

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	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.

MARCH 11, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 611
 2 INTRODUCED BY Connolly, D. with Co-sponsors Richard E. Manning
 3 W. D. Allen
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROTESTS
 5 AGAINST THE ISSUANCE OR TRANSFER OF AN ALCOHOLIC BEVERAGE
 6 LICENSE MAY BE MADE ONLY BY RESIDENTS OF THE COUNTY FROM
 7 WHICH THE APPLICATION FOR A LICENSE COMES; AND AMENDING
 8 SECTION 16-4-207, MCA."

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 residents of the
 21 county from which the application comes may be mailed to a
 22 named administrator in the department of revenue within 10
 23 days after the final notice is published. Notice of
 24 application for a new license shall be published once a week
 25 for 4 consecutive weeks. Notice of application for transfer

1 of a license shall be published once a week for 2
 2 consecutive weeks. Notice may be substantially in the
 3 following form:

4 NOTICE OF APPLICATION FOR RETAIL
 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
 22 of the county from which the application comes against the
 23 issuance or transfer of the license are received, the
 24 department shall hold a public hearing at its office in
 25 Helena."

LC 1068/01

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

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 611

INTRODUCED BY CONNELLY, SMITH, OWENS, MANNING, WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROTESTS AGAINST THE ISSUANCE OR TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE MAY BE MADE ONLY BY CREDITORS AND RESIDENTS OF THE COUNTY FROM WHICH THE APPLICATION FOR A LICENSE COMES AND ADJOINING MONTANA COUNTIES; AND AMENDING SECTION 16-4-207, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer such a retail license, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that such the applicant has made application for such a retail license and that protests against the issuance of a license to the applicant by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of the county from which the application comes OR ADJOINING MONTANA COUNTIES may be mailed to a named administrator in the department of revenue within 10 days after the final notice

is published. Notice of application for a new license shall be published once a week for 4 consecutive weeks. Notice of application for transfer of a license shall be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL

ALL-BEVERAGES LICENSE

Notice is hereby given that on the day of, 19..., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold), and protests by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of county COUNTIES, if any there be, against the issuance of such license may be mailed to, department of revenue, Helena, Montana, on or before the day of, 19...

Dated

Signed

ADMINISTRATOR

(2) Each applicant shall, at the time of filing his application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) If the administrator receives no written protests, the department may issue or transfer the license without holding a public hearing. If written protests by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of the

HB 0611/02

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
8 [this act].

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

-End-

HOUSE BILL NO. 611

INTRODUCED BY CONNELLY, SMITH, OWENS, MANNING, WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROTESTS AGAINST THE ISSUANCE OR TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE MAY BE MADE ONLY BY CREDITORS AND RESIDENTS OF THE COUNTY FROM WHICH THE APPLICATION FOR A LICENSE COMES AND ADJOINING MONTANA COUNTIES; AND AMENDING SECTION 16-4-207, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer such a retail license, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that such the applicant has made application for such a retail license and that protests against the issuance of a license to the applicant by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of the county from which the application comes OR ADJOINING MONTANA COUNTIES may be mailed to a named administrator in the department of revenue within 10 days after the final notice

is published. Notice of application for a new license shall be published once a week for 4 consecutive weeks. Notice of application for transfer of a license shall be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL

ALL-BEVERAGES LICENSE

Notice is hereby given that on the day of, 19.., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold), and protests by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of county COUNTIES, if any there be, against the issuance of such license may be mailed to, department of revenue, Helena, Montana, on or before the day of, 19..

Dated

Signed

ADMINISTRATOR

(2) Each applicant shall, at the time of filing his application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) If the administrator receives no written protests, the department may issue or transfer the license without holding a public hearing. If written protests by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of the

HB 0611/02

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
8 [this act].

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

-End-

HOUSE BILL NO. 611

INTRODUCED BY CONNELLY, SMITH, OWENS, MANNING, WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROTESTS AGAINST THE ISSUANCE OR TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE MAY BE MADE ONLY BY CREDITORS AND RESIDENTS OF THE COUNTY FROM WHICH THE APPLICATION FOR A LICENSE COMES AND ADJOINING MONTANA COUNTIES; AND AMENDING SECTION 16-4-207, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer such a retail license, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that such the applicant has made application for such a retail license and that protests against the issuance of a license to the applicant by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of the county from which the application comes OR ADJOINING MONTANA COUNTIES may be mailed to a named administrator in the department of revenue within 10 days after the final notice

is published. Notice of application for a new license shall be published once a week for 4 consecutive weeks. Notice of application for transfer of a license shall be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL

ALL-BEVERAGES LICENSE

Notice is hereby given that on the day of, 19.., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold), and protests by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of county COUNTIES, if any there be, against the issuance of such license may be mailed to, department of revenue, Helena, Montana, on or before the day of, 19...

Dated

Signed

ADMINISTRATOR

(2) Each applicant shall, at the time of filing his application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) If the administrator receives no written protests, the department may issue or transfer the license without holding a public hearing. If written protests by A PERSON WHO HAS EXTENDED CREDIT TO A TRANSFEROR OR residents of the

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
8 [this act].

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

-End-