

HOUSE BILL NO. 639

INTRODUCED BY HANSEN, STEPPLER, SCHYE, GERVAIS,  
STICKNEY, LARSON, KILPATRICK, CROMLEY,  
SCOTT, SQUIRES, WYATT, TOOLE,  
MCCARTHY, WHALEN  
BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

FEBRUARY 6, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON NATURAL RESOURCES.  
  
FIRST READING.  
  
FEBRUARY 16, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.  
  
FEBRUARY 18, 1991                   PRINTING REPORT.  
  
MARCH 7, 1991                    SECOND READING, DO PASS.  
  
MARCH 8, 1991                    ENGROSSING REPORT.  
  
MARCH 9, 1991                    THIRD READING, PASSED.  
AYES, 88; NOES, 8.  
  
TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 11, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON NATURAL RESOURCES.  
  
FIRST READING.  
  
MARCH 26, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.  
  
MARCH 28, 1991                   SECOND READING, CONCURRED IN.  
  
APRIL 1, 1991                    THIRD READING, CONCURRED IN.  
AYES, 34; NOES, 15.  
  
RETURNED TO HOUSE.

IN THE HOUSE

APRIL 1, 1991                    RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 639  
 2 INTRODUCED BY Lucy Green  
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH  
 4 Leahy, Glavan, Green, Larson, Whalen, Conley, Spencer, Wood, B.M. Carthy  
 5 Whalen  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A LATE FEE  
 7 FOR LATE RENEWAL OF A LICENSE TO ENGAGE IN THE BUSINESS OF  
 8 CLEANING SEPTIC TANKS, CESSPOOLS, AND PRIVIES; TO ALLOCATE  
 9 PROCEEDS FROM LATE FEES AND THE STATE'S SHARE OF ANNUAL  
 10 LICENSE FEES TO FUND PROGRAMS TO ENFORCE THE LAWS REGULATING  
 11 THE BUSINESS OF CLEANING SEPTIC TANKS, CESSPOOLS, AND  
 12 PRIVIES; AND AMENDING SECTION 37-41-202, MCA."  
 13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 37-41-202, MCA, is amended to read:  
 16 "37-41-202. Licenses -- nontransferability -- fees. (1)  
 17 Licenses expire on December 31 of each calendar year.  
 18 Licenses are not transferable. If a licensee ceases to do  
 19 business, the license shall must be surrendered to the  
 20 department.

21 (2) The fee for each license is \$25, payable at the  
 22 time of application for the license. A federal agency, city,  
 23 town, or other political subdivision is not required to pay  
 24 the license fee, but such agency, including a federal agency  
 25 if allowed by federal law, shall comply with all other

1 requirements of this chapter. The department shall annually  
 2 return 80% of the fees ~~collected from a county to that~~ to  
 3 the county where the fees were collected. The state portion  
 4 of the fee shall must be deposited in the ~~state general fund~~  
 5 account provided for in [section 2]. The county portion of  
 6 the fee shall must be used to defer cost of the county to  
 7 enforce this chapter.

8 (3) In addition to the license fee required under  
 9 subsection (2), the department shall collect a late fee from  
 10 any licensee who has failed to submit a license renewal fee  
 11 prior to the expiration of his current license and who  
 12 operates a business governed by this chapter in the  
 13 licensing year. The late fee is \$25 and must be deposited in  
 14 the account provided for in [section 2]."

15 NEW SECTION. Section 2. Special revenue account. There  
 16 is an account in the state special revenue fund. Money in  
 17 the account is allocated to the department to fund programs  
 18 to enforce the provisions of this chapter and rules adopted  
 19 by the department under 37-41-103.

20 NEW SECTION. Section 3. Codification instruction.  
 21 [Section 2] is intended to be codified as an integral part  
 22 of Title 37, chapter 41, and the provisions of Title 37,  
 23 chapter 41, apply to [section 2].

-End-

INTRODUCED BILL  
HB 639



STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0639, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill to authorize a fee for late renewal of a license to engage in the business of cleaning septic tanks, cesspools, and privies; to allocate proceeds from late fees and the state's share of annual license fees to fund programs to enforce the laws regulating the business of cleaning septic tanks, cesspools, and privies.

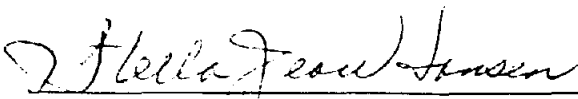
ASSUMPTIONS:

1. The number of licenses issued will remain reasonably constant.
2. 50% of annual license renewals will be delinquent.
3. Secretary of State filing fees and printing associated with promulgation of rules would cost \$285 in FY92.

