

HOUSE BILL NO. 508

INTRODUCED BY T. WELCH

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE DEPARTMENT OF REVENUE'S ADMINISTRATION OF THE MONTANA ALCOHOLIC BEVERAGE CODE; REVISING ADMINISTRATIVE APPEALS WITH THE DEPARTMENT; SPECIFYING THAT THE ADMINISTRATIVE PROCEDURE ACT APPLIES TO APPEALS; AND AMENDING SECTIONS 16-4-411 AND 16-4-412, MCA."

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

Section 1. Section 16-4-411, MCA, is amended to read:

"16-4-411. Appeals concerning alcoholic beverages laws. (1) Any interested party has the right to an administrative appeal of any decision of the department of revenue concerning the issuance, transfer, suspension, or revocation of alcoholic beverages licenses. The appeal must be in conformity with the provisions of Title 2, chapter 4.

~~(1)(2)~~ (a) Any interested party ~~shall have~~ has the right to appeal any decision of the department of revenue concerning the issuance, transfer, suspension, or revocation of alcoholic beverages licenses to the district court in the county in which the issuance, transfer, suspension, or revocation occurred or, at the appellant's option, in the district court of the first judicial district.

~~(2)(b)~~ The appeal must be in conformity with the provisions of Title 2, chapter 4, part 7."

Section 2. Section 16-4-412, MCA, is amended to read:

"16-4-412. Limits on concurrent applications. (1) An application for the issuance of a new license or for the transfer of an existing license may not be considered by the department if a previous application for the same ~~premises~~ license is pending. An application is considered pending if a final decision:

(a) has not been made by the department; or

(b) has been made by the department but:

(i) an administrative appeal under Title 2, chapter 4, can still be filed or has been filed;

~~(ii)~~ (ii) a petition for judicial review can still be filed or has been filed; or

~~(iii)~~ (iii) an appeal to the Montana supreme court can still be filed or has been filed.

