

SENATE BILL NO. 390

INTRODUCED BY CHRISTIAENS, LYNCH, DEVLIN,
HALLIGAN, DRISCOLL, WILSON, HOCKETT,
DOHERTY, NATHE, RYAN, MESAROS

IN THE SENATE

FEBRUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 20, 1993	PRINTING REPORT.
FEBRUARY 22, 1993	SECOND READING, DO PASS.
FEBRUARY 23, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
MARCH 6, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 10, 1993	SECOND READING, CONCURRED IN.
MARCH 12, 1993	THIRD READING, CONCURRED IN. AYES, 82; NOES, 13.
MARCH 13, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 16, 1993	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 17, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.
AYES, 46, NOES, 1.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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Senate BILL NO. 390

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PREMISES

LICENSED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES

TO BE SEPARATED BY WALLS FROM THE REST OF THE BUILDING IN

WHICH IT IS LOCATED BUT PROVIDING THAT IT MAY HAVE INSIDE

ACCESS IRRESPECTIVE OF THE TYPE OF BUSINESSES OR USES IN THE

REST OF THE BUILDING."

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

NEW SECTION. **Section 1.** Suitable premises for licensed retail establishments. A licensed retailer may use a part of a building as premises licensed for on-premises consumption of alcoholic beverages. The premises must be separated from the rest of the building by permanent walls but may have inside access during lawful hours of operation to the rest of the building even if the businesses or uses in the other part of the building are unrelated to the operation of the premises in which the alcoholic beverages are served.

NEW SECTION. **Section 2.** Codification instruction. [Section 1] is intended to be codified as an integral part of Title 16, chapters 1 through 6, and the provisions of Title 16, chapters 1 through 6, apply to [section 1].

-End-

SB 390
INTRODUCED BILL

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0390, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring a premises licensed for on-premises consumption of alcoholic beverages to be separated by walls from the rest of the building in which it is located, but providing that it may have inside access irrespective of the type of businesses or uses in the rest of the building.

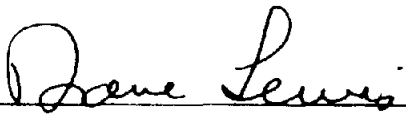
FISCAL IMPACT:

Expenditures:

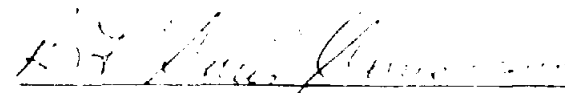
This legislation will cause no impact on Department of Revenue expenditures.

Revenues:

Although the positive revenue impact from additional license fees is uncertain, it is likely to be less than a few thousand dollars.

 2-18-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/18/93

B.F. "CHRIS" CHRISTIAENS, PRIMARY SPONSOR DATE

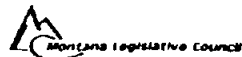
Fiscal Note for SB0390, as introduced.

SB 390

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

1 **Senate** BILL NO. **390**
2 INTRODUCED BY *Christine Spivey*
3 *Madge Wilson* *Deputy NATHE*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PREMISES
5 LICENSED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES
6 TO BE SEPARATED BY WALLS FROM THE REST OF THE BUILDING IN
7 WHICH IT IS LOCATED BUT PROVIDING THAT IT MAY HAVE INSIDE
8 ACCESS IRRESPECTIVE OF THE TYPE OF BUSINESSES OR USES IN THE
9 REST OF THE BUILDING."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 NEW SECTION. **Section 1.** Suitable premises for licensed
13 retail establishments. A licensed retailer may use a part of
14 a building as premises licensed for on-premises consumption
15 of alcoholic beverages. The premises must be separated from
16 the rest of the building by permanent walls but may have
17 inside access during lawful hours of operation to the rest
18 of the building even if the businesses or uses in the other
19 part of the building are unrelated to the operation of the
20 premises in which the alcoholic beverages are served.
21 NEW SECTION. **Section 2.** Codification instruction.
22 [Section 1] is intended to be codified as an integral part
23 of Title 16, chapters 1 through 6, and the provisions of
24 Title 16, chapters 1 through 6, apply to [section 1].

