exercise of its sound discretion and the department may in the exercise of its sound discretion grant or deny any application for any such license or suspend or revoke any such lifense for cause.*
-End-

INTRODVCED BY

by Request bf the Revenue oversicht comaztfee

A BILL FOR AN ACT ENTITLEDE OAN ACT CLARIFYIMG THE LAM relatimg to the determimation of the number of available RETAIL BEER LICENSES IM A CDRPORATE CITY QUOTA AREA; AMENDING SECTION 16-4-105. $\mathrm{HCA}_{*}$ *

BE IT ENACTED BY THE LECISLATURE OF THE STATE DF MOMTAMA:
Section 1. Section 16-4-105, MCA, is amended to readz w16-4-105. Lifit on retail beer licenses - wine license amendments off-premlses consumption. (1) Except as otherwise provided by law a license to sell beer at retail or beer and wind at retail. in accordance with the provisions of this code and the rules of the departwent: may be issuad to any persong firm, or corporation who is approved by the departwent as a fit and proper person firas or corporation to sell beer. except that:
(a) the number of retall beer licenses that the department may issue for premises sitwated within incorporated cities and incorporated towns and within a distance of 5 ales from the corporate limits of such cities and towns shall be determined on the basis of population prescribed in $16-4-502$ as follows:
(i) in incerporated. towns of 500 inhabitants or less and vithin a distance of 5 miles from the corporate linits of such towns not more than one retain beer IIcensey which ary not be used in conjunction with a ratall ell-beverages jicense:
(II) in incorporated cities or fncorporated towns of more than 500 inhabitants and not over 2,000 inhabitants and within a distance of 5 miles from the corporate limits of such cities or towns, one cetail beer license for each 500 inhabitants, which may not be used in conjunction with retall all-bever ages. Iicenses;
(ifi) in incorporated cityes of over 2,000 inhatitants and within a distance of 5 mifes from the corporate 1 ints of such cities four retall beac ligenref for the first 2e000 inhafitanitiz two additional retall beer. Iticenses for the ffome next $2 \approx 000$ inhabitants or major fraction thereofis and one addjtional retall beer license for each additional 2,000 inhabitants, which may not be used in conjuriction with retail all-beverages licenses;
(b) the number of the inhabitants in such cities and towns, exciusive of the number of inhabitants residing within a distance of 5 miles frow the corporate lisits thereof, shall govern the number of retall beer licenses that way be issued for use within such cities and towns and within a distance of 5 miles from the corporate limits THIRD READI G
thereof. If two or more inciarporaten municipalithes are situated within a distance of siniles from ach other, the tetal mumer of retall beer licenses that may be iscuad for use in beth of wheh municipalistites and within a distance of 5 tiles from their respective corporate linits shall be detercifinet on the bastis of the combined populations of both of wuch municipalities and may net exceed the foregaing Ifintationse The distance of 5 ilies free the corporate limits of any incorporated city or incorporated town shall be measured over the shortest public road or mighway from the mearest entrance of the pronisems proposed for iticensing to the mearest corporate boundary of such cisy or tome.
(c) retail beer Ifcenses of isswe on Harch 7. 1947, and which are in excess of the foregoing llinitations shall be renewable, but no new licemses may be issued in viotation of such lifitations:
(d) such 1 initations do net prevent the issuance of a nontransfurmble: and mpnassignable ratall beer license to a post of a matienally chartared veterans e organizetion or a Todge of a recognized mationat fraternal organizetion if such veterans or fraternal organization has been in existence for a perind of 5 vears or more prior to January 1. 1949 ;
(e) the number of retall beer 1 icenses that the department may issue for use at premises situated outside of

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any incorporated city or incorporated town and outside of
the area within a distance of 5 miles from the corporate
Ifmits thereof or for use at premises situated within any
unincorporated tomn shall be as deternimed by the department
in the exercise of its sound discretione except that no
retail beer license may be Isswed for any premises so
situated unless the department determines that the issuance
of such license is required by pubilic convenience and
necazsity.
    (2) A persen holding a license to sell beer for
consumption on the premises at retail may apply to the
departaent for on amandment to the license permitting the
holder to sell wine as well as beer. The diviston may issue
such amendment if it finds, on a setisfactory showing by the
applicant, that the sale of wine for consumption on the
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prepared-foed buslness. A persen molding a boer-and-wine
license may sell wine for consumption on or off the
premises. Nonretention of the beer license, for whatever
reason, shall meen mutometic loss of the wine amendment
Itcense.
(3) A Fetall ilicense to sell beer or table wineg or
both. in the original pmckages for off-premises consumption
only may be issued to any person, firm. or corporation who
is approved by the department ss af;t and preper person,
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## LC 0381/01

