

SENATE BILL NO. 34

INTRODUCED BY NORMAN

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

IN THE SENATE

January 14, 1985	Introduced and referred to Committee on Taxation.
January 26, 1985	Committee recommend bill do pass as amended. Report adopted.
January 28, 1985	Bill printed and placed on members' desks.
January 29, 1985	Second reading, do pass.
January 30, 1985	Considered correctly engrossed.
January 31, 1985	Third reading, passed. Ayes, 47; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 11, 1985	Committee recommend bill be concurrent in. Report adopted.
March 13, 1985	Second reading, concurred in.
March 15, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 15, 1985

Received from House.

March 16, 1985

Sent to enrolling.

Reported correctly enrolled.

1 applicant:

2 (i) if the applicant consists of more than one
 3 individual, all must meet the requirements of subsection
 4 (2)(a); and

5 (ii) if the applicant consists of more than one
 6 corporation, all must meet the requirements of subsection
 7 (2)(b).

8 (3) In the case of a license that permits only
 9 off-premises consumption, the department must find in every
 10 case in which it makes an order for the issuance of a new
 11 license or for the approval of the transfer of a license
 12 that:

13 (a) in the case of an individual applicant:

14 (i) the applicant will not possess an ownership
 15 interest in more than one establishment licensed under this
 16 chapter for all-beverages sales;

17 (ii) the applicant or any member of his immediate
 18 family is without financing from or any affiliation to a
 19 manufacturer, bottler, or distributor of beer, wine, or
 20 liquor;

21 (iii) the applicant has not been convicted of a felony
 22 or, if the applicant has been convicted of a felony, his
 23 rights have been restored;

24 (iv) the applicant's past record and present status as
 25 a purveyor of alcoholic beverages and as a businessman and

1 citizen demonstrate that he is likely to operate his
 2 establishment in compliance with all applicable laws of the
 3 state and local governments; and

4 (v) the applicant is not under the age of 19 years;
 5 and

6 (b) in the case of a corporate applicant:

7 (i) the owners of at least 51% of the outstanding
 8 stock meet the requirements of subsection (3)(a)(iii);

9 (ii) each owner of 10% or more of the outstanding stock
 10 meets the requirements for an individual listed in
 11 subsection (3)(a) of this section; and

12 (iii) the corporation is authorized to do business in
 13 Montana; and

14 (c) in the case of any other business entity as
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16 (i) if the applicant consists of more than one
 17 individual, all must meet the requirements of subsection
 18 (2)(a); and

19 (ii) if the applicant consists of more than one
 20 corporation, all must meet the requirements of subsection
 21 (2)(b).

22 (4) In the case of a license that permits the
 23 manufacture or wholesaling of an alcoholic beverage, the
 24 department must find in every case in which it makes an
 25 order for the issuance of a new license or for the approval

1 of the transfer of a license that:

2 (a) in the case of an individual applicant:

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4 establishment licensed under this chapter for retail
5 alcoholic beverages sales;

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13 state and local governments;

14 (iv) the applicant is not under the age of 19 years;
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16 (v) an applicant for a wholesale license is neither a
17 manufacturer of an alcoholic beverage nor is owned or
18 controlled by a manufacturer of an alcoholic beverage; and

19 (b) in the case of a corporate applicant:

20 (i) the owners of at least 51% of the outstanding
21 stock meet the requirements of subsection (4)(a)(ii);

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13 (5) In the case of a corporate applicant, the
14 requirements of subsections (2)(b), (3)(b), and (4)(b) apply
15 separately to each class of stock.

16 (6) The provisions of subsection (2) do not apply to
17 an applicant for or holder of a license pursuant to
18 16-4-302."

19 NEW SECTION. Section 2. Extension of authority. Any
20 existing authority of the department of revenue to make
21 rules on the subject of the provisions of this act is
22 extended to the provisions of this act.

23 NEW SECTION. Section 3. Effective date. This act is
24 effective on passage and approval.

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APPROVED BY COMMITTEE
ON TAXATION

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4 AND THE REVENUE OVERSIGHT COMMITTEE
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7 BEVERAGE LICENSING CRITERIA FOR A BUSINESS ENTITY OTHER THAN
8 A CORPORATION OR AN INDIVIDUAL; AMENDING SECTION 16-4-401,
9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 16-4-401, MCA, is amended to read:
13 "16-4-401. License as privilege -- criteria for
14 decision on application. (1) A license under this code is a
15 privilege which the state may grant to an applicant and is
16 not a right to which any applicant is entitled.
17 (2) Except as provided in subsection (6), in the case
18 of a license that permits on-premises consumption, the
19 department must find in every case in which it makes an
20 order for the issuance of a new license or for the approval
21 of the transfer of a license that:
22 (a) in the case of an individual applicant:
23 (i) the applicant will not possess an ownership
24 interest in more than one establishment licensed under this
25 chapter for all-beverages sales;

1 (ii) the applicant or any member of his immediate
2 family is without financing from or any affiliation to a
3 manufacturer, bottler, or distributor of beer, wine, or
4 liquor;
5 (iii) the applicant is a resident of the state and is
6 qualified to vote in a state election;
7 (iv) the applicant's past record and present status as
8 a purveyor of alcoholic beverages and as a businessman and
9 citizen demonstrate that he is likely to operate his
10 establishment in compliance with all applicable laws of the
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19 subsection (2)(a) of this section;
20 (iii) the corporation is authorized to do business in
21 Montana; and
22 (iv) in the case of a corporation not listed on a
23 national stock exchange, each owner of stock meets the
24 requirements of subsection (2)(a)(i); and
25 (c) in the case of any other business entity as

1 applicant:

2 (i) if the applicant consists of more than one
3 individual, all must meet the requirements of subsection
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