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House BILL NO. 492

INTRODUCED BY *Frank Jones* *ok*
Bethel Doff

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ISSUANCE OF A RETAIL LIQUOR LICENSE FOR A NEW ESTABLISHMENT WITHIN A 600-FOOT RADIUS OF A CHURCH, SYNAGOGUE, OR SCHOOL; AND AMENDING SECTION 16-3-306, MCA."

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

Section 1. Section 16-3-306, MCA, is amended to read:

"16-3-306. Proximity to churches and schools restricted. (1) Except as provided in subsections (2) through (4), ~~no~~ a retail license may not be issued pursuant to this code to any business or enterprise whose premises are within a ~~600-foot~~ 600-foot radius of ~~and on the same street as~~ a building used exclusively as a church, synagogue, or other place of worship or as a school other than a commercially operated or postsecondary school. This distance ~~shall~~ must be measured ~~in a straight line~~ from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This section is a limitation upon the department's licensing authority.

(2) However, the department may renew a license for any establishment located in violation of this section if the licensee does not relocate ~~his~~ the entrances any closer than the existing entrances and if the establishment:

- (a) was located on the site before the place of worship or school opened; or
- (b) was located in a bona fide hotel, restaurant, or fraternal organization building at the site since January 1, 1937.

(3) Subsection (1) does not apply to licenses for the sale of beer, table wine, or both, in the original package for off-premises consumption.

(4) Subsection (1) does not apply within the applicable jurisdiction of a local government that has supplanted the provisions of subsection (1) as provided in 16-3-309."

NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this

1 act].

2

-END-

1 HOUSE BILL NO. 492

2 INTRODUCED BY HARPER, GRIMES, ECK, BARTLETT, SOFT, EWER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ISSUANCE OF A RETAIL LIQUOR LICENSE
5 FOR A NEW ESTABLISHMENT WITHIN A 600-FOOT RADIUS OF A CHURCH, SYNAGOGUE, OR SCHOOL;
6 ~~AND AMENDING SECTION 16-3-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN~~
7 APPLICABILITY DATE."

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16 operated or postsecondary school. This distance ~~shall~~ must be measured ~~in a straight line~~ from the center
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20 section if the licensee does not relocate ~~his~~ the entrances any closer than the existing entrances and if the
21 establishment:

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24 January 1, 1937.

25 (3) Subsection (1) does not apply to licenses for the sale of beer, table wine, or both, in the original
26 package for off-premises consumption.

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28 supplanted the provisions of subsection (1) as provided in 16-3-309."

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30 NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that

1 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
2 act].

3

4 NEW SECTION. SECTION 3. APPLICABILITY. [SECTION 1] DOES NOT APPLY TO THE RENEWAL
5 OF A LICENSE FOR A PREMISES IN EXISTENCE ON [THE EFFECTIVE DATE OF THIS ACT] OR TO THE
6 TRANSFER OF THE OWNERSHIP OF A LICENSE FOR A PREMISES IN EXISTENCE ON [THE EFFECTIVE
7 DATE OF THIS ACT].

8

9 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND
10 APPROVAL.

11

-END-

HOUSE BILL NO. 492

INTRODUCED BY HARPER, GRIMES, ECK, BARTLETT, SOFT, EWER

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NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that

1 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
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