

SENATE BILL NO. 292

INTRODUCED BY GOODOVER, PAVLOVICH

IN THE SENATE

January 26, 1983	Introduced and referred to Committee on Business and Industry.
February 16, 1983	Committee recommend bill do pass. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 19, 1983	Correctly engrossed.
February 21, 1983	Third reading, passed. Ayes, 42; Noes, 7. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Business and Industry.
March 16, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1983	Second reading, pass consideration.
March 22, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in.

IN THE SENATE

March 24, 1983	Returned to Senate with amendments.
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April 1, 1983

Second reading, amendments
concurred in.

April 4, 1983

Third reading, amendments
concurred in. Ayes, 46;
Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *292*
 2 INTRODUCED BY *Barbara Pabst*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
 5 PROVIDING FOR PROTEST OF THE ISSUANCE OR TRANSFER OF A
 6 LIQUOR LICENSE; AMENDING SECTION 16-4-207, MCA."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 16-4-207, MCA, is amended to read:
 10 "16-4-207. Notice of application -- publication --
 11 protest. (1) When an application has been filed with the
 12 department for a license to sell alcoholic beverages at
 13 retail or to transfer such license, the department shall
 14 promptly publish in a newspaper of general circulation in
 15 the city, town, or county from which the application comes a
 16 notice that such applicant has made application for such
 17 license and that protests against the issuance of a license
 18 to the applicant may be mailed to a named administrator in
 19 the department of revenue within 10 days after the final
 20 notice is published. Notice of application for a new license
 21 shall be published once a week for 4 consecutive weeks.
 22 Notice of application for transfer of a license shall be
 23 published once a week for 2 consecutive weeks. Notice may
 24 be substantially in the following form:
 25 NOTICE OF APPLICATION FOR RETAIL

1 ALL-BEVERAGES LICENSE
 2 Notice is hereby given that on the day of,
 3 19..., one (name of applicant) filed an application for a
 4 retail all-beverages license with the Montana department of
 5 revenue, to be used at (describe location of premises where
 6 beverages are to be sold), and protests, if any there be,
 7 against the issuance of such license may be mailed to,
 8 department of revenue, Helena, Montana, on or before the
 9 day of, 19...
 10 Dated Signed
 11 ADMINISTRATOR
 12 (2) Each applicant shall, at the time of filing his
 13 application, pay to the department an amount sufficient to
 14 cover the costs of publishing the notice.
 15 (3) If the administrator receives no written protests,
 16 the department may issue or transfer the license without
 17 holding a public hearing. If, ~~however, any~~ written protests
 18 against the ~~issue~~ issuance or transfer of the license are
 19 received, the department ~~shall~~ may hold a public hearing at
 20 its office in Helena.
 21 (4) If the administrator determines a protest is
 22 without merit and refuses to hold a public hearing prior to
 23 the issuance or transfer of a license, an interested party
 24 may appeal from the administrator's decision as provided in
 25 16-4-411."

-End-
 -2- INTRODUCED BILL

SB 292

Approved by Committee
on Business and Industry

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20 its office in Helena.
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22 ~~without merit and refuses to hold a public hearing prior to~~
23 ~~the issuance or transfer of a license, an interested party~~
24 ~~may appeal from the administrator's decision as provided in~~
25 ~~16-4-411."~~

-End-
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SECOND READING

SB 292

1 *Senate* BILL NO. *292*
 2 INTRODUCED BY *Senator Patrick*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
 5 PROVIDING FOR PROTEST OF THE ISSUANCE OR TRANSFER OF A
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 5 revenue, to be used at (describe location of premises where
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 9 day of, 19...
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 19 received, the department ~~shall~~ may hold a public hearing at
 20 its office in Helena.
 21 ~~(4) If the administrator determines a protest is~~
 22 ~~without merit and refuses to hold a public hearing prior to~~
 23 ~~the issuance or transfer of a license, an interested party~~
 24 ~~may appeal from the administrator's decision as provided in~~
 25 ~~16-4-911.~~"

HOUSE BUSINESS & INDUSTRY COMMITTEE
AMENDMENTS TO SENATE BILL 292 THIRD READING COPY COLOR BLUE
MARCH 15, 1983

1. Page 2, line 19

Strike: "may"

Insert: "shall"

2. Page 2, line 21

Strike: Lines 21 through 24 in their entirety

AND AS AMENDED
BE CONCURRED IN

SENATE BILL NO. 292

INTRODUCED BY GOODOVER, PAVLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW PROVIDING FOR PROTEST OF THE ISSUANCE OR TRANSFER OF A LIQUOR LICENSE; AMENDING SECTION 16-4-207, MCA."

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

Section 1. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer such license, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that such applicant has made application for such license and that protests against the issuance of a license to the applicant may be mailed to a named administrator in the department of revenue within 10 days after the final notice is published. Notice of application for a new license shall be published once a week for 4 consecutive weeks. Notice of application for transfer of a license shall be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL

ALL-BEVERAGES LICENSE

Notice is hereby given that on the day of, 19.., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold), and protests, if any there be, against the issuance of such license may be mailed to department of revenue, Helena, Montana, on or before the day of, 19....

Dated

Signed

ADMINISTRATOR

(2) Each applicant shall, at the time of filing his application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) If the administrator receives no written protests, the department may issue or transfer the license without holding a public hearing. ~~If, however, any written protests against the issue~~ ISSUANCE or transfer of the license are received, the department ~~shall~~ may ~~SHALL~~ hold a public hearing at its office in Helena.

~~if the administrator determines a protest is without merit and refuses to hold a public hearing prior to the issuance or transfer of a license, an interested party may appeal from the administrator's decision as provided in 16-4-411.~~

-End-

-2-

SB 292

REFERENCE BILL