

**Complete Shaded Areas**

Form last update 1/18/2012

**Proposed 2013 Session Legislation**

**Agency Name & No:** Department of Revenue

**Priority Number:** 12 **Filename:** 5801\03-012

**Short Title:** Equal treatment of licensees under liquor control penalty statute  
MCA 16-4-406

**Agency Contact Person/Phone:** Shauna Helfert 444-1464

**1. Purpose:**

To ensure all license types are treated equally. Domestic Distilleries and Distributors were inadvertently missed on the list of license types included in the licensing penalty statute (MCA, 16-4-406). This statute allows the department to prescribe penalties to a licensee after an investigation has determined a violation of the code occurred, thus giving the liquor control enforcement regulatory authority.

**2. Background:**

The main provision we cite for imposing penalties on licensees applies, by its terms, to "a brewer, winery, wholesaler, or retailer licensed under this code." It does not include distilleries or distributors, which could pose a liquor control and an equal enforcement problem.

**3. Fiscal Impact by Fund Type:** *This impact should be as specific as possible.*

**4. Summary Checklist [Check & complete all that apply]--**

- Housekeeping Only       Federal Requirement       Audit Recommendation (Audit No.: )       Major Legislation
- Anticipated to be Controversial Legislation       Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number        Local Government Fiscal Impact
- Increases FTE, or       Decreases FTE by      List FTE amount and program
- Increases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Decreases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Establishes New Revenue       Tax       Fee       Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):
- Legislation would affect other state agencies (list):
- Special Interest Groups Affected (list):  Montana Distillers and Distributors
- Other: