

SENATE BILL NO. 357

INTRODUCED BY B. WILLIAMS, LANE, YELLOWTAIL

IN THE SENATE

February 8, 1985	Introduced and referred to Committee on Business and Industry.
February 16, 1985	Committee recommend bill do pass as amended. Report adopted.
February 18, 1985	Bill printed and placed on members' desks.
February 19, 1985	Second reading, do pass.
February 20, 1985	Considered correctly engrossed.
February 21, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 20, 1985	Committee recommend bill be concurred in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 25, 1985

Received from House.

March 26, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *357*  
 2 INTRODUCED BY *Bill - LANE Yellowstone*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE  
 5 REQUIREMENT THAT A BUSINESS OPERATED ON THE SAME PREMISES AS  
 6 AN ESTABLISHMENT LICENSED TO SELL BEER OR BEER AND WINE  
 7 CLOSE OFF FROM 2 A.M. TO 8 A.M. THE PART WHERE ALCOHOLIC  
 8 BEVERAGES ARE SOLD;" AMENDING SECTIONS 16-3-304 AND 16-3-305,  
 9 MCA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 16-3-304, MCA, is amended to read:

13 "16-3-304. Closing hours for licensed retail  
 14 establishments. ~~All~~ Except as provided in 16-3-305, all  
 15 licensed establishments wherein alcoholic beverages are  
 16 sold, offered for sale, or given away at retail shall be  
 17 closed each day between 2 a.m. and 8 a.m.; provided,  
 18 however, that when any municipal incorporation has by  
 19 ordinance further restricted the hours of sale of alcoholic  
 20 beverages, then the sale of alcoholic beverages is  
 21 prohibited within the limits of any such city or town during  
 22 the time such sale is prohibited by this code and in  
 23 addition thereto during the hours that it is prohibited by  
 24 such ordinance. ~~During such hours all persons except the~~  
 25 ~~owner and employees of such licensed establishments shall be~~

1 ~~excluded therefrom except as provided in 16-3-305."~~

2 Section 2. Section 16-3-305, MCA, is amended to read:

3 "16-3-305. Sale of alcoholic beverages during closed  
 4 hours unlawful -- lawful business need not be closed. During  
 5 the hours when the licensed establishments where alcoholic  
 6 beverages are sold at retail are required by this code to be  
 7 closed, it shall be unlawful to sell, offer for sale, or  
 8 give away any such alcoholic beverages, ~~and during such~~  
 9 ~~hours all persons, save employees of such licensed~~  
 10 ~~establishments, shall be excluded therefrom; provided,~~  
 11 however, that when ~~a licensed establishment is operated in~~  
 12 conjunction with an establishment licensed to sell beer or  
 13 beer and wine at retail also operates on the same premises  
 14 as a hotel, restaurant, bus depot, railway terminal, grocery  
 15 store, pharmacy, or other lawful business other than that of  
 16 the sale of intoxicating liquor or beer alcoholic beverages,  
 17 then such other lawful business need not be closed, ~~but only~~  
 18 ~~the part thereof where such beer or liquor is sold."~~

-End-



-2- INTRODUCED BILL  
 SB 357

APPROVED BY COMM. ON  
BUSINESS & INDUSTRY

SENATE BILL NO. 357

INTRODUCED BY B. WILLIAMS, LANE, YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT A BUSINESS OPERATED ON THE SAME PREMISES AS AN ESTABLISHMENT LICENSED TO SELL BEER-OR-BEER-AND-WINE ALCOHOLIC BEVERAGES CLOSE OFF FROM 2 A.M. TO 8 A.M. THE PART WHERE ALCOHOLIC BEVERAGES ARE SOLD; AMENDING SECTIONS 16-3-304 AND 16-3-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 16-3-304, MCA, is amended to read:

"16-3-304. Closing hours for licensed retail establishments. All Except as provided in 16-3-305, all licensed establishments wherein alcoholic beverages are sold, offered for sale, or given away at retail shall be closed each day between 2 a.m. and 8 a.m.; provided, however, that when any municipal incorporation has by ordinance further restricted the hours of sale of alcoholic beverages, then the sale of alcoholic beverages is prohibited within the limits of any such city or town during the time such sale is prohibited by this code and in addition thereto during the hours that it is prohibited by such ordinance. ~~During--such--hours--all--persons--except--the~~

~~owner-and-employees-of-such-licensed-establishments-shall-be excluded-therefrom-except-as-provided--in--16-3-305: DURING SUCH HOURS ALL PERSONS EXCEPT THE ALCOHOLIC BEVERAGE LICENSEE AND EMPLOYEES OF SUCH LICENSED ESTABLISHMENT SHALL BE EXCLUDED FROM THE LICENSED PREMISES."~~

Section 2. Section 16-3-305, MCA, is amended to read:

