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SB BILL NO. 181

INTRODUCED BY

Hargrove

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CERTAIN PROVISIONS RELATING TO RESORT RETAIL ALL-BEVERAGES LICENSES; ESTABLISHING THAT A RESORT AREA, FOR THE PURPOSES OF A RESORT RETAIL ALL-BEVERAGES LICENSE, MAY NOT INCLUDE LAND OR IMPROVEMENTS LYING WITHIN THE BOUNDARIES OF AN INCORPORATED CITY OR TOWN; CLARIFYING THE MEANING OF THE TERMS "CONTROL" AND "RESORT AREA" FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES LICENSES; CLARIFYING HEARING NOTICE REQUIREMENTS FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES LICENSES; AND AMENDING SECTION 16-4-202, MCA."

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

**Section 1.** Section 16-4-202, MCA, is amended to read:

**"16-4-202. Resort retail all-beverages licenses.** (1) It is the intent and purpose of this section to encourage the growth of quality recreational resort facilities in undeveloped areas of the state and to provide for the orderly growth of existing recreational sites by the establishment of resort areas within which retail all-beverages licenses may be issued by the department under the terms ~~and as more particularly prescribed below~~ of this section. In addition to the licenses ~~as otherwise~~ set forth in this code, the department may issue resort retail all-beverages licenses in a resort area.

(2) (a) For the purposes of this section, ~~a resort area is defined as~~ "resort area" means a recreational facility meeting the qualifications determined by the department and as hereinafter otherwise provided in this section.

(b) The term does not include any land or improvements that lie wholly or partially within the boundaries of an incorporated city or town.

(3) The department shall determine that the area for which licenses are to be issued is a resort area, ~~such determination to be made under and pursuant to rules to be first promulgated on or before December 31, 1975.~~

(4) (a) In addition to the other requirements of this code, a resort area, for the purposes of qualification for the issuance of a resort retail all-beverages license, must:

1           (i) have a current actual valuation of resort or recreational facilities, including land and  
2 improvements ~~thereon~~, of not less than \$500,000, at least half of which valuation must be for a structure  
3 or structures within the resort area; ~~and must~~

4           (ii) be under the sole ownership or control of one person or entity at the time of the filing of the  
5 resort area plat referred to in subsection (5) ~~of this section~~.

6           (b) ~~The word~~ For the purposes of this section, "control" shall mean lands means land or  
7 improvements that are owned or that are held under contract, lease, option, or permit.

8           (5) The resort area must be determined by the resort area developer or landowner by a plat setting  
9 forth the resort area boundaries, and designating the ownership of the lands within the resort area, ~~which~~.  
10 The plat must be verified by the resort area developer or landowner and filed with the department prior to  
11 the filing of any applications by individuals for resort retail all-beverages licenses within the resort area.  
12 ~~Such~~ The plat must show the location and general design of the buildings and other improvements existing  
13 or to be built in said the resort area in which resort retail all-beverages licenses are to or may be located.  
14 A master plan for the development of the resort area may be filed by the resort area developer in  
15 satisfaction of this section.

16           (6) ~~Upon such filing~~ Within 7 days after the plat is filed, the department shall ~~forthwith~~ schedule  
17 a public hearing to be held in Helena, Montana, to determine whether the facility proposed by the resort  
18 area developer or landowner is a resort area ~~within the meaning of the rules of the department~~. At least  
19 30 days prior to the date of the hearing, the department shall publish notice ~~thereof, with a description of~~  
20 ~~the location of the proposed resort area,~~ of the hearing in a newspaper published in the county or counties  
21 in which the resort area is located, once a week for 4 consecutive weeks. The notice must include a  
22 description of the proposed resort area. Each resort area developer or landowner shall, at the time of filing  
23 ~~his~~ an application, pay to the department an amount sufficient to cover the costs of ~~said~~ publication.

24           (7) ~~Persons~~ Any person may present ~~statements, in person or in writing, a statement~~ to the  
25 department at the hearing ~~in person or in writing~~ in opposition to or support of the plat.

26           (8) Within 30 days ~~of~~ after the hearing, the department shall accept or reject the plat. If the plat  
27 is rejected, the department ~~must shall~~ state its reasons and set forth the conditions, if any, under which  
28 the plat will be accepted, ~~and the~~. The decision of the department may be reviewed pursuant to the review  
29 procedure set forth in 16-4-406.

30           (9) Once filed with the department, the boundaries of a resort area may not be changed without

1 full;

2 (a) a hearing, noticed and conducted in the same manner as above provided in subsections (6) and  
3 (7); and

4 (b) the prior approval of the department, which approval shall be determined according to public  
5 convenience and necessity.

6 (10) (a) When the department has accepted a plat and a given resort area has been determined,  
7 applications may ~~then~~ be filed with the department by persons for the issuance of resort retail all-beverages  
8 licenses within the resort area.

9 (b) Each applicant ~~must~~ shall submit plans showing the location, appearance, and floor plan of the  
10 premises for which application for a resort retail all-beverages license is made.

11 (c) If an applicant otherwise qualifies for a resort retail all-beverages license but the premises to  
12 be licensed are still in construction or are otherwise incomplete at the time ~~of such~~ that application is made,  
13 the department shall issue a letter stating that the license will be issued at ~~such~~ the time as that the  
14 qualifications for a licensed premises have been met, setting forth ~~such~~ specific time limitations and  
15 requirements as the department may establish.

16 (11) In addition to the restrictions on sale or transfer of a license as provided in 16-4-204 and  
17 16-4-404, ~~no~~ a resort retail all-beverages license may not be sold or transferred for operation at a location  
18 outside of the boundaries of the resort area.

19 (12) A resort retail all-beverages license ~~shall is not be~~ subject to the quota limitations set forth in  
20 16-4-201, and if the requirements of this section have been met, a resort retail all-beverages license ~~shall~~  
21 must be issued by the department on the basis that the department has determined that ~~such~~ the license  
22 is justified by public convenience and necessity, in accordance with the procedure required in 16-4-207."  
23

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

27 -END-

SENATE BILL NO. 181

INTRODUCED BY HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CERTAIN PROVISIONS RELATING TO RESORT RETAIL ALL-BEVERAGES LICENSES; ESTABLISHING THAT A RESORT AREA, FOR THE PURPOSES OF A RESORT RETAIL ALL-BEVERAGES LICENSE, MAY NOT INCLUDE LAND OR IMPROVEMENTS LYING WITHIN THE BOUNDARIES OF AN INCORPORATED CITY OR TOWN; CLARIFYING THE MEANING OF THE TERMS "CONTROL" AND "RESORT AREA" FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES LICENSES; CLARIFYING HEARING NOTICE REQUIREMENTS FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES LICENSES; ~~AND~~ AMENDING SECTION 16-4-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 16-4-202, MCA, is amended to read:

**"16-4-202. Resort retail all-beverages licenses.** (1) It is the intent and purpose of this section to encourage the growth of quality recreational resort facilities in undeveloped areas of the state and to provide for the orderly growth of existing recreational sites by the establishment of resort areas within which retail all-beverages licenses may be issued by the department under the terms ~~and as more particularly prescribed below~~ of this section. In addition to the licenses ~~as otherwise~~ set forth in this code, the department may issue resort retail all-beverages licenses in a resort area.

(2) (a) For the purposes of this section, ~~a resort area is defined as~~ "resort area" means a recreational facility meeting the qualifications determined by the department ~~and as hereinafter otherwise provided in this section.~~

(b) ~~The term does not include any land or improvements that lie wholly or partially within the boundaries of an incorporated city or town.~~

(3) The department shall determine that the area for which licenses are to be issued is a resort area, ~~such determination to be made under and pursuant to rules to be first promulgated on or before December 31, 1975.~~

(4) (a) In addition to the other requirements of this code, a resort area, for the purposes of

1 qualification for the issuance of a resort retail all-beverages license, must:

2 (i) have a current actual valuation of resort or recreational facilities, including land and  
3 improvements ~~thereon~~, of not less than ~~\$500,000~~ \$10 MILLION, at least half of which valuation must be  
4 for a structure or structures within the resort area; ~~and must~~

5 (ii) be under the sole ownership or control of one person or entity at the time of the filing of the  
6 resort area plat referred to in subsection (5); AND

7 (III) CONTAIN A MINIMUM OF 100 ACRES OF LAND ~~of this section.~~

8 (b) ~~The word~~ For the purposes of this section, "control" shall mean lands means land or  
9 improvements that are owned or that are held under contract, lease, option, or permit.

10 (5) The resort area must be determined by the resort area developer or landowner by a plat setting  
11 forth the resort area boundaries, and designating the ownership of the lands within the resort area, ~~which~~.  
12 The plat must be verified by the resort area developer or landowner and filed with the department prior to  
13 the filing of any applications by individuals for resort retail all-beverages licenses within the resort area.  
14 ~~Such~~ The plat must show the location and general design of the buildings and other improvements existing  
15 or to be built in said the resort area in which resort retail all-beverages licenses are to or may be located.  
16 A master plan for the development of the resort area may be filed by the resort area developer in  
17 satisfaction of this section.

18 (6) ~~Upon such filing~~ Within 7 days after the plat is filed, the department shall ~~forthwith~~ schedule  
19 a public hearing to be held in Helena, Montana, to determine whether the facility proposed by the resort  
20 area developer or landowner is a resort area ~~within the meaning of the rules of the department~~. At least  
21 30 days prior to the date of the hearing, the department shall publish notice ~~thereof, with a description of~~  
22 ~~the location of the proposed resort area,~~ of the hearing in a newspaper published in the county or counties  
23 in which the resort area is located, once a week for 4 consecutive weeks. The notice must include a  
24 description of the proposed resort area. Each resort area developer or landowner shall, at the time of filing  
25 ~~his~~ an application, pay to the department an amount sufficient to cover the costs of ~~said~~ publication.

26 (7) ~~Persons~~ Any person may present ~~statements~~, in person or in writing, a statement to the  
27 department at the hearing ~~in person or in writing~~ in opposition to or support of the plat.

28 (8) Within 30 days ~~of~~ after the hearing, the department shall accept or reject the plat. If the plat  
29 is rejected, the department ~~must~~ shall state its reasons and set forth the conditions, if any, under which  
30 the plat will be accepted, ~~and the~~. The decision of the department may be reviewed pursuant to the review

1 procedure set forth in 16-4-406.

2 (9) Once filed with the department, the boundaries of a resort area may not be changed without  
3 ~~full~~:

4 (a) a hearing, noticed and conducted in the same manner as ~~above~~ provided in subsections (6) and  
5 (7); and

6 (b) the prior approval of the department, ~~which approval shall be determined~~ according to public  
7 convenience and necessity.

8 (10) (a) When the department has accepted a plat and a given resort area has been determined,  
9 applications may ~~then~~ be filed with the department by persons for the issuance of resort retail all-beverages  
10 licenses within the resort area.

11 (b) Each applicant ~~must~~ shall submit plans showing the location, appearance, and floor plan of the  
12 premises for which application for a resort retail all-beverages license is made.

13 (c) If an applicant otherwise qualifies for a resort retail all-beverages license but the premises to  
14 be licensed are still in construction or are otherwise incomplete at the time ~~of such~~ that application is made,  
15 the department shall issue a letter stating that the license will be issued at ~~such~~ the time as that the  
16 qualifications for a licensed premises have been met, setting forth ~~such~~ specific time limitations and  
17 requirements as the department may establish.

18 (11) In addition to the restrictions on sale or transfer of a license as provided in 16-4-204 and  
19 16-4-404, ~~no~~ a resort retail all-beverages license may not be sold or transferred for operation at a location  
20 outside of the boundaries of the resort area.

21 (12) A resort retail all-beverages license ~~shall~~ is not ~~be~~ subject to the quota limitations set forth in  
22 16-4-201, and if the requirements of this section have been met, a resort retail all-beverages license ~~shall~~  
23 must be issued by the department on the basis that the department has determined that ~~such~~ the license  
24 is justified by public convenience and necessity, in accordance with the procedure required in 16-4-207."

