Livision

1	HOUSE BILL NO. 145			
2	INTRODUCED BY P. GREEN			
3	BY REQUEST OF THE DEPARTMENT OF REVENUE			
4				
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALCOHOLIC BEVERAGES LICENSED PREMISES			
6	MORATORIUM LAWS; REDUCING THE TIME PERIOD FOR THE MORATORIUM; AMENDING SECTION 1			
7	4-413, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."			
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:			
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11	Section 1. Section 16-4-413, MCA, is amended to read:			
12	"16-4-413. Denial of application five-year two-year moratorium. (1) If an application for the			
13	issuance of a new license or for the transfer of an existing license has been denied for any reason provided in			
14	16-4-405, the department may not consider an application or issue any retail license, special permit, or special			
15	license for those premises for 5-2 years unless the department, using the criteria described in subsection (3),			
16	determines that the proposed use is substantially different from the use that was rejected. The prohibition			
17	period commences on the date of the final agency decision or, if judicially reviewed, on the date the judicial			
18	decision is final.			
19	(2)	If an application is withdrawn after a hearing has been held in which testimony is received		
20	regarding any	reason for denial provided in 16-4-405, the effect of the withdrawal is the same as if a final		
21	decision had been made denying the application for any reason provided in 16-4-405. The 5-year 2-year			
22	prohibition against considering an application or issuing a license for that vicinity commences on the date of the			
23	withdrawal.			
24	(3)	The department shall determine whether a proposed use is substantially different by		
25	considering:			
26	(a)	the capacity of the proposed use;		
27	(b)	the nature of the establishment;		
28	(c)	the presence and character of any entertainment; and		
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1	(d)	the characteristics of the neighborhood."
2		
3	<u>NEW S</u>	ECTION. Section 2. Effective date. [This act] is effective on passage and approval.
4		- END -