Amendment - 2nd Reading-yellow - Requested by: Edward Buttrey - (H) Committee of the Whole

- 2023

68th Legislature 2023 Drafter: Jameson Walker, 406-444-3722 HB0867.002.001

1	HOUSE BILL NO. 867
2	INTRODUCED BY E. BUTTREY, A. BUCKLEY, R. MARSHALL, L. JONES, T. BROCKMAN, J. SMALL, S.
3	FITZPATRICK, C. FRIEDEL, D. SALOMON, J. ELLSWORTH, D. ZOLNIKOV
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AGENCY LIQUOR STORE LAWS; REVISING LAWS
6	RELATED TO WHEN A STORE MAY REMAIN OPEN; ALLOWING AGENCY LIQUOR STORES TO REMAIN
7	OPEN ON SUNDAYS, MONDAYS, AND LEGAL HOLIDAYS; PROVIDING THAT THE OPERATING HOURS
8	ARE SUBJECT TO RESTRICTIONS; ALLOWING THE STATE TO RECOUP COSTS IN PHYSICALLY
9	RECOVERING EXISTING INVENTORY FOR WHICH IT HAS A LIEN FOR LATE PAYMENTS BY THE
10	AGENCY LIQUOR STORE; ALLOWING CREDIT PURCHASES BY LICENSEES FROM AGENCY LIQUOR
11	STORES IF PAYMENT IS MADE WITHIN A CERTAIN AMOUNT OF TIME; AND AMENDING SECTIONS 16-
12	2-104, AND-16-2-110, AND 16-2-203, MCA; AND PROVIDING AN EFFECTIVE DATE."
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	
16	Section 1. Section 16-2-104, MCA, is amended to read:
17	"16-2-104. Hours. (1) Agency liquor stores may remain open during the period between 8 a.m. and 2
18	a.m. The stores must be closed for the transaction of business on legal holidays and between the close of
19	normal business Saturday afternoon up to the opening of normal business Tuesday morning. Subject to local
20	ordinances or department requirements relating to operating hours, a store may be open or closed at the store's
21	discretion.
22	(2) (a) An agency liquor store may be open on Mondays that are not legal holidays if 51% of the all-
23	beverages licensees within the agency liquor store's immediate market area sign a petition agreeing that
24	agency liquor stores located within the immediate market area may be open on Mondays. The petition must be
25	on a form prescribed by the department. The department shall verify the validity of the signatures on the
26	petition. If the department determines that the petition contains sufficient valid signatures, all agency liquor
27	stores within the designated market area must be allowed to transact business on Mondays that are not legal



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1	agency liquor store and impose fees to recoup the cost of the recovery for any failure to timely make
2	payments."
3	
4	SECTION 4. SECTION 16-2-203, MCA, IS AMENDED TO READ:
5	"16-2-203. Sales to licensees. Agency liquor stores may sell to licensees licensed under this code all
6	kinds of liquor and table wine at the posted price. All sales must be made:
7	(1)on a cash basis; or
8	(2) as provided in [section 2]."
9	
10	NEW SECTION. SECTION 5. CODIFICATION INSTRUCTION. [SECTION 2] IS INTENDED TO BE CODIFIED AS AN
11	INTEGRAL PART OF TITLE 16, CHAPTER 2, AND THE PROVISIONS OF TITLE 16, CHAPTER 2, APPLY TO [SECTION 2].
12	
13	NEW SECTION. Section 6. Effective date. [This act] is effective June 1, 2023.
14	- END -