25

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

29

30 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND

1 APPROVAL.

2

-END-

## 1 SENATE BILL NO. 181

2 INTRODUCED BY HARGROVE

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CERTAIN PROVISIONS RELATING TO RESORT  
 5 RETAIL ALL-BEVERAGES LICENSES; ESTABLISHING THAT A RESORT AREA, FOR THE PURPOSES OF A  
 6 RESORT RETAIL ALL-BEVERAGES LICENSE, MAY NOT INCLUDE LAND OR IMPROVEMENTS LYING  
 7 WITHIN THE BOUNDARIES OF AN INCORPORATED CITY OR TOWN; CLARIFYING THE MEANING OF THE  
 8 TERMS "CONTROL" AND "RESORT AREA" FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES  
 9 LICENSES; CLARIFYING HEARING NOTICE REQUIREMENTS FOR THE PURPOSES OF RESORT RETAIL  
 10 ALL-BEVERAGES LICENSES; ~~AND~~ AMENDING SECTION 16-4-202, MCA; AND PROVIDING AN IMMEDIATE  
 11 EFFECTIVE DATE."

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14  
 15 **Section 1.** Section 16-4-202, MCA, is amended to read:

16 **"16-4-202. Resort retail all-beverages licenses.** (1) It is the intent and purpose of this section to  
 17 encourage the growth of quality recreational resort facilities in undeveloped areas of the state and to  
 18 provide for the orderly growth of existing recreational sites by the establishment of resort areas within  
 19 which retail all-beverages licenses may be issued by the department under the terms ~~and as more~~  
 20 ~~particularly prescribed below~~ of this section. In addition to the licenses ~~as otherwise~~ set forth in this code,  
 21 the department may issue resort retail all-beverages licenses in a resort area.

22 (2) (a) For the purposes of this section, ~~a resort area is defined as~~ "resort area" means a  
 23 recreational facility meeting the qualifications determined by the department and as hereinafter otherwise  
 24 provided in this section.

25 (b) The term does not include any land or improvements that lie wholly or partially within the  
 26 boundaries of an incorporated city or town.

27 (3) The department shall determine that the area for which licenses are to be issued is a resort  
 28 area, ~~such determination to be made under and pursuant to rules to be first promulgated on or before~~  
 29 ~~December 31, 1975.~~

30 (4) (a) In addition to the other requirements of this code, a resort area, for the purposes of



1 qualification for the issuance of a resort retail all-beverages license, must:

2 (i) have a current actual valuation of resort or recreational facilities, including land and  
3 improvements ~~thereon~~, of not less than ~~\$500,000~~ \$10 MILLION, at least half of which valuation must be  
4 for a structure or structures within the resort area; ~~and must~~

5 (ii) be under the sole ownership or control of one person or entity at the time of the filing of the  
6 resort area plat referred to in subsection (5); AND

7 (iii) CONTAIN A MINIMUM OF 100 ACRES OF LAND ~~of this section.~~

8 (b) ~~The word~~ For the purposes of this section, "control" shall mean lands means land or  
9 improvements that are owned or that are held under contract, lease, option, or permit.

10 (5) The resort area must be determined by the resort area developer or landowner by a plat setting  
11 forth the resort area boundaries; and designating the ownership of the lands within the resort area; ~~which,~~  
12 The plat must be verified by the resort area developer or landowner and filed with the department prior to  
13 the filing of any applications ~~by individuals~~ for resort retail all-beverages licenses within the resort area.  
14 ~~Such~~ The plat must show the location and general design of the buildings and other improvements existing  
15 or to be built in said the resort area in which resort retail all-beverages licenses are to or may be located.  
16 A master plan for the development of the resort area may be filed by the resort area developer in  
17 satisfaction of this section.

18 (6) ~~Upon such filing~~ Within 7 days after the plat is filed, the department shall ~~forthwith~~ schedule  
19 a public hearing to be held in Helena, Montana, to determine whether the facility proposed by the resort  
20 area developer or landowner is a resort area ~~within the meaning of the rules of the department.~~ At least  
21 30 days prior to the date of the hearing, the department shall publish notice ~~thereof, with a description of~~  
22 ~~the location of the proposed resort area,~~ of the hearing in a newspaper published in the county or counties  
23 in which the resort area is located, once a week for 4 consecutive weeks. The notice must include a  
24 description of the proposed resort area. Each resort area developer or landowner shall, at the time of filing  
25 ~~his an~~ application, pay to the department an amount sufficient to cover the costs of ~~said~~ publication.

