

Amendment - 1st Reading/2nd House-blue - Requested by: (S) Business, Labor, and Economic Affairs

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0867.002.004

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 IMMEDIATE 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.** ~~(4) 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 **COORDINATION SECTION. Section 6. Coordination instruction.** If both House Bill No. 69 and
14 [this act] are passed and approved and both amend 16-2-203, then [section 4 of this act], amending 16-2-203,
15 is void and 16-2-203 must be amended as follows:

16 **"16-2-203. Sales to licensees.** Agency liquor stores may sell to licensees licensed under this code all
17 kinds of liquor and table wine at the posted price. All sales must be ~~made on a cash basis~~ paid for at the time of
18 sale or made as provided in [section 2]."
19

20 **NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval.
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