FISCAL IMPACT:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	0	285	285	0	0	0
<u>Funding:</u>						
State Spec Revenue (02)	0	285	285	0	0	0
<u>Revenues:</u>						
General Fund (01)	675	0	(675)	675	0	(675)
State Spec. Revenue (02)	<u>0</u>	<u>2,375</u>	<u>2,375</u>	<u>0</u>	<u>2,375</u>	<u>2,375</u>
Total	675	2,375	1,700	675	2,375	1,700

  
 ROD SUNDSTED, BUDGET DIRECTOR      DATE 2-11-91  
 Office of Budget and Program Planning

  
 STELLA JEAN HANSEN, PRIMARY SPONSOR      DATE  
 Fiscal Note for HB0639, as introduced.      **HB 639**

APPROVED BY COMM. ON NATURAL RESOURCES

1 House BILL NO. 639

2 INTRODUCED BY Rep. Gaudin

3 BY REQUEST OF THE DEPARTMENT OF HEALTH  
4 Deloy, Glavin, Jones, Whalen AND ENVIRONMENTAL SCIENCES Daron, B.M. Carthy

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A LATE FEE  
7 FOR LATE RENEWAL OF A LICENSE TO ENGAGE IN THE BUSINESS OF  
8 CLEANING SEPTIC TANKS, CESSPOOLS, AND PRIVIES; TO ALLOCATE  
9 PROCEEDS FROM LATE FEES AND THE STATE'S SHARE OF ANNUAL  
10 LICENSE FEES TO FUND PROGRAMS TO ENFORCE THE LAWS REGULATING  
11 THE BUSINESS OF CLEANING SEPTIC TANKS, CESSPOOLS, AND  
12 PRIVIES; AND AMENDING SECTION 37-41-202, MCA."

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

15 **Section 1.** Section 37-41-202, MCA, is amended to read:

16 "37-41-202. Licenses -- nontransferability -- fees. (1)  
17 Licenses expire on December 31 of each calendar year.  
18 Licenses are not transferable. If a licensee ceases to do  
19 business, the license ~~shall~~ must be surrendered to the  
20 department.

21 (2) The fee for each license is \$25, payable at the  
22 time of application for the license. A federal agency, city,  
23 town, or other political subdivision is not required to pay  
24 the license fee, but such agency, including a federal agency  
25 if allowed by federal law, shall comply with all other

1 requirements of this chapter. The department shall annually  
2 return 80% of the fees ~~collected from a county to that~~ to  
3 the county where the fees were collected. The state portion  
4 of the fee ~~shall~~ must be deposited in the ~~state general fund~~  
5 account provided for in [section 2]. The county portion of  
6 the fee ~~shall~~ must be used to defer cost of the county to  
7 enforce this chapter.

8 (3) In addition to the license fee required under  
9 subsection (2), the department shall collect a late fee from  
10 any licensee who has failed to submit a license renewal fee  
11 prior to the expiration of his current license and who  
12 operates a business governed by this chapter in the  
13 licensing year. The late fee is \$25 and must be deposited in  
14 the account provided for in [section 2]."

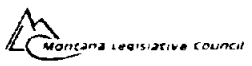
15 NEW SECTION. Section 2. Special revenue account. There  
16 is an account in the state special revenue fund. Money in  
17 the account is allocated to the department to fund programs  
18 to enforce the provisions of this chapter and rules adopted  
19 by the department under 37-41-103.

20 NEW SECTION. Section 3. Codification instruction.  
21 [Section 2] is intended to be codified as an integral part  
22 of Title 37, chapter 41, and the provisions of Title 37,  
23 chapter 41, apply to [section 2].

-End-

SECOND READING

HB 639



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*House* BILL NO. 639

INTRODUCED BY *Lee Gault*

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES *Daron White*  
*Debra Hansen* *Steve* *Spencer* *Walt* *B. M. Condy*  
*Coaler*  
*Whalen*

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A LATE FEE FOR LATE RENEWAL OF A LICENSE TO ENGAGE IN THE BUSINESS OF CLEANING SEPTIC TANKS, CESSPOOLS, AND PRIVIES; TO ALLOCATE PROCEEDS FROM LATE FEES AND THE STATE'S SHARE OF ANNUAL LICENSE FEES TO FUND PROGRAMS TO ENFORCE THE LAWS REGULATING THE BUSINESS OF CLEANING SEPTIC TANKS, CESSPOOLS, AND PRIVIES; AND AMENDING SECTION 37-41-202, MCA."