26 (7) ~~Persons~~ Any person may present ~~statements, in person or in writing,~~ a statement to the  
27 department at the hearing ~~in person or in writing~~ in opposition to or support of the plat.

28 (8) Within 30 days ~~of~~ after the hearing, the department shall accept or reject the plat. If the plat  
29 is rejected, the department ~~must~~ shall state its reasons and set forth the conditions, if any, under which  
30 the plat will be accepted, ~~and the.~~ The decision of the department may be reviewed pursuant to the review

1 procedure set forth in 16-4-406.

2 (9) Once filed with the department, the boundaries of a resort area may not be changed without  
3 ~~full~~;

4 (a) a hearing, noticed and conducted in the same manner as ~~above~~ provided in subsections (6) and  
5 (7); and

6 (b) the prior approval of the department, ~~which approval shall be determined~~ according to public  
7 convenience and necessity.

8 (10) (a) When the department has accepted a plat and a given resort area has been determined,  
9 applications may ~~then~~ be filed with the department by persons for the issuance of resort retail all-beverages  
10 licenses within the resort area.

11 (b) Each applicant ~~must~~ shall submit plans showing the location, appearance, and floor plan of the  
12 premises for which application for a resort retail all-beverages license is made.

13 (c) If an applicant otherwise qualifies for a resort retail all-beverages license but the premises to  
14 be licensed are still in construction or are otherwise incomplete at the time ~~of such that~~ application is made,  
15 the department shall issue a letter stating that the license will be issued at ~~such the time as that~~ such the time as that the  
16 qualifications for a licensed premises have been met, setting forth ~~such~~ specific time limitations and  
17 requirements as the department may establish.

18 (11) In addition to the restrictions on sale or transfer of a license as provided in 16-4-204 and  
19 16-4-404, ~~no~~ a resort retail all-beverages license may not be sold or transferred for operation at a location  
20 outside of the boundaries of the resort area.

21 (12) A resort retail all-beverages license ~~shall~~ is not be subject to the quota limitations set forth in  
22 16-4-201, and if the requirements of this section have been met, a resort retail all-beverages license ~~shall~~  
23 must be issued by the department on the basis that the department has determined that ~~such the~~ the license  
24 is justified by public convenience and necessity, in accordance with the procedure required in 16-4-207."  
25

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

29  
30 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND

1 APPROVAL.

2

-END-

## 1 SENATE BILL NO. 181

2 INTRODUCED BY HARGROVE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CERTAIN PROVISIONS RELATING TO RESORT  
5 RETAIL ALL-BEVERAGES LICENSES; ESTABLISHING THAT A RESORT AREA, FOR THE PURPOSES OF A  
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9 LICENSES; CLARIFYING HEARING NOTICE REQUIREMENTS FOR THE PURPOSES OF RESORT RETAIL  
10 ALL-BEVERAGES LICENSES; ~~AND AND AMENDING SECTION 16-4-202, MCA, AND PROVIDING AN~~  
11 IMMEDIATE EFFECTIVE DATE."

12

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

14

15 **Section 1.** Section 16-4-202, MCA, is amended to read:

16 **"16-4-202. Resort retail all-beverages licenses.** (1) It is the intent and purpose of this section to  
17 encourage the growth of quality recreational resort facilities in undeveloped areas of the state and to  
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19 which retail all-beverages licenses may be issued by the department under the terms ~~and as more~~  
20 particularly prescribed below of this section. In addition to the licenses ~~as otherwise~~ set forth in this code,  
21 the department may issue resort retail all-beverages licenses in a resort area.

22 (2) (a) For the purposes of this section, ~~a resort area is defined as~~ "resort area" means a  
23 recreational facility meeting the qualifications determined by the department ~~and as hereinafter otherwise~~  
24 provided in this section.

25 (b) The term does not include any land or improvements that lie wholly or partially within the  
26 boundaries of an incorporated city or town.