1 firme or corporation to sell beer or table"uliner or both, 2 and whose premises proposed for licensing are operated as a 3 bona fide grocery store or a drugstore ilcensed as a 4 pharmacy. The number of such licenses that the department of this section but shall be determined by the department in the exercise of its sound discretiony and the department may In the exercise of its sound discretion grant or deny any application for any such license or suspend or revoke any such license for cause."
-End-

## SENATE BILL NO. 75

## INTRODUCED BY TURNAGE, TOWE

by request of the revenue oversight committee

A bill for an act entitleo: wan act clarifying the lah relating to the determination of the number of avatlable RETAIL BEER LICENSES IN A CORPORATE CITY QUOTA AREA; AMENDT'vG SECTIDN 16-4-105, MCA.N
be it enacted by the legislatire of the state of montana:
Section 1. Section $10-4-105$, MCA, is amended to read:
-16-4-105. Limit en retall beer licenses -- wine license amendments -- off-premises consumption. (1) Except as otherwise provided by law, a license to sell beer at retail or beer and wine at retail, in accordance with the provisions of this code and the rules of the department, may be issued to any person, firm, or corporation who is approved by the department as a fit and proper person, firm, or corporation to sell beer, except that:
(a) the number of retail beer licenses that the department may issue for premises situated within incorporated cities and incorporated toms and within a distance of 5 miles from the corporate 1 inits of such cities and towns shall be determined on the basis of population prescribed in 16-4-502 as follows:
(i) in incorporated towns of 500 inhabitants or less and within a distance of 5 miles from the corporate limits of such towns, not more than one retail beer license, which may not be used in conjunction with a retail all-beverages license;
(ii) in incorporated cities or incorporated towns of more than 500 inhabitants and not over 2,000 Inhabitants and within a distance of 5 miles from the corporate limits of such cities or towns, one cetall beer license for each 500 inhabitants, which may not be used in conjunction with retail all-beverages licenses;
(iii) in incorporated cities of over 2,000 inhabitants and within a distance of 5 miles from the corporate limits of such cities, faur_retail_ueer licenses_for_thefirst 2enon_inhabitantse two additional retail beer licenses for the first next 2,000 inhabitants or major fraction thereofa and one additional retail beer license for each additional 2,000 inhabitants, which may not be used in conjunction with retail all-beverages licenses;
(b) the number of the inhabitants in such cities and towns exclusive of the number of inhabitants residing withis a distance of 5 miles from the corporate limits thereofy shall govern the number of retall beer 1 icenses that may be issued for use wlthin such cities and towns and withir a distance of 5 miles from the corporate limits
theresf. If two or more incorporated municipalities are situated within a distance of $s$ miles from each other, the total number of retail beer licenses that may be issued for use in both of such municipalities and within a distance of 5 miles from their respective corparate limits shall be determined on the basis of the combined populations of both of such municipalities and may not exceed the foregoing limitations. The distance of 5 miles from the corporate limits of any incorporated city or incorporated town shall be measured over the shortest public road or highway from the cearest entrance of the preaises proposed for licensing to the nearest corporate boundary of such city or town.
(c) retail beer licenses of issue on Narch 7 , 1947, and wich are in excess of the foregoing limitations shall be renewable, but no new licenses may be issued in violation of such ifaltations:
(d) such limitations do not prevent the issuance of a nontransferable and nonassignable retail beer license to a post of a nationally chartered veterans organization or a lodge of a recognized national fraternal organization if such veterans: or fraternal orgenization has been in existence for a period of 5 years or more prior to January 1. 19478
(e) the number of retail beer licenses that the department may issue for use at premises situated outside of
any incorporated city or incorporated town and outside of the area within a distance of 5 miles from the corporate limits thereof or for use at premises situated within any unincorporated town shall be as determined by the department in the exercise of its sound discretion, except that no retail beer license may be issued for any premises so situated unless the department deterinines that the issuance of such license is required by public convenience and necessity.
(2) A person holding a license to sell beer for consumption on the premises at retail may apply to the department for an amendment to the license permitting the nolder to sell wine as well is beer. The division may issue such asendment if it finds, on a satisfactory showing by the applizant, that the sale of wine for consumption on the premises mould be supplementary to a restaurant or prepared-food business. A person holding a beer-and-wine license may sell wine for consumption on or off the premises. Nonretention of the beer license, for whatever reason, shall mean automatic loss of the wine amendment ficense.
(3) A retall license to sell beer or table wine. or bothy in the original packages for off-premises consumption only may be issued to any person, firmy or corporation who is apuroved by the department as afit and proper person,

1 fira, or corporation to sell beer or table wine or both, 2 and whose premises proposed for licensing are operated as a 3 bona fide grocery store or a drugstore licensed as a 4 pharmacy. The number of such licenses that the department 5 may issue is not limited by the provisions of subsection (1) 6 of this section but shall be determined by the department in 7 the exercise of its sound discretion, and the department may a in the exercise of its sound discretion grant or deny any 9 application for any such license or suspend or revoke any 10 such license for cause.
-End-

