

1 HOUSE BILL NO. 165

2 INTRODUCED BY D. HARVEY

3 BY REQUEST OF THE DEPARTMENT OF REVENUE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALCOHOLIC BEVERAGE LAWS RELATING TO THE
6 NUMBER AND LOCATION OF AGENCY STORES; CLARIFYING THAT A COMMUNITY WITH AN EXISTING
7 AGENCY LIQUOR STORE MAY OBTAIN ADDITIONAL AGENCY LIQUOR STORES IF CERTAIN
8 POPULATION REQUIREMENTS ARE MET; AMENDING SECTION 16-2-109, MCA; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."

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

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13 **Section 1.** Section 16-2-109, MCA, is amended to read:
- 14 **"16-2-109. Number and location of agency liquor stores.** (1) (a) In a community with a population
15 of 12,000 or less, there may be one agency liquor store. In communities with populations greater than 12,000,
16 there may be one agency liquor store for the first 12,000 inhabitants and one additional agency liquor store
17 within increments of population of 40,000 inhabitants above 12,000 inhabitants. In determining population, the
18 department shall use the same methods used for determining increases in the retail license quota system as
19 provided in 16-4-201.
- 20 (b) In communities that are eligible for more than one agency liquor store, an agency liquor store
21 established after April 25, 1995, may not be located within a 1-mile radius of any other agency liquor store in
22 the community.
- 23 (2) An agency liquor store established after April 25, 1995, may not be located in a community that
24 is closer than 35 miles to another community in which an agency liquor store is presently located, except in the
25 circumstance when the most recent population estimates show a 25% growth in population or a growth of 1,000
26 inhabitants within a 2-year period, whichever is greater, and when this population increase is reasonably
27 expected to continue for at least 5 years.
- 28 (3) Nothing in subsection (2) prohibits a community with an existing agency liquor store from

1 obtaining additional agency liquor stores when the population allows as provided in subsection (1)."

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3 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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