27 (3) The department shall determine that the area for which licenses are to be issued is a resort  
28 area, ~~such determination to be made under and pursuant to rules to be first promulgated on or before~~  
29 ~~December 31, 1975.~~

30 (4) (a) In addition to the other requirements of this code, a resort area, for the purposes of

1 qualification for the issuance of a resort retail all-beverages license, must:

2 (i) have a current actual valuation of resort or recreational facilities, including land and  
3 improvements ~~thereon~~, of not less than ~~\$500,000~~ ~~\$10 MILLION~~ ~~\$500,000~~, at least half of which valuation  
4 must be for a structure or structures within the resort area; ~~and must~~

5 (ii) be under the sole ownership or control of one person or entity at the time of the filing of the  
6 resort area plat referred to in subsection (5); AND

7 (III) CONTAIN A MINIMUM OF 50 ACRES OF LAND of this section.

8 (b) ~~The word~~ For the purposes of this section, "control" shall mean ~~lands~~ means land or  
9 improvements that are owned or that are held under contract, lease, option, or permit.

10 (5) The resort area must be determined by the resort area developer or landowner by a plat setting  
11 forth the resort area boundaries, and designating the ownership of the lands within the resort area, ~~which.~~  
12 The plat must be verified by the resort area developer or landowner and filed with the department prior to  
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9 applications may ~~then~~ be filed with the department by persons for the issuance of resort retail all-beverages  
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16 the qualifications for a licensed premises have been met, setting forth ~~such~~ specific time limitations and  
17 requirements as the department may establish.

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19 16-4-404, ~~no~~ a resort retail all-beverages license may not be sold or transferred for operation at a location  
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23 must be issued by the department on the basis that the department has determined that ~~such~~ the license  
24 is justified by public convenience and necessity, in accordance with the procedure required in 16-4-207."  
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26 NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that  
27 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this  
28 act].

29  
30 ~~NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND~~

1 APPROVAL

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-END-

## SENATE BILL NO. 181

INTRODUCED BY HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CERTAIN PROVISIONS RELATING TO RESORT RETAIL ALL-BEVERAGES LICENSES; ESTABLISHING THAT A RESORT AREA, FOR THE PURPOSES OF A RESORT RETAIL ALL-BEVERAGES LICENSE, MAY NOT INCLUDE LAND OR IMPROVEMENTS LYING WITHIN THE BOUNDARIES OF AN INCORPORATED CITY OR TOWN; CLARIFYING THE MEANING OF THE TERMS "CONTROL" AND "RESORT AREA" FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES LICENSES; CLARIFYING HEARING NOTICE REQUIREMENTS FOR THE PURPOSES OF RESORT RETAIL ALL-BEVERAGES LICENSES; ESTABLISHING AN INITIAL \$20,000 FEE TO OBTAIN A RESORT RETAIL ALL-BEVERAGES LICENSE; AND AMENDING SECTION SECTIONS 16-4-202 AND 16-4-501, MCA; AND PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 16-4-202, MCA, is amended to read:

**"16-4-202. Resort retail all-beverages licenses.** (1) It is the intent and purpose of this section to encourage the growth of quality recreational resort facilities in undeveloped areas of the state and to provide for the orderly growth of existing recreational sites by the establishment of resort areas within which retail all-beverages licenses may be issued by the department under the terms ~~and as more particularly prescribed below~~ of this section. In addition to the licenses ~~as otherwise~~ set forth in this code, the department may issue resort retail all-beverages licenses in a resort area.

(2) (a) For the purposes of this section, a ~~resort area is defined as~~ "resort area" means a recreational facility meeting the qualifications determined by the department and as hereinafter otherwise provided in this section.

(b) The term does not include any land or improvements that lie wholly or partially within the boundaries of an incorporated city or town.

(3) The department shall determine that the area for which licenses are to be issued is a resort area, ~~such determination to be made under and pursuant to rules to be first promulgated on or before December 31, 1975.~~



1 (4) (a) In addition to the other requirements of this code, a resort area, for the purposes of  
2 qualification for the issuance of a resort retail all-beverages license, must:

3 (i) have a current actual valuation of resort or recreational facilities, including land and  
4 improvements ~~thereon~~, of not less than ~~\$500,000~~ \$10 MILLION ~~\$500,000~~, at least half of which valuation  
5 must be for a structure or structures within the resort area; ~~and must~~

6 (ii) be under the sole ownership or control of one person or entity at the time of the filing of the  
7 resort area plat referred to in subsection (5); AND

8 (III) CONTAIN A MINIMUM OF 400 50 ACRES OF LAND of this section.

