

HOUSE BILL NO. 867

INTRODUCED BY E. BUTTREY, A. BUCKLEY, R. MARSHALL, L. JONES, T. BROCKMAN, J. SMALL, S. FITZPATRICK, C. FRIEDEL, D. SALOMON, J. ELLSWORTH, D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AGENCY LIQUOR STORE LAWS; REVISING LAWS RELATED TO WHEN A STORE MAY REMAIN OPEN; ALLOWING AGENCY LIQUOR STORES TO REMAIN OPEN ON SUNDAYS, MONDAYS, AND LEGAL HOLIDAYS; PROVIDING THAT THE OPERATING HOURS ARE SUBJECT TO RESTRICTIONS; ALLOWING THE STATE TO RECOUP COSTS IN PHYSICALLY RECOVERING EXISTING INVENTORY FOR WHICH IT HAS A LIEN FOR LATE PAYMENTS BY THE AGENCY LIQUOR STORE; AND AMENDING SECTIONS 16-2-104 AND 16-2-110, MCA."

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

Section 1. Section 16-2-104, MCA, is amended to read:

"16-2-104. Hours. (1) Agency liquor stores may remain open during the period between 8 a.m. and 2 a.m. The stores must be closed for the transaction of business on legal holidays and between the close of normal business Saturday afternoon up to the opening of normal business Tuesday morning. Subject to local ordinances or department requirements relating to operating hours, a store may be open or closed at the store's discretion.

(2) (a) An agency liquor store may be open on Mondays that are not legal holidays if 51% of the all-beverages licensees within the agency liquor store's immediate market area sign a petition agreeing that agency liquor stores located within the immediate market area may be open on Mondays. The petition must be on a form prescribed by the department. The department shall verify the validity of the signatures on the petition. If the department determines that the petition contains sufficient valid signatures, all agency liquor stores within the designated market area must be allowed to transact business on Mondays that are not legal holidays. To determine the number of signatures needed, the department shall round up to the nearest whole number any fractional number of all-beverages licensees.

(b) For the purposes of subsection (2)(a), immediate market area means:

- 1 (i) ~~the city limits for stores located in incorporated cities or towns; and~~
- 2 (ii) ~~the area contained within a 5-mile radius from a store or stores located in unincorporated cities or~~
- 3 ~~towns or in a consolidated local government."~~

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5 **Section 2.** Section 16-2-110, MCA, is amended to read:

6 "**16-2-110. State lien on liquor in agency liquor stores.** The state has a first lien with an absolute

7 first priority to secure any outstanding amounts due the state for liquor purchased on any inventory, including

8 any after-acquired inventory in the possession of an agent or on the premises of an agency liquor store, to

9 secure payment for the existing inventory. The state has the right to physically recover any inventory from an

10 agency liquor store and impose fees to recoup the cost of the recovery for any failure to timely make

11 payments."

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