"16-3-305. Sale of alcoholic beverages during closed hours unlawful -- lawful business need not be closed. During the hours when the licensed establishments where alcoholic beverages are sold at retail are required by this code to be closed, it shall be unlawful to sell, offer for sale, or give away ~~any--such,~~ CONSUME, OR ALLOW THE CONSUMPTION OF alcoholic beverages, ~~and-during--such--hours--all--persons, save--employees--of--such--licensed-establishments, shall-be excluded-therefrom, provided,--however,--that--when~~ WHEN a licensed--establishment--is--operated-in-conjunction-with an establishment licensed to sell ~~beer--or--beer--and--wine--at retail--also--operates--on--the--same--premises--as~~ ALCOHOLIC BEVERAGES IS OPERATED IN CONJUNCTION WITH a hotel, restaurant, bus depot, railway terminal, grocery store, pharmacy, or other lawful business other than that of the sale of ~~intoxicating--liquor--or--beer~~ alcoholic beverages, then such other lawful business need not be closed, ~~but-only the-part-thereof-where-such-beer-or-liquor-is-sold."~~

NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS



SB 0357/02

1 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT A BUSINESS OPERATED ON THE SAME PREMISES AS AN ESTABLISHMENT LICENSED TO SELL BEER-OR-BEER-AND-WINE ALCOHOLIC BEVERAGES CLOSE OFF FROM 2 A.M. TO 8 A.M. THE PART WHERE ALCOHOLIC BEVERAGES ARE SOLD; AMENDING SECTIONS 16-3-304 AND 16-3-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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owner-and-employees-of-such-licensed-establishments-shall-be excluded-therefrom-except-as-provided--in--16-3-305, DURING SUCH HOURS ALL PERSONS EXCEPT THE ALCOHOLIC BEVERAGE LICENSEE AND EMPLOYEES OF SUCH LICENSED ESTABLISHMENT SHALL BE EXCLUDED FROM THE LICENSED PREMISES."

Section 2. Section 16-3-305, MCA, is amended to read:

"16-3-305. Sale of alcoholic beverages during closed hours unlawful -- lawful business need not be closed. During the hours when the licensed establishments where alcoholic beverages are sold at retail are required by this code to be closed, it shall be unlawful to sell, offer for sale, or give away any--such, CONSUME, OR ALLOW THE CONSUMPTION OF alcoholic beverages, and during--such--hours--all--persons, save--employees--of--such--licensed-establishments, shall-be excluded-therefrom; provided,--however,--that--when WHEN a licensed--establishment--is--operated-in-conjunction-with an establishment licensed to sell beer--or--beer--and--wine--at retail--also--operates--on--the--same--premises-as ALCOHOLIC BEVERAGES IS OPERATED IN CONJUNCTION WITH a hotel, restaurant, bus depot, railway terminal, grocery store, pharmacy, or other lawful business other than that of the sale of intoxicating--liquor--or--beer alcoholic beverages, then such other lawful business need not be closed,--but--only the-part--thereof--where--such--beer--or--liquor--is--sold."

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6 AN ESTABLISHMENT LICENSED TO SELL ~~BEER-OR-BEER-AND-WINE~~  
7 ALCOHOLIC BEVERAGES CLOSE OFF FROM 2 A.M. TO 8 A.M. THE PART  
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19 however, that when any municipal incorporation has by  
20 ordinance further restricted the hours of sale of alcoholic  
21 beverages, then the sale of alcoholic beverages is  
22 prohibited within the limits of any such city or town during  
23 the time such sale is prohibited by this code and in  
24 addition thereto during the hours that it is prohibited by  
25 such ordinance. ~~During--such--hours--all--persons--except--the~~

1 ~~owner-and-employees-of-such-licensed-establishments-shall-be~~  
2 ~~excluded-therefrom-except-as-provided--in--16-3-305. DURING~~  
3 ~~SUCH HOURS ALL PERSONS EXCEPT THE ALCOHOLIC BEVERAGE~~  
4 ~~LICENSEE AND EMPLOYEES OF SUCH LICENSED ESTABLISHMENT SHALL~~  
5 ~~BE EXCLUDED FROM THE LICENSED PREMISES."~~

6 Section 2. Section 16-3-305, MCA, is amended to read:

7 "16-3-305. Sale of alcoholic beverages during closed  
8 hours unlawful -- lawful business need not be closed. During  
9 the hours when the licensed establishments where alcoholic  
10 beverages are sold at retail are required by this code to be  
11 closed, it shall be unlawful to sell, offer for sale, or  
12 give away ~~any--such, CONSUME, OR ALLOW THE CONSUMPTION OF~~  
13 ~~alcoholic beverages, and during such hours all persons,~~  
14 ~~save--employees--of--such--licensed-establishments, shall be~~  
15 ~~excluded-therefrom; provided, however, that when WHEN a~~  
16 ~~licensed--establishment--is--operated-in-conjunction-with an~~  
17 ~~establishment licensed to sell beer--or--beer--and--wine--at~~  
18 ~~retail--also--operates--on--the--same--premises-as~~ ALCOHOLIC  
19 BEVERAGES IS OPERATED IN CONJUNCTION WITH a hotel,  
20 restaurant, bus depot, railway terminal, grocery store,  
21 pharmacy, or other lawful business other than that of the  
22 sale of intoxicating ~~liquor--or--beer~~ alcoholic beverages,  
23 then such other lawful business need not be closed ~~but--only~~  
24 ~~the-part--thereof--where--such--beer--or--liquor--is--sold."~~

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