9 (b) ~~The word~~ For the purposes of this section, "control" shall mean lands means land or  
10 improvements that are owned or that are held under contract, lease, option, or permit.

11 (5) The resort area must be determined by the resort area developer or landowner by a plat setting  
12 forth the resort area boundaries, and designating the ownership of the lands within the resort area, ~~which~~.  
13 The plat must be verified by the resort area developer or landowner and filed with the department prior to  
14 the filing of any applications by individuals for resort retail all-beverages licenses within the resort area.  
15 ~~Such~~ The plat must show the location and general design of the buildings and other improvements existing  
16 or to be built in said the resort area in which resort retail all-beverages licenses are to or may be located.  
17 A master plan for the development of the resort area may be filed by the resort area developer in  
18 satisfaction of this section.

19 (6) ~~Upon such filing~~ Within 7 days after the plat is filed, the department shall ~~forthwith~~ schedule  
20 a public hearing to be held in Helena, Montana, to determine whether the facility proposed by the resort  
21 area developer or landowner is a resort area ~~within the meaning of the rules of the department~~. At least  
22 30 days prior to the date of the hearing, the department shall publish notice ~~thereof, with a description of~~  
23 ~~the location of the proposed resort area,~~ of the hearing in a newspaper published in the county or counties  
24 in which the resort area is located, once a week for 4 consecutive weeks. The notice must include a  
25 description of the proposed resort area. Each resort area developer or landowner shall, at the time of filing  
26 ~~his an~~ application, pay to the department an amount sufficient to cover the costs of ~~said~~ publication.

27 (7) ~~Persons~~ Any person may present ~~statements,~~ in person or in writing, a statement to the  
28 department at the hearing ~~in person or in writing~~ in opposition to or support of the plat.

29 (8) Within 30 days ~~of~~ after the hearing, the department shall accept or reject the plat. If the plat  
30 is rejected, the department ~~must~~ shall state its reasons and set forth the conditions, if any, under which

1 the plat will be accepted, ~~and the~~. The decision of the department may be reviewed pursuant to the review  
2 procedure set forth in 16-4-406.

3 (9) Once filed with the department, the boundaries of a resort area may not be changed without  
4 ~~full~~:

5 (a) a hearing, noticed and conducted in the same manner as ~~above~~ provided in subsections (6) and  
6 (7); and

7 (b) the prior approval of the department, ~~which approval shall be~~ determined according to public  
8 convenience and necessity.

9 (10) (a) When the department has accepted a plat and a given resort area has been determined,  
10 applications may ~~then~~ be filed with the department by persons for the issuance of resort retail all-beverages  
11 licenses within the resort area.

12 (b) Each applicant ~~must~~ shall submit plans showing the location, appearance, and floor plan of the  
13 premises for which application for a resort retail all-beverages license is made.

14 (c) If an applicant otherwise qualifies for a resort retail all-beverages license but the premises to  
15 be licensed are still in construction or are otherwise incomplete at the time ~~of such~~ that application is made,  
16 the department shall issue a letter stating that the license will be issued at ~~such~~ the time ~~as~~ that the  
17 qualifications for a licensed premises have been met, setting forth ~~such~~ specific time limitations and  
18 requirements as the department may establish.

19 (11) In addition to the restrictions on sale or transfer of a license as provided in 16-4-204 and  
20 16-4-404, ~~no~~ a resort retail all-beverages license may not be sold or transferred for operation at a location  
21 outside of the boundaries of the resort area.

