

HOUSE BILL NO. 28

INTRODUCED BY M. WILLIAMS

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

IN THE HOUSE

January 7, 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 THE SENATE

January 19, 1985	Introduced and referred to Committee on Taxation.
January 29, 1985	Committee recommend bill be concurrent in. Report adopted.
January 30, 1985	Second reading, concurred in.
February 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.

1 (14) "Public place" means a place, building, or
2 conveyance to which the public has or may be permitted to
3 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 (19) "Table wine" means wine as defined below which
20 contains not more than 14% alcohol by volume.

21 (20) "Warehouse" means a building or structure owned or
22 operated by a licensed wholesaler for the receiving,
23 storage, and distribution of beer as permitted by this code.

24 (21) "Wine" means an alcoholic beverage made from or
25 containing the normal alcoholic fermentation of the juice of

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
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
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."

12 NEW SECTION. 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 NEW SECTION. Section 3. Effective date. This act is
17 effective on passage and approval.

-End-

APPROVED BY COMM. ON
BUSINESS AND LABOR

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BY REQUEST OF THE DEPARTMENT OF REVENUE

AND THE REVENUE OVERSIGHT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION
OF WINE AND TABLE WINE; AMENDING SECTION 16-1-106, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 16-1-106, MCA, is amended to read:

"16-1-106. Definitions. As used in this code, the
following definitions apply:

(1) "Agency agreement" means an agreement between the
department and a person appointed to sell liquor as a
commission merchant rather than as an employee.

(2) "Alcohol" means ethyl alcohol, also called
ethanol, or the hydrated oxide of ethyl.

(3) "Alcoholic beverage" means a compound produced and
sold for human consumption as a drink that contains more
than .5% of alcohol by volume.

(4) "Beer" means a malt beverage containing not more
than 7% of alcohol by weight.

(5) "Brewer" means a person who produces malt
beverages.

(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
degrees on the Fahrenheit scale that contains 50% of alcohol
by volume.



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

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6 (16) "State liquor facility" means a facility owned or
7 under control of the department for the purpose of
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11 by the department in accordance with this code for the
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13 (18) "Storage depot" means a building or structure
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19 (19) "Table wine" means wine as defined below which
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