HOUSE BILL NO. 611

INTRODUCED BY CONNELLY, SMITH, OWENS, MANNING, WALKER

IN THE HOUSE

- FEBRUARY 8, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
- FEBRUARY 9, 1989 FIRST READING.
- FEBRUARY 14, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 15, 1989 PRINTING REPORT.
- FEBRUARY 18, 1989 SECOND READING, DO PASS.
- FEBRUARY 20, 1989 ENGROSSING REPORT.
- FEBRUARY 21, 1989 THIRD READING, PASSED. AYES, 93; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989

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INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.

FIRST READING.

MARCH 8, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 9, 1989 SECOND READING, CONCURRED IN.

MARCH 11, 1989 THIRD READING, CONCURRED IN. AYES, 44; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 11, 1989

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RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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HAUSE BILL NO. 611 1 INTRODUCED BY Connelly 2. The Campor Richard Mannie 2 - Dalla 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROTESTS 4 AGAINST THE ISSUANCE OR TRANSFER OF AN ALCOHOLIC BEVERAGE 5 LICENSE MAY BE MADE ONLY BY RESIDENTS OF THE COUNTY FROM 6 7 WHICH THE APPLICATION FOR A LICENSE COMES: AND AMENDING SECTION 16-4-207, MCA." 8

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

11 Section 1. Section 16-4-207, MCA, is amended to read: "16-4-207. Notice of application -- publication --12 protest. (1) When an application has been filed with the 13 department for a license to sell alcoholic beverages at 14 retail or to transfer such a retail license, the department 15 shall promptly publish in a newspaper of general circulation 16 17 in the city, town, or county from which the application comes a notice that such the applicant has made application 18 for such a retail license and that protests against the 19 issuance of a license to the applicant by residents of the 20 county from which the application comes may be mailed to a 21 22 named administrator in the department of revenue within 10 23 days after the final notice is published. Notice of application for a new license shall be published once a week 24 for 4 consecutive weeks. Notice of application for transfer 25

2 consecutive weeks. Notice may be substantially in the 3 following form: NOTICE OF APPLICATION FOR RETAIL 4 5 ALL-BEVERAGES LICENSE 6 Notice is hereby given that on the day of, 7 19.., one (name of applicant) filed an application for a 8 retail all-beverages license with the Montana department of 9 revenue, to be used at (describe location of premises where 10 beverages are to be sold), and protests by residents of 11 county, if any there be, against the issuance of such 12 license may be mailed to, department of revenue, 13 Helena, Montana, on or before the day of, 19... 14 Dated Signed 15 **ADMINISTRATOR** 16 (2) Each applicant shall, at the time of filing his 17 application, pay to the department an amount sufficient to 18 cover the costs of publishing the notice. 19 (3) If the administrator receives no written protests, 20 the department may issue or transfer the license without 21 holding a public hearing. If written protests by residents of the county from which the application comes against the 22 23 issuance or transfer of the license are received, the 24 department shall hold a public hearing at its office in Helena." 25

of a license shall be published once a week for 2

-2- INTRODUCED BILL #6 6//

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LC 1068/01

<u>NEW SECTION.</u> 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].

-End-

51st Legislature

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 611 1 INTRODUCED BY CONNELLY, SMITH, OWENS, MANNING, WALKER 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROTESTS 4 5 AGAINST THE ISSUANCE OR TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE MAY BE MADE ONLY BY CREDITORS AND RESIDENTS OF THE 6 COUNTY FROM WHICH THE APPLICATION FOR A LICENSE COMES AND 7 ADJOINING MONTANA COUNTIES; AND AMENDING SECTION 16-4-207, 8 MCA; AND PROVIDING AN EFFECTIVE DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 16-4-207, MCA, is amended to read: 12 "16-4-207. Notice of application -- publication --13 protest. (1) When an application has been filed with the 14 department for a license to sell alcoholic beverages at 15 retail or to transfer such a retail license, the department 16 shall promptly publish in a newspaper of general circulation 17 in the city, town, or county from which the application 18 comes a notice that such the applicant has made application 19 for such a retail license and that protests against the 20 issuance of a license to the applicant by A PERSON WHO HAS 21 22 EXTENDED CREDIT TO A TRANSFEROR OR residents of the county from which the application comes OR ADJOINING MONTANA 23 COUNTIES may be mailed to a named administrator in the 24 department of revenue within 10 days after the final notice 25

1 is published. Notice of application for a new license shall be published once a week for 4 consecutive weeks. Notice of 2 application for transfer of a license shall be published 3 4 once a week for 2 consecutive weeks. Notice may be 5 substantially in the following form: 6 NOTICE OF APPLICATION FOR RETAIL 7 ALL-BEVERAGES LICENSE Notice is hereby given that on the day of 8 q 19.., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of 10 11 revenue, to be used at (describe location of premises where beverages are to be sold), and protests by A PERSON WHO HAS 12 13 EXTENDED CREDIT TO A TRANSFEROR OR residents of 14 county COUNTIES, if any there be, against the issuance of such license may be mailed to, department of revenue, 15 16 Helena, Montana, on or before the day of, 19... 17 Dated Signed 18 ADMINISTRATOR 19 (2) Each applicant shall, at the time of filing his 20 application, pay to the department an amount sufficient to 21 cover the costs of publishing the notice. 22 (3) If the administrator receives no written protests, 23 the department may issue or transfer the license without 24 holding a public hearing. If written protests by A PERSON 25 WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of the

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Montana Legislative Counce

SECOND READING

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1	county from which the application comes OR ADJOINING MONTANA
2	$\underline{\text{COUNTIES}}$ against the issuance or transfer of the license are
3	received, the department shall hold a public hearing at its
4	office in Helena."
5	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}.