22 (12) A resort retail all-beverages license ~~shall~~ is not be subject to the quota limitations set forth in  
23 16-4-201, and if the requirements of this section have been met, a resort retail all-beverages license ~~shall~~  
24 must be issued by the department on the basis that the department has determined that ~~such~~ the license  
25 is justified by public convenience and necessity, in accordance with the procedure required in 16-4-207."  
26

27 **SECTION 2. SECTION 16-4-501, MCA, IS AMENDED TO READ:**

28 "16-4-501. **License and permit fees.** (1) Each beer licensee licensed to sell either beer or table  
29 wine only, or both beer and table wine, under the provisions of this code, shall pay an annual license fee  
30 as follows:

1 (a) each brewer and each beer importer, wherever located, whose product is sold or offered for  
2 sale within the state, \$500; for each storage depot, \$400;

3 (b) each beer wholesaler, \$400; each table wine distributor, \$400; each subwarehouse, \$400;

4 (c) each beer retailer, \$200;

5 (d) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer  
6 license; for a license to sell table wine at retail for off-premises consumption only, either alone or in  
7 conjunction with beer, \$200;

8 (e) any unit of a nationally chartered veterans' organization, \$50.

9 (2) The permit fee under 16-4-301(1) is computed at the rate of \$15 a day for each day that beer  
10 and table wine are sold at those events lasting 2 or more days but in no case ~~shall~~ may the fee be less than  
11 \$30.

12 (3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the  
13 sale of all alcoholic beverages.

14 (4) Passenger carrier licenses ~~shall~~ must be issued upon payment by the applicant of an annual  
15 license fee in the sum of \$300.

16 (5) The annual license fee for a license to sell wine on the premises, when issued as an amendment  
17 to a beer-only license pursuant to 16-4-105, is \$200.

18 (6) The annual renewal fee for resort retail all-beverages licenses within a given resort area ~~shall~~  
19 be is \$2,000 for each license.

20 (7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:

21 (a) except as provided in this section, for each license outside of incorporated cities and  
22 incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000,  
23 \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other licensees;

24 (b) except as provided in this section, for each license in incorporated cities with a population of  
25 more than 2,000 and less than 5,000 or within a distance of 5 miles thereof, measured in a straight line  
26 from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$350 for a  
27 unit of a nationally chartered veterans' organization and \$500 for all other licensees;

28 (c) except as provided in this section, for each license in incorporated cities with a population of  
29 more than 5,000 and less than 10,000 or within a distance of 5 miles thereof, measured in a straight line  
30 from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$500 for a

1 unit of a nationally chartered veterans' organization and \$650 for all other licensees;

2 (d) for each license in incorporated cities with a population of 10,000 or more or within a distance  
3 of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to  
4 the nearest boundary of the city, \$650 for a unit of a nationally chartered veterans' organization and \$800  
5 for all other licensees;

6 (e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated  
7 towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest  
8 boundary of the city or town; and where the premises of the applicant to be licensed are situated within  
9 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different  
10 populations, the license fee chargeable by the larger incorporated city or incorporated town applies and  
11 must be paid by the applicant. When the premises of the applicant to be licensed are situated within an  
12 incorporated town or incorporated city and any portion of the incorporated town or incorporated city is  
13 without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city  
14 applies and must be paid by the applicant.

15 (f) an applicant for the issuance of an original license to be located in areas described in ~~subsection~~  
16 subsections (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that  
17 guarantees that applicant's ability to pay a \$20,000 license fee. A successful applicant shall pay a one-time  
18 original license fee of \$20,000 for a license issued. The one-time license fee of \$20,000 may not apply to  
19 any transfer or renewal of a license issued prior to July 1, 1974. All licenses, however, are subject to the  
20 specified annual renewal fee fees.

21 (8) The fee for one ~~all-beverage~~ all-beverages license to a public airport is \$800. This license is  
22 nontransferable.

23 (9) The annual fee for a special beer and table wine license for a nonprofit arts organization under  
24 16-4-303 is \$250.

25 (10) The license fees provided in this section are exclusive of and in addition to other license fees  
26 chargeable in Montana for the sale of alcoholic beverages.

27 (11) In addition to other license fees, the department of revenue may require a licensee to pay a  
28 late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year, 66 2/3% of any license  
29 fee delinquent on August 1 of the renewal year, and 100% of any license fee delinquent on September 1  
30 of the renewal year.

1 (12) All license and permit fees collected under this section must be deposited as provided in  
2 16-2-108."

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4 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that  
5 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this  
6 act].

7

8 ~~NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND~~  
9 ~~APPROVAL.~~

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11 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 1997.

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