

HOUSE BILL NO. 417

INTRODUCED BY PAVLOVICH, SMITH, DRISCOLL,
THOMAS, OWENS, PETERSON, HARP

IN THE HOUSE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT.
JANUARY 26, 1989	FIRST READING.
FEBRUARY 3, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 6, 1989	PRINTING REPORT.
FEBRUARY 7, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 8, 1989	ENGROSSING REPORT.
FEBRUARY 9, 1989	THIRD READING, PASSED. AYES, 97; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY.
	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.

MARCH 8, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *417*
 2 INTRODUCED BY *Carlton Smith, Russell Thomas*
 3 *Owens Peterson HARP*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A TOUR BOAT
 5 ENDORSEMENT TO A RESORT ALL-BEVERAGES LICENSE; ESTABLISHING
 6 CONDITIONS FOR ISSUING THE ENDORSEMENT AND FOR THE SALE OF
 7 ALCOHOLIC BEVERAGES PURSUANT TO THE ENDORSEMENT; AND
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. **Section 1.** Resort license -- tour boat
 12 endorsement. (1) A holder of a resort all-beverages license
 13 issued under 16-4-202 may be issued a tour boat endorsement
 14 to allow the sale of alcoholic beverages to passengers on
 15 boats at least 40 feet in length and equipped to carry at
 16 least 50 passengers. The endorsement must be issued upon
 17 written application to the department and submission of an
 18 annual fee of \$50. The applicant must also submit proof of
 19 compliance with the following requirements:

- 20 (a) county health department inspection and approval
- 21 of food services offered on the boat;
- 22 (b) inspection and approval by the department of fish,
- 23 wildlife, and parks of boat safety equipment requirements;
- 24 (c) current boat registration; and
- 25 (d) business liability insurance coverage.

1 (2) Alcoholic beverages may be sold pursuant to the
 2 endorsement authorized in subsection (1) only while the boat
 3 is underway, and no alcoholic beverages may be sold or
 4 served when the boat is secured at its or any other mooring.

5 (3) Sale of alcoholic beverages under the endorsement
 6 is subject to all other requirements imposed for any
 7 all-beverages license issued under this part.

8 NEW SECTION. **Section 2.** Extension of authority. Any
 9 existing authority to make rules on the subject of the
 10 provisions of [this act] is extended to the provisions of
 11 [this act].

12 NEW SECTION. **Section 3.** Codification instruction.
 13 [Section 1] is intended to be codified as an integral part
 14 of Title 16, chapter 4, part 2, and the provisions of Title
 15 16 apply to [section 1].

16 NEW SECTION. **Section 4.** Effective date. [This act] is
 17 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB417, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB417 would allow the sale of alcoholic beverages to passengers on tour boats that are at least 40 feet in length and equipped to carry at least 50 passengers by holders of a resort all-beverages license who receive endorsement. This legislation also provides conditions under which the endorsement can be issued and a fee.

ASSUMPTIONS:

1. The Department of Fish, Wildlife and Parks or the U. S. Coast Guard are currently inspecting all tour boats at least annually for proper safety equipment. Consequently, passage of this legislation would not have any fiscal impact on the Dept. of Fish, Wildlife and Parks.
2. The Department of Revenue assumes that passage of this legislation would have no fiscal impact on the department expenditures and only minimal impact on the revenue from liquor licenses.

FISCAL IMPACT: None

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

This legislation may result in some revenue increase for the few vendors in Montana who are providing tour boat services.

Ray Shackelford 2/1/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Rep. J. Pavlovich
ROBERT J. PAVLOVICH, PRIMARY SPONSOR DATE
Fiscal Note for HB417, as introduced

HB 417

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

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to allow the sale of alcoholic beverages to passengers on
boats at least 40 feet in length and equipped to carry at
least 50 passengers.

(2) The endorsement must be issued upon written
application to the department and submission of an annual
fee of \$50 ~~\$250~~. The applicant must also submit proof:

(A) of compliance with the following requirements:

(a)(I) county health department inspection and
approval of food services offered on the boat;

(b)(II) inspection and approval by the department of
fish, wildlife, and parks of boat safety equipment

requirements;

(c)(III) current boat registration; and

(d)(IV) business liability insurance coverage; AND

(B) THAT THE REGISTERED OWNER OF THE TOUR BOAT IS:

(I) A RESORT ALL-BEVERAGES LICENSEE;

(II) AN INDIVIDUAL NAMED ON A RESORT ALL-BEVERAGES
LICENSE; OR

(III) A STOCKHOLDER OWNING 10% OR MORE OF ANY CLASS OF
STOCK IN A CORPORATE RESORT ALL-BEVERAGES LICENSE.

(2)(3) Alcoholic beverages may be sold pursuant to the
endorsement authorized in subsection (1) only while the boat
is underway,--and WITHIN 30 MILES OF THE RESORT BOUNDARY OR
IS IN PREPARATION FOR SCHEDULED DEPARTURE. EXCEPT AS
PROVIDED IN THIS SUBSECTION, no alcoholic beverages may be
sold or served when the boat is secured at its or any other
mooring.

(3)(4) Sale of alcoholic beverages under the
endorsement is subject to all other requirements imposed for
any all-beverages license issued under this part.

NEW SECTION. Section 2. Extension of authority. Any
existing authority to make rules on the subject of the
provisions of [this act] is extended to the provisions of
[this act].

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[Section 1] is intended to be codified as an integral part

HB 0417/02

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