



SENATE STANDING COMMITTEE REPORT

March 24, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 295** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Dave Lewis

And, that such amendments read:

1. Page 1, line 22.

Following: "If"

Insert: "the original value of the gift certificate was more than \$5 and"

Following: "value"

Strike: "of a gift certificate"

Strike: "\$2.25"

Insert: "\$5"

- END -

Committee Vote:
Yes 10, No 0.

651226SC.ssc

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SENATE STANDING COMMITTEE REPORT

March 24, 2005

Page 1 of 3

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 517** (third reading copy -- blue) **be concurred in as amended.**

Signed:

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Jon Tester

And, that such amendments read:

1. Title, line 10.

Following: line 9

Insert: "PROVIDING FOR REPORTING, TAX PAYMENTS, AND PENALTIES;"

2. Page 1, line 30.

Following: "bulk"

Strike: "and"

Insert: "; (b) "

Renumber: subsequent subsections

3. Page 2, line 8.

Strike: "; OR"

Insert: ". A distillery may not sell or give more than 2 ounces of liquor to an individual during a business day."

4. Page 2, line 9.

Following: line 8

Insert: "(d) sell liquor that it produces at retail at the distillery directly to the consumer for off-premise consumption provided that the minimum retail price as determined by the department is charged;"

Renumber: subsequent subsection

Committee Vote:

Yes 9, No 2.

651228SC.ssc

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5. Page 2, line 12.

Following: "code"

Insert: ", but may not sell liquor it produces at wholesale to all-beverages license holders"

6. Page 9, line 7.

Insert: "NEW SECTION. Section 6. Reporting -- tax payment -- penalties. (1) A distillery licensed to do business in this state under [section 1] shall, on or before the 15th day of each month, in the manner and form prescribed by the department, make an exact return to the department reporting the amount of liquor manufactured in this state that was sold and delivered by the distillery in the previous month. The department may at any time make an examination of the distillery's books and of the premises and may otherwise check the accuracy of the return.

(2) The tax imposed pursuant to 16-1-404 upon a distillery licensed under [section 1] is due on or before the 15th day of each month from the distiller for liquor sold during the previous month.

(3) If a distiller subject to the payment of the tax provided for in 16-1-404 fails to make any return required by this code or fails to make payment of the tax within the time provided in this part, the department shall, after the time has expired, determine and fix the amount of tax due the state from the delinquent distiller.

(4) The department shall then proceed to collect the tax with penalties and interest. Upon request of the department, the attorney general shall prosecute in any court of competent jurisdiction an action to collect the tax.

(5) If all or part of the tax imposed upon a distillery by this part is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7. The resulting lien has precedence over any other claim, lien, or demand filed or recorded after the warrant is issued.

(6) An action may not be maintained to enjoin the collection of the tax or any part of the tax.

(7) Any tax owed by a distiller under this code that is not paid within the time provided is delinquent, and penalty and interest must be added to the delinquent tax as provided in 15-1-216.

(8) A distiller who fails, neglects, or refuses to make the return to the department provided for in this section, refuses to allow the examinations as provided for in this section, or fails to make an accurate return in the manner prescribed is guilty of a misdemeanor and upon conviction shall be fined an amount not exceeding \$1,000."

Renumber: subsequent sections

7. Page 9, line 11.

Following: line 10

Insert: "(2) [Section 6] is intended to be codified as an integral part of Title 16, chapter 1, part 4, and the provisions of Title 16, chapter 1, part 4, apply to [section 6]."

- END -



SENATE STANDING COMMITTEE REPORT

March 24, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 483** (third reading copy -- blue) be concurred in.

Signed:


Senator Vicki Cocchiarella, Chair

To be carried by Senator Vicki Cocchiarella

- END -

Committee Vote:
Yes 7, No 4.

651255SC.ssc

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SENATE STANDING COMMITTEE REPORT

March 24, 2005

Page 1 of 4

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 348** (third reading copy -- blue) be concurred in as amended.

Signed:

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Duane Grimes

And, that such amendments read:

1. Page 1, line 11.

Strike: "retailer"

Insert: "licensee"

2. Page 1, line 12.

Strike: "retailer"

Insert: "licensee"

3. Page 1, line 18.

Strike: "licensed retailer's"

Insert: "licensee's"

Following: "number;"

Insert: "and"

4. Page 1, line 19.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

5. Page 1, lines 21 through 27.

Strike: subsection 4 in its entirety

Renumber: subsequent subsections

Committee Vote:

Yes 11, No 0.

651229SC.ssc

KJ

6. Page 1, line 28.

Strike: "retailer"

Insert: "licensee"

7. Page 1, line 30.

Strike: "3],"

Insert: "4], the following definitions apply:

(a) "

Strike: "the term "keg""

Insert: ""Keg""

8. Page 2.

Following: line 1

Insert: "(b) (i) "Licensee" means a retailer or a wholesaler who sells kegs to a consumer and is licensed under Title 16, chapter 4.

(ii) The term does not mean a wholesaler who sells to a retailer."

9. Page 2, line 5.

Strike: "retailer"

Insert: "licensee"

10. Page 2, lines 9 through 11.

Strike: subsections (b) through (d) in their entirety

Renumber: subsequent subsection

11. Page 2, line 13.

Strike: "retailer"

Insert: "licensee"

Strike: "not less than 90"

Insert: "5"

Following: "sale"

Insert: "or until the deposit is cashed, whichever is later"

12. Page 2, line 14.

Strike: "retailer"

Insert: "licensee"

13. Page 2, line 15.

Following: "enforcement"

Insert: "pursuant to [section 3]"

14. Page 2.

Following: line 15

Insert: "NEW SECTION. Section 3. Enforcement. (1) If a law enforcement officer recovers a keg with an identification tag in connection with a violation of 16-6-305 or 45-5-624(4), the officer shall return the keg to the licensee and request the information on file about the original purchaser.

(2) The deposit on the keg and any related deposit to the licensee must be forfeited by the original purchaser, with half the deposit going to the licensee and half to the appropriate law enforcement division."

Renumber: subsequent sections

15. Page 2, lines 18 through 19.

Strike: "\$500" on line 18 through "both" on line 19

Insert: "\$100"

16. Page 2, line 20 through line 24.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

17. Page 2, line 25.

Strike: "knowingly"

Following: "keg"

Insert: "purposely"

18. Page 2, line 26.

Strike: "knowingly"

Insert: "purposely"

19. Page 2, lines 28 through 30.

Strike: subsection 4 in its entirety

20. Page 3, line 21.

Strike: "3"

Insert: "4"

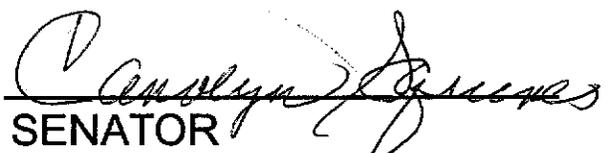
21. Page 3, line 23.

Strike: "3"
Insert: "4"

- END -

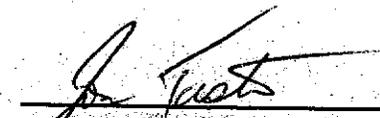
PROXY VOTE

I, the undersigned, hereby authorize Senator Cocchiarella to
vote my proxy on any issue before the Senate Business and Labor
Committee held on March 24, 2005.


SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Cocchiarella to
vote my proxy on any issue before the Senate Business and Labor
Committee held on March 24, 2005.



SENATOR
STATE OF MONTANA

