HOUSE BILL NO. 28

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INTRODUCED BY M. WILLIAMS

BY REQUEST OF THE DEPARTMENT OF REVENUE AND THE REVENUE OVERSIGHT COMMITTEE

IN THE HOUSE

January	7, 3	1985	Introduced and referred to Committee on Business and Labor.
January	15,	1985	Committee recommend bill do pass as amended. Report adopted.
January	16,	1985	Bill printed and placed on members' desks.
January	17,	1985	Second reading, do pass.
			Considered correctly engrossed.
January	18,	1985	Third reading, passed. Transmitted to Senate.
		IN TH	IE SENATE
January	19,	1985	Introduced and referred to Committee on Taxation.
January	29,	1985	Committee recommend bill be concurred in. Report adopted.
January	30,	1985	Second reading, concurred in.
February	y 1,	1985	Third reading, concurred in. Ayes, 47; Noes, 0.
			Returned to House.

IN THE HOUSE

February 4, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

LC 0164/01

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2	INTRODUCED BY M. WILLIAMS	2
3	BY REQUEST OF THE DEPARTMENT OF REVENUE	3
4	AND THE REVENUE OVERSIGHT COMMITTEE	4
5		5
6	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION	6
7	OF WINE; AMENDING SECTION 16-1-106, MCA; AND PROVIDING AN	7
8	IMMEDIATE EFFECTIVE DATE."	8
9		9
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10
11	Section 1. Section 16-1-106, MCA, is amended to read:	11
12	"16-1-106. Definitions. As used in this code, the	12
13	following definitions apply:	13
14	(1) "Agency agreement" means an agreement between the	14
15	department and a person appointed to sell liquor as a	15
16	commission merchant rather than as an employee.	16
17	(2) "Alcohol" means ethyl alcohol, also called	17
18	ethanol, or the hydrated oxide of ethyl.	18
19	(3) "Alcoholic beverage" means a compound produced and	19
20	sold for human consumption as a drink that contains more	20
21	than .5% of alcohol by volume.	21
22	(4) "Beer" means a malt beverage containing not more	22
23	than 7% of alcohol by weight.	23
24	(5) "Brewer" means a person who produces malt	24
25	beverages.	25

(6) "Department" means the department of revenue. (7) "Immediate family" means a spouse, dependent children, or dependent parents. (8) "Industrial use" means a use described as industrial use by the federal Alcohol Administration Act and the federal rules and regulations of 27 CFR. (9) "Liquor" means an alcoholic beverage except beer and table wine. (10) "Malt beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared therefrom and with or without other wholesome products suitable for human food consumption. (11) "Package" means a container or receptacle used for holding an alcoholic beverage. (12) "Posted price" means the retail price of liquor as fixed and determined by the department and in addition thereto an excise and license tax as provided in this code. (13) "Proof gallon" means a U.S. gallon of liquor at 60

24 degrees on the Fahrenheit scale that contains 50% of alcohol25 by volume.

-2- INTRODUCED BILL HB28

LC 0164/01

(14) "Public place" means a place, building, or
 conveyance to which the public has or may be permitted to
 have access and any place of public resort.

4 (15) "Rules" means rules published by the department
5 pursuant to this code.

6 (16) "State liquor facility" means a facility owned or
7 under control of the department for the purpose of
8 receiving, storing, transporting, or selling alcoholic
9 beverages.

10 (17) "State liquor store" means a retail store operated 11 by the department in accordance with this code for the 12 purpose of selling liquor.

13 (18) "Storage depot" means a building or structure 14 owned or operated by a brewer at any point in the state of 15 Montana off and away from the premises of a brewery, and 16 which structure is equipped with refrigeration or cooling 17 apparatus for the storage of beer and from which a brewer 18 may sell or distribute beer as permitted by this code.

(19) "Table wine" means wine as defined below whichcontains not more than 14% alcohol by volume.

(20) "Warehouse" means a building or structure owned or
operated by a licensed wholesaler for the receiving,
storage, and distribution of beer as permitted by this code.
(21) "Wine" means an alcoholic beverage made from or
<u>containing</u> the normal alcoholic fermentation of the juice of

1 sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual 2 3 cellar treatment of clarifying and aging, and that contains 4 not-less more than 7% 0.5% or but not more than 24% of 5 alcohol by volume. Wine may be ameliorated to correct 6 natural deficiencies, sweetened, and fortified in accordance 7 with applicable federal regulations and the customs and R practices of the industry. Other alcoholic beverages not 9 defined as above but made in the manner of wine and labeled 10 and sold as wine in accordance with federal regulations are 11 also wine."

