

SENATE BILL NO. 151

INTRODUCED BY GALT, TURNAGE

BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE

IN THE SENATE

January 14, 1983	Introduced and referred to Committee on Business and Industry.
January 17, 1983	Fiscal note requested.
January 18, 1983	Fiscal note returned.
January 21, 1983	Committee recommend bill do pass. Report adopted.
January 22, 1983	Bill printed and placed on members' desks.
January 24, 1983	Second reading, do pass.
January 25, 1983	Correctly engrossed.
January 26, 1983	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

January 27, 1983	Introduced and referred to Committee on Business and Industry.
February 14, 1983	Committee recommend bill be concurred in. Report adopted.
February 16, 1983	Motion pass consideration until the 46th legislative day.
March 1, 1983	Second reading, concurred in.
March 2, 1983	Third reading, concurred in.

IN THE SENATE

March 3, 1983

Returned to Senate. Sent to
enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 151
2 INTRODUCED BY *Paul Turnage*
3 BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN
6 IRREVOCABLE LETTER OF CREDIT IN LIEU OF THE \$20,000
7 APPLICATION FEE FOR CERTAIN ALL-BEVERAGES LICENSE
8 APPLICATIONS; AMENDING SECTIONS 16-4-402 AND 16-4-501, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 16-4-402, MCA, is amended to read:
12 "16-4-402. Application -- investigation. (1) Prior to
13 the issuance of any license under this chapter, the
14 applicant shall file with the department an application in
15 writing, signed by the applicant and containing such
16 information and statements relative to the applicant and the
17 premises where the alcoholic beverage is to be sold as may
18 be required by the department. The application shall be
19 verified by the affidavit of the person making the same
20 before a person authorized to administer oaths.
21 (2) Upon receipt of a completed application for a
22 license under this code, accompanied by the necessary
23 license fee or letter of credit as provided in
24 16-4-501(7)(f), the department shall within 30 days make a
25 thorough investigation of all matters pertaining thereto and

1 shall determine whether such applicant is qualified to
2 receive a license and his premises are suitable for the
3 carrying on of the business and whether the requirements of
4 this code and the rules promulgated by the department are
5 met and complied with.
6 (3) Upon proof that any applicant made a false
7 statement in any part of the application, the application
8 for the license may be denied, and if issued, the license
9 may be revoked."
10 Section 2. Section 16-4-501, MCA, is amended to read:
11 "16-4-501. License and permit fees. (1) Each beer
12 licensee licensed to sell either beer or table wine only, or
13 both beer and table wine, under the provisions of this code,
14 shall pay an annual license fee as follows:
15 (a) each brewer, wherever located, whose product is
16 sold or offered for sale within the state, \$500; for each
17 storage depot, \$400;
18 (b) each beer wholesaler, \$400; each table wine
19 distributor, \$400;
20 (c) each beer retailer, \$200; with a wine license
21 amendment, an additional \$200;
22 (d) for a license to sell beer at retail for
23 off-premises consumption only, the same as a retail beer
24 license; for a license to sell table wine at retail for
25 off-premises consumption only, either alone or in

conjunction with beer, \$200;

(e) any unit of a nationally chartered veterans' organization, \$50.

(2) The permit fee under 16-4-301(1) is computed at the rate of \$15 a day for each day beer and table wine are sold at those events lasting 2 or more days but in no case be less than \$30.

(3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale of all alcoholic beverages.

(4) Passenger carrier licenses shall be issued upon payment by the applicant of an annual license fee in the sum of \$300.

(5) The annual license fee for a license to sell wine on the premises, when issued as an amendment to a beer-only license, is \$200.

(6) The annual fee for resort retail liquor licenses within a given resort area shall be \$2,000 for each license.

(7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:

(a) except as hereinafter provided, for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other

licensees;

(b) except as hereinafter provided, for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles thereof, measured over the shortest public road or highway from the nearest entrance of the premises to be licensed to the nearest boundary of such city, \$350 for a unit of a nationally chartered veterans' organization and \$500 for all other licensees;

(c) except as hereinafter provided, for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles thereof, measured over the shortest public road or highway from the nearest entrance of the premises to be licensed to the nearest boundary of such city, \$500 for a unit of a nationally chartered veterans' organization and \$650 for all other licensees;

(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles thereof, measured over the shortest public road or highway from the nearest entrance of the premises to be licensed to the nearest boundary of such city, \$650 for a unit of a nationally chartered veterans' organization and \$800 for all other licensees;

(e) the distance of 5 miles from the corporate limits

1 of any incorporated cities and incorporated towns is
2 measured over the shortest public road or highway from the
3 nearest entrance of the premises to be licensed to the
4 nearest boundary of such city or town; and where the
5 premises of the applicant to be licensed are situated within
6 5 miles of the corporate boundaries of two or more
7 incorporated cities or incorporated towns of different
8 populations, the license fee chargeable by the larger
9 incorporated city or incorporated town applies and shall be
10 paid by the applicant. When the premises of the applicant to
11 be licensed are situated within an incorporated town or
12 incorporated city and any portion of the incorporated town
13 or incorporated city is without a 5-mile limit, the license
14 fee chargeable by the smaller incorporated town or
15 incorporated city applies and shall be paid by the
16 applicant.

17 (f) an applicant for the issuance of an original
18 license to be located in areas described in subsection (d)
19 of this subsection shall provide an irrevocable letter of
20 credit from a financial institution that guarantees the
21 applicant's ability to pay a \$20,000 license fee. A
22 successful applicant shall pay a one-time original license
23 fee of \$20,000 for any such license issued. The one-time
24 license fee of \$20,000 shall not apply to any transfer or
25 renewal of a license duly issued prior to July 1, 1974. All

1 licenses, however, are subject to the annual renewal fee.