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS
 EFFECTIVE JULY 1, 1989.

-End-

HOUSE BILL NO. 611 1 INTRODUCED BY CONNELLY, SMITH, OWENS, MANNING, WALKER 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROTESTS 4 5 AGAINST THE ISSUANCE OR TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE MAY BE MADE ONLY BY CREDITORS AND RESIDENTS OF THE 6 7 COUNTY FROM WHICH THE APPLICATION FOR A LICENSE COMES AND ADJOINING MONTANA COUNTIES; AND AMENDING SECTION 16-4-207, 8 MCA: AND PROVIDING AN EFFECTIVE DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 16-4-207, MCA, is amended to read: 12 13 *16-4-207. Notice of application -- publication -protest. (1) When an application has been filed with the 14 department for a license to sell alcoholic beverages at 15 retail or to transfer such a retail license, the department 16 shall promptly publish in a newspaper of general circulation 17 in the city, town, or county from which the application 18 19 comes a notice that such the applicant has made application for such a retail license and that protests against the 20 issuance of a license to the applicant by A PERSON WHO HAS 21 22 EXTENDED CREDIT TO A TRANSFEROR OR residents of the county 23 from which the application comes OR ADJOINING MONTANA COUNTIES may be mailed to a named administrator in the 24 department of revenue within 10 days after the final notice 25

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THIRD READING

HB 611

1 county from which the application comes OR ADJOINING MONTANA

2 <u>COUNTIES</u> against the issuance or transfer of the license are 3 received, the department shall hold a public hearing at its 4 office in Helena."

5 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 6 existing authority to make rules on the subject of the 7 provisions of [this act] is extended to the provisions of 8 [this act].

9 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS
 10 EFFECTIVE JULY 1, 1989.

-End-

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HB 0611/02

REFERENCE BILL

1	HOUSE BILL NO. 611	1	is published. Notice of application for a new license shall
2	INTRODUCED BY CONNELLY, SMITH, OWENS, MANNING, WALKER	2	be published once a week for 4 consecutive weeks. Notice of
3		3	application for transfer of a license shall be published
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROTESTS	4	once a week for 2 consecutive weeks. Notice may be
5	AGAINST THE ISSUANCE OR TRANSFER OF AN ALCOHOLIC BEVERAGE	. 5	substantially in the following form:
6	LICENSE MAY BE MADE ONLY BY CREDITORS AND RESIDENTS OF THE	6	NOTICE OF APPLICATION FOR RETAIL
7	COUNTY FROM WHICH THE APPLICATION FOR A LICENSE COMES AND	7	ALL-BEVERAGES LICENSE
8	ADJOINING MONTANA COUNTIES; AND AMENDING SECTION 16-4-207,	8	Notice is hereby given that on the day of,
9	MCA; AND PROVIDING AN EFFECTIVE DATE."	9	19, one (name of applicant) filed an application for a
10		10	retail all-beverages license with the Montana department of
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	revenue, to be used at (describe location of premises where
12	Section 1. Section 16-4-207, MCA, is amended to read:	12	beverages are to be sold), and protests by A PERSON WHO HAS
	*16-4-207. Notice of application publication	13	EXTENDED CREDIT TO A TRANSFEROR OR residents of
13		14	county COUNTIES, if any there be, against the issuance of
14	protest. (1) When an application has been filed with the	15	such license may be mailed to, department of revenue,
15	department for a license to sell alcoholic beverages at	16	Helena, Montana, on or before the day of, 19
16	retail or to transfer such a retail license, the department	17	Dated Signed
17	shall promptly publish in a newspaper of general circulation	18	ADMINI STRATOR
18	in the city, town, or county from which the application	19	(2) Each applicant shall, at the time of filing his
19	comes a notice that such the applicant has made application	20	application, pay to the department an amount sufficient to
20	for such a retail license and that protests against the	21	cover the costs of publishing the notice.
21	issuance of a license to the applicant by A PERSON WHO HAS	22	(3) If the administrator receives no written protests,
22	EXTENDED CREDIT TO A TRANSFEROR OR residents of the county	23	the department may issue or transfer the license without
23	from which the application comes OR ADJOINING MONTANA	24	holding a public hearing. If written protests by A PERSON
24	<u>COUNTIES</u> may be mailed to a named administrator in the	24	
25	department of revenue within 10 days after the final notice	20	WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of the
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1	county from which the application comes OR ADJOINING MONTANA
2	COUNTIES against the issuance or transfer of the license are
3	received, the department shall hold a public hearing at its
4	office in Helena."
5	NEW SECTION. Section 2. Extension of authority. Any
6	existing authority to make rules on the subject of the
7	provisions of [this act] is extended to the provisions of

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS
EFFECTIVE JULY 1, 1989.

8

{this act}.

-End-

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