12 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 13 existing authority of the department of revenue to make 14 rules on the subject of the provisions of this act is 15 extended to the provisions of this act.

16 <u>NEW SECTION.</u> Section 3. Effective date. This act is 17 effective on passage and approval.

-End-

-3-

-4-

APPROVED BY COMM. ON BUSINESS AND LABOR

1	HOUSE BILL NO. 28	1	(6) "Department" means the department of revenue.
2	INTRODUCED BY M. WILLIAMS	2	(7) "Immediate family" means a spouse, dependent
3	BY REQUEST OF THE DEPARTMENT OF REVENUE	3	children, or dependent parents.
4	AND THE REVENUE OVERSIGHT COMMITTEE	4	(8) "Industrial use" means a use described as
5		5	industrial use by the federal Alcohol Administration Act and
6	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION	6	the federal rules and regulations of 27 CFR.
7	OF WINE AND TABLE WINE; AMENDING SECTION 16-1-106, MCA; AND	7	(9) "Liquor" means an alcoholic beverage except beer
8	PROVIDING AN IMMEDIATE EFFECTIVE DATE."	в	and table wine.
9		9	. (10) "Malt beverage" means an alcoholic beverage made
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	by the fermentation of an infusion or decoction, or a
11	Section 1. Section 16-1-106, MCA, is amended to read:	11	combination of both, in potable brewing water, of malted
12	"16-1-106. Definitions. As used in this code, the	12	barley with or without hops or their parts or their products
13	following definitions apply:	13	and with or without other malted cereals and with or without
14	(1) "Agency agreement" means an agreement between the	14	the addition of unmalted or prepared cereals, other
15	department and a person appointed to sell liquor as a	15	carbohydrates, or products prepared therefrom and with or
16	commission merchant rather than as an employee.	16	without other wholesome products suitable for human food
17	(2) "Alcohol" means ethyl alcohol, also called	17	consumption.
18	ethanol, or the hydrated oxide of ethyl.	18	(11) "Package" means a container or receptacle used for
19	(3) "Alcoholic beverage" means a compound produced and	19	holding an alcoholic beverage.
20	sold for human consumption as a drink that contains more	20	(12) "Posted price" means the retail price of liquor as
21	than .5% of alcohol by volume.	21	fixed and determined by the department and in addition
22	(4) "Beer" means a malt beverage containing not more	22	thereto an excise and license tax as provided in this code.
23	than 7% of alcohol by weight.	23	(13) "Proof gallon" means a U.S. gallon of liquor at 60
24	(5) "Brewer" means a person who produces malt	24	degrees on the Fahrenheit scale that contains 50% of alcohol
25	beverages.	25	by volume.



HB 0028/02

HB 28

SECOND READING HB 28

-2-

(14) "Public place" means a place, building, or
 conveyance to which the public has or may be permitted to
 have access and any place of public resort.

4 (15) "Rules" means rules published by the department5 pursuant to thi, code.

6 (16) "State liquor facility" means a facility owned or
7 under control of the department for the purpose of
8 receiving, storing, transporting, or selling alcoholic
9 beverages.

10 (17) "State liquor store" means a retail store operated 11 by the department in accordance with this code for the 12 purpose of selling liquor.

13 (18) "Storage depot" means a building or structure 14 owned or operated by a brewer at any point in the state of 15 Montana off and away from the premises of a brewery, and 16 which structure is equipped with refrigeration or cooling 17 apparatus for the storage of beer and from which a brewer 18 may sell or distribute beer as permitted by this code.

(19) "Table wine" means wine as defined below which
contains not more than 14% 16% alcohol by volume.