2 (8) The fee for one all-beverage license to a public
3 airport shall be \$800. This license is nontransferable.

4 (9) The license fees herein provided for are exclusive
5 of and in addition to other license fees chargeable in
6 Montana for the sale of alcoholic beverages."

-End-

STATE OF MONTANA

REQUEST NO. 125-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 17,, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 151 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 151 provides an irrevocable letter of credit in lieu of the \$20,000 application fee for certain all-beverages license applications.

ASSUMPTIONS:

- 1) Only six all-beverage licenses were issued after the 1980 census, and all of these have been sold. No new all-beverage licenses will be available until after the next census.

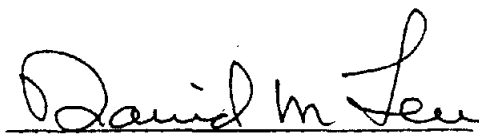
FISCAL IMPACT:

No Fiscal Impact.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

After the 1990 census, more quota licenses could become available in cities of 10,000 or more. The proposed legislation would affect the time at which origination fees are paid for these licenses.

FISCAL NOTE 4:CC/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-18-83

Approved by Committee
on Business and Industry

Senate BILL NO. 151

INTRODUCED BY *Pat Turnage*

BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN
IRREVOCABLE LETTER OF CREDIT IN LIEU OF THE \$20,000
APPLICATION FEE FOR CERTAIN ALL-BEVERAGES LICENSE
APPLICATIONS; AMENDING SECTIONS 16-4-402 AND 16-4-501, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-402, MCA, is amended to read:

"16-4-402. Application -- investigation. (1) Prior to
the issuance of any license under this chapter, the
applicant shall file with the department an application in
writing, signed by the applicant and containing such
information and statements relative to the applicant and the
premises where the alcoholic beverage is to be sold as may
be required by the department. The application shall be
verified by the affidavit of the person making the same
before a person authorized to administer oaths.

(2) Upon receipt of a completed application for a
license under this code, accompanied by the necessary
license fee or letter of credit as provided in
16-4-501(7)(f), the department shall within 30 days make a
thorough investigation of all matters pertaining thereto and

shall determine whether such applicant is qualified to
receive a license and his premises are suitable for the
carrying on of the business and whether the requirements of
this code and the rules promulgated by the department are
met and complied with.

(3) Upon proof that any applicant made a false
statement in any part of the application, the application
for the license may be denied, and if issued, the license
may be revoked."

Section 2. Section 16-4-501, MCA, is amended to read:

"16-4-501. License and permit fees. (1) Each beer
licensee licensed to sell either beer or table wine only, or
both beer and table wine, under the provisions of this code,
shall pay an annual license fee as follows:

(a) each brewer, wherever located, whose product is
sold or offered for sale within the state, \$500; for each
storage depot, \$400;

(b) each beer wholesaler, \$400; each table wine
distributor, \$400;

(c) each beer retailer, \$200; with a wine license
amendment, an additional \$200;

(d) for a license to sell beer at retail for
off-premises consumption only, the same as a retail beer
license; for a license to sell table wine at retail for
off-premises consumption only, either alone or in

conjunction with beer, \$200;

(e) any unit of a nationally chartered veterans' organization, \$50.

(2) The permit fee under 16-4-301(1) is computed at the rate of \$15 a day for each day beer and table wine are sold at those events lasting 2 or more days but in no case be less than \$30.

(3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale of all alcoholic beverages.

(4) Passenger carrier licenses shall be issued upon payment by the applicant of an annual license fee in the sum of \$300.

(5) The annual license fee for a license to sell wine on the premises, when issued as an amendment to a beer-only license, is \$200.

(6) The annual fee for resort retail liquor licenses within a given resort area shall be \$2,000 for each license.

(7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:

(a) except as hereinafter provided, for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other

licensees;

(b) except as hereinafter provided, for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles thereof, measured over the shortest public road or highway from the nearest entrance of the premises to be licensed to the nearest boundary of such city, \$350 for a unit of a nationally chartered veterans' organization and \$500 for all other licensees;

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(e) the distance of 5 miles from the corporate limits

1 of any incorporated cities and incorporated towns is
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6 5 miles of the corporate boundaries of two or more
7 incorporated cities or incorporated towns of different
8 populations, the license fee chargeable by the larger
9 incorporated city or incorporated town applies and shall be
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13 or incorporated city is without a 5-mile limit, the license
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17 (f) an applicant for the issuance of an original
18 license to be located in areas described in subsection (d)
19 of this subsection shall provide an irrevocable letter of
20 credit from a financial institution that guarantees the
21 applicant's ability to pay a \$20,000 license fee. A
22 successful applicant shall pay a one-time original license
23 fee of \$20,000 for any such license issued. The one-time
24 license fee of \$20,000 shall not apply to any transfer or
25 renewal of a license duly issued prior to July 1, 1974. All

1 licenses, however, are subject to the annual renewal fee.
2 (8) The fee for one all-beverage license to a public
3 airport shall be \$800. This license is nontransferable.
4 (9) The license fees herein provided for are exclusive
5 of and in addition to other license fees chargeable in
6 Montana for the sale of alcoholic beverages."

-End-

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18 within a given resort area shall be \$2,000 for each license.

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-End-

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE, MARCH 22, 1983

AMENDMENTS, SB155

1) Page 3, line 25.

Following: line 24

Insert: NEW SECTION. "Section 2. Codification Instruction.
Section 1 is intended to be codified as an integral part of
Title 60, chapter 4, part 2, and the provisions of Title 60,
chapter 4, part 2, apply to Section 1."

AND AS AMENDED
BE CONCURRED IN

REP. HUBERT ABRAMS, CHAIRMAN