-End-

SB 390
SECOND READING

1 **Senate** BILL NO. **390**
2 INTRODUCED BY *Christiane Spink*
3 *Madigan* *David Wilson* *Deputy NATHAN*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PREMISES
5 LICENSED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES
6 TO BE SEPARATED BY WALLS FROM THE REST OF THE BUILDING IN
7 WHICH IT IS LOCATED BUT PROVIDING THAT IT MAY HAVE INSIDE
8 ACCESS IRRESPECTIVE OF THE TYPE OF BUSINESSES OR USES IN THE
9 REST OF THE BUILDING."

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

12 NEW SECTION. Section 1. Suitable premises for licensed
13 retail establishments. A licensed retailer may use a part of
14 a building as premises licensed for on-premises consumption
15 of alcoholic beverages. The premises must be separated from
16 the rest of the building by permanent walls but may have
17 inside access during lawful hours of operation to the rest
18 of the building even if the businesses or uses in the other
19 part of the building are unrelated to the operation of the
20 premises in which the alcoholic beverages are served.

21 NEW SECTION. Section 2. Codification instruction.
22 [Section 1] is intended to be codified as an integral part
23 of Title 16, chapters 1 through 6, and the provisions of
24 Title 16, chapters 1 through 6, apply to [section 1].

-End-



SB 390

THIRD READING

HOUSE STANDING COMMITTEE REPORT

March 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 390 (third reading copy - blue) be concurred in as amended .

Signed: _____



Steve Benedict, Chair

And, that such amendments read:

Carried by: Rep. Ryan

1. Title, line 9.

Following: "BUILDING"

Insert: "; AND PROVIDING FOR COMPLIANCE BY EXISTING PREMISES WHEN
AN ALTERATION TO THE PREMISES IS MADE"

2. Page 1, line 13.

Following: "establishments."

Insert: "(1)"

3. Page 1.

Following: line 20

Insert: "(2) A licensee whose premises did not meet the requirements of this section on September 24, 1992, shall meet the requirements when an alteration to the premises has been completed and the department has approved the alteration. An alteration is any structural change in a premises. A cosmetic change, such as painting, carpeting or other interior decorating, is not considered an alteration under this section."

Committee Vote:
Yes 18, No 0.

HOUSE
SB 390

SENATE BILL NO. 390

INTRODUCED BY CHRISTIAENS, LYNCH, DEVLIN,
HALLIGAN, DRISCOLL, WILSON, HOCKETT,
DOHERTY, NATHE, RYAN, MESAROS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PREMISES
LICENSED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES
TO BE SEPARATED BY WALLS FROM THE REST OF THE BUILDING IN
WHICH IT IS LOCATED BUT PROVIDING THAT IT MAY HAVE INSIDE
ACCESS IRRESPECTIVE OF THE TYPE OF BUSINESSES OR USES IN THE
REST OF THE BUILDING; AND PROVIDING FOR COMPLIANCE BY
EXISTING PREMISES WHEN AN ALTERATION TO THE PREMISES IS
MADE."

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

NEW SECTION. **Section 1.** Suitable premises for licensed
retail establishments. (1) A licensed retailer may use a
part of a building as premises licensed for on-premises
consumption of alcoholic beverages. The premises must be
separated from the rest of the building by permanent walls
but may have inside access during lawful hours of operation
to the rest of the building even if the businesses or uses
in the other part of the building are unrelated to the
operation of the premises in which the alcoholic beverages
are served.

(2) A LICENSEE WHOSE PREMISES DID NOT MEET THE
REQUIREMENTS OF THIS SECTION ON SEPTEMBER 24, 1992, SHALL
MEET THE REQUIREMENTS WHEN AN ALTERATION TO THE PREMISES HAS
BEEN COMPLETED AND THE DEPARTMENT HAS APPROVED THE
ALTERATION. AN ALTERATION IS ANY STRUCTURAL CHANGE IN A
PREMISES. A COSMETIC CHANGE, SUCH AS PAINTING, CARPETING, OR
OTHER INTERIOR DECORATING, IS NOT CONSIDERED AN ALTERATION
UNDER THIS SECTION.

NEW SECTION. **Section 2.** Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 16, chapters 1 through 6, and the provisions of
Title 16, chapters 1 through 6, apply to [section 1].

-End-