(20) "Warehouse" means a building or structure owned or
operated by a licensed wholesaler for the receiving,
storage, and distribution of beer as permitted by this code.
(21) "Wine" means an alcoholic beverage made from or
<u>containing</u> the normal alcoholic fermentation of the juice of

-3-

HB 28

1 sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual 2 cellar treatment of clarifying and aging, and that contains 3 not-less more than 7% 0.5% or but not more than 24% of 4 alcohol by volume. Wine may be ameliorated to correct 5 natural deficiencies, sweetened, and fortified in accordance 6 with applicable federal regulations and the customs and 7 practices of the industry. Other alcoholic beverages not defined as above but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are 10 also wine." 11

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-4-

HB 28

1	HOUSE BILL NO. 28	1 (6) "Department" means the department of revenue.
2	INTRODUCED BY M. WILLIAMS	2 (7) "Immediate family" means a spouse, depende
3	BY REQUEST OF THE DEPARTMENT OF REVENUE	3 children, or dependent parents.
4	AND THE REVENUE OVERSIGHT COMMITTEE	4 (8) "Industrial use" means a use described
5		5 industrial use by the federal Alcohol Administration Act a
6	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION	6 the federal rules and regulations of 27 CFR.
7	OF WINE AND TABLE WINE; AMENDING SECTION 16-1-106, MCA; AND	7 (9) "Liquor" means an alcoholic beverage except be
8	PROVIDING AN IMMEDIATE EFFECTIVE DATE."	8 and table wine.
9		9 (10) "Malt beverage" means an alcoholic beverage man
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10 by the fermentation of an infusion or decoction, or
11	Section 1. Section 16-1-106, MCA, is amended to read:	ll combination of both, in potable brewing water, of malte
12	"16-1-106. Definitions. As used in this code, the	12 barley with or without hops or their parts or their product
13	following definitions apply:	13 and with or without other malted cereals and with or without
14	(1) "Agency agreement" means an agreement between the	14 the addition of unmalted or prepared cereals, other
15	department and a person appointed to sell liquor as a	15 carbohydrates, or products prepared therefrom and with o
16	commission merchant rather than as an employee.	16 without other wholesome products suitable for human for
17	(2) "Alcohol" means ethyl alcohol, also called	17 consumption.
18	ethanol, or the hydrated oxide of ethyl.	18 (11) "Package" means a container or receptacle used for
19	(3) "Alcoholic beverage" means a compound produced and	19 holding an alcoholic beverage.
20	sold for human consumption as a drink that contains more	20 (12) "Posted price" means the retail price of liquor a
21	than .5% of alcohol by volume.	21 fixed and determined by the department and in addition
22	(4) "Beer" means a malt beverage containing not more	22 thereto an excise and license tax as provided in this code
23	than 7% of alcohol by weight.	23 (13) "Proof gallon" means a U.S. gallon of liquor at f
24	(5) "Brewer" means a person who produces malt	24 degrees on the Fahrenheit scale that contains 50% of alcoho
25	beverages.	25 by volume.
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THIRD READING

(14) "Public place" means a place, building, or
 conveyance to which the public has or may be permitted to
 have access and any place of public resort.

4 (15) "Rules" means rules published by the department5 pursuant to this code.

6 (16) "State liquor facility" means a facility owned or
7 under control of the department for the purpose of
8 receiving, storing, transporting, or selling alcoholic
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10 (17) "State liquor store" means a retail store operated
11 by the department in accordance with this code for the
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13 (18) "Storage depot" means a building or structure 14 owned or operated by a brewer at any point in the state of 15 Montana off and away from the premises of a brewery, and 16 which structure is equipped with refrigeration or cooling 17 apparatus for the storage of beer and from which a brewer 18 may sell or distribute beer as permitted by this code.

19 (19) "Table wine" means wine as defined below which 20 contains not more than 34% 16% alcohol by volume.

(20) "Warehouse" means a building or structure owned or
operated by a licensed wholesaler for the receiving,
storage, and distribution of beer as permitted by this code.
(21) "Wine" means an alcoholic beverage made from or
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1 sound, ripe fruit or other agricultural products without 2 addition or abstraction, except as may occur in the usual 3 cellar treatment of clarifying and aging, and that contains not-less more than 7% 0.5% or but not more than 24% of 4 alcohol by volume. Wine may be ameliorated to correct 5 6 natural deficiencies, sweetened, and fortified in accordance 7 with applicable federal regulations and the customs and 8 practices of the industry. Other alcoholic beverages not 9 defined as above but made in the manner of wine and labeled 10 and sold as wine in accordance with federal regulations are 11 also wine."

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-3-

HB 28

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HB 0028/02

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HB 0028/02

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HB 28 **REFERENCE BILL**

HB 0028/02

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-4-

- 3--

HB 28

HB 28

HB 0028/02