

HOUSE BILL NO. 637

INTRODUCED BY K. SEEKINS-CROWE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RESORT RETAIL ALL-BEVERAGE LICENSES TO REMOVE THE REQUIREMENT THAT ACCOMMODATION UNITS MAY NOT BE LOCATED WITHIN THE BOUNDARIES OF A QUOTA AREA; AMENDING SECTION 16-4-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 16-4-213, MCA, is amended to read:

"16-4-213. Resort retail all-beverages licenses. (1) After a resort area has been approved, applications may be filed with the department for the issuance of resort retail all-beverages licenses within the resort area.

(2) (a) Except as provided in subsections (2)(b) and (2)(c), the department may issue one resort retail all-beverages license for the first 100 accommodation units and an additional license for each additional 50 accommodation units within an approved resort area as long as the recreational facilities under 16-4-212 have also been completed.

(b) For a resort area with a perimeter containing at least 1,000 contiguous acres that has a current actual valuation of completed recreational facilities, including land and improvements, of not less than \$30 million, the department may issue up to 10 resort retail all-beverages licenses regardless of the number of accommodation units.

(c) A resort area designation application to the department that received approval prior to January 1, 1999, is entitled to the issuance of one resort retail all-beverages license for a \$20,000 license fee. Any additional resort retail all-beverages licenses issued to a resort area under this subsection (2)(c) must meet the accommodation unit requirement in subsection (2)(a) of this section and pay the license fee and renewal fees as provided in 16-4-501.

(d) ~~(f)~~—For purposes of this code, "accommodation unit" means a unit that is available for short-

1 term guest rental and includes:

2 (A)(i) a single-family home;

3 ~~(B)(ii)~~ a single unit of an apartment, condominium, or multiplex;

4 ~~(C)(iii)~~ a single room of a hotel or motel; or

5 ~~(D)(iv)~~ similar living space. A space under this subsection ~~(2)(d)(i)(D)~~ (2)(d)(iv) must be distinctly
6 separated from other living spaces within the building and have its own sleeping, bath, and toilet facilities.

7 ~~(ii) In order to qualify toward the required total for the purposes of subsection (2)(a), accommodation~~
8 ~~units may not be located within the boundaries of a quota area as provided in 16-4-201(1) or (2) as of the date~~
9 ~~of submission for a resort retail all-beverages license.~~

10 (3) Regardless of how many resort area all-beverages licenses are issued in a resort area, no
11 more than 20 gambling machine permits may be issued for the resort area.

12 (4) A resort retail all-beverages license within the resort area:

13 (a) is subject to all other requirements of an all-beverages license in this code, except:

14 (i) for the purposes of premises suitability under 16-3-311, a licensed retailer may use a part of
15 the building as a licensed premises for the consumption of alcoholic beverages on the premises. The premises
16 must be separated from the rest of the building by permanent walls but may have inside access to the rest of
17 the building at all times even if the businesses or uses in the other part of the building are unrelated to the
18 operation of the premises in which alcoholic beverages are served. If the premises are located in a portion of a
19 building, the licensed retailer must be able to demonstrate that there are adequate safeguards in place to
20 prevent public access to alcoholic beverages after hours, either by the presence of a lockable door or other
21 security features such as rolling gates, locking cabinets, tap locks, or key card access;

22 (ii) the interior portion of the licensed premises must be a continuous area that is under the control
23 of the licensee and not interrupted by any area in which the licensee does not have adequate control, and
24 includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in
25 order to allow patrons to access other tenant businesses or private dwellings in the same building, including but
26 not limited to entryways, hallways, stairwells, and elevators; and

27 (iii) the premises may include one or more exterior patios or decks as long as sufficient physical
28 safeguards are in place to ensure proper service and consumption of alcoholic beverages. An additional

1 perimeter barrier may not be required if an existing boundary naturally defines the outdoor service area and
2 impedes foot traffic.

3 (b) is not subject to the quota limitations set forth in 16-4-201; and

4 (c) is transferable to another location within the boundaries of the resort area or to another owner
5 to be used at a location within the boundaries of the resort area.

6 (5) For licenses issued under this section, a licensee may apply to the department to allow for the
7 delivery of alcohol to guests of accommodation units and the prestocking of alcoholic beverages in
8 accommodation units within the designated resort area property as long as the purchaser's age is verified. The
9 application fee is \$100.

10 (6) Employees of the resort licensee who sell, serve, or deliver alcohol must be trained as provided
11 in 16-4-1005.

12 (7) A resort retail all-beverages licensee whose premises is located outside of a quota area as
13 defined in 16-4-201(1) or (2) may enter into a maximum of one concession agreement per license with an
14 unlicensed entity to serve alcoholic beverages. Except for 16-4-418(1), the provisions of 16-4-418 apply.

15 (8) If a resort area has two or more resort retail all-beverage licenses or retail all-beverages
16 licenses within the boundaries of the resort, the licensees may also apply to use a resort alternate alcoholic
17 beverage storage facility to be located within the resort area. The application fee is \$100. The alternate storage
18 facility will be considered part of each licensee's existing licensed premises, though it does not need to be
19 contiguous to qualify for approval. The licensees using the alternate storage facility must meet all requirements
20 to ensure the secure storage of alcoholic beverages and prevent on-site consumption of alcoholic beverages.
21 Alcoholic beverages in sealed containers belonging to multiple licensees within the resort area may be stored in
22 the same storage facility. A resort retail licensee or retail licensee who is approved to use the alternate storage
23 facility may accept delivery of alcoholic beverages at the alternate storage facility and may transfer alcoholic
24 beverages to another licensee approved to use the alternate storage facility. Any transfer of alcoholic
25 beverages between approved licensees must be properly accounted for. Approval to use the alternate storage
26 facility must be documented on the face of each license within the resort area that applies to use the alternate
27 storage facility.

28 (9) A license issued under this section may offer curbside pickup between 8 a.m. and 2 a.m. in

1 original packaging, prepared servings, or growlers."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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