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

**Section 1.** Section 37-41-202, MCA, is amended to read:

**\*37-41-202. Licenses -- nontransferability -- fees. (1)**

Licenses expire on December 31 of each calendar year. Licenses are not transferable. If a licensee ceases to do business, the license shall must be surrendered to the department.

(2) The fee for each license is \$25, payable at the time of application for the license. A federal agency, city, town, or other political subdivision is not required to pay the license fee, but such agency, including a federal agency if allowed by federal law, shall comply with all other

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

requirements of this chapter. The department shall annually return 80% of the fees ~~collected from a county--to--that~~ to the county where the fees were collected. The state portion of the fee shall must be deposited in the state-general-fund account provided for in [section 2]. The county portion of the fee shall must be used to defer cost of the county to enforce this chapter.

(3) In addition to the license fee required under subsection (2), the department shall collect a late fee from any licensee who has failed to submit a license renewal fee prior to the expiration of his current license and who operates a business governed by this chapter in the licensing year. The late fee is \$25 and must be deposited in the account provided for in [section 2]."

NEW SECTION. Section 2. **Special revenue account.** There is an account in the state special revenue fund. Money in the account is allocated to the department to fund programs to enforce the provisions of this chapter and rules adopted by the department under 37-41-103.

NEW SECTION. Section 3. **Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 37, chapter 41, and the provisions of Title 37, chapter 41, apply to [section 2].

-End-

THIRD READING

HB 639



## 1 HOUSE BILL NO. 639

2 INTRODUCED BY HANSEN, STEPLER, SCHYE, GERVAIS,

3 STICKNEY, LARSON, KILPATRICK, CROMLEY,

4 SCOTT, SQUIRES, WYATT, TOOLE,

5 MCCARTHY, WHALEN

6 BY REQUEST OF THE DEPARTMENT OF HEALTH

7 AND ENVIRONMENTAL SCIENCES

8  
9 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A LATE FEE  
10 FOR LATE RENEWAL OF A LICENSE TO ENGAGE IN THE BUSINESS OF  
11 CLEANING SEPTIC TANKS, CESSPOOLS, AND PRIVIES; TO ALLOCATE  
12 PROCEEDS FROM LATE FEES AND THE STATE'S SHARE OF ANNUAL  
13 LICENSE FEES TO FUND PROGRAMS TO ENFORCE THE LAWS REGULATING  
14 THE BUSINESS OF CLEANING SEPTIC TANKS, CESSPOOLS, AND  
15 PRIVIES; AND AMENDING SECTION 37-41-202, MCA."  
16

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

18 **Section 1.** Section 37-41-202, MCA, is amended to read:

19 "37-41-202. Licenses -- nontransferability -- fees. (1)  
20 Licenses expire on December 31 of each calendar year.  
21 Licenses are not transferable. If a licensee ceases to do  
22 business, the license shall must be surrendered to the  
23 department.

24 (2) The fee for each license is \$25, payable at the  
25 time of application for the license. A federal agency, city,

1 town, or other political subdivision is not required to pay  
2 the license fee, but such agency, including a federal agency  
3 if allowed by federal law, shall comply with all other  
4 requirements of this chapter. The department shall annually  
5 return 80% of the fees collected from a county to that to  
6 the county where the fees were collected. The state portion  
7 of the fee shall must be deposited in the state-general-fund  
8 account provided for in [section 2]. The county portion of  
9 the fee shall must be used to defer cost of the county to  
10 enforce this chapter.

11 (3) In addition to the license fee required under  
12 subsection (2), the department shall collect a late fee from  
13 any licensee who has failed to submit a license renewal fee  
14 prior to the expiration of his current license and who  
15 operates a business governed by this chapter in the  
16 licensing year. The late fee is \$25 and must be deposited in  
17 the account provided for in [section 2]."

18 NEW SECTION. Section 2. Special revenue account. There  
19 is an account in the state special revenue fund. Money in  
20 the account is allocated to the department to fund programs  
21 to enforce the provisions of this chapter and rules adopted  
22 by the department under 37-41-103.

23 NEW SECTION. Section 3. Codification instruction.  
24 [Section 2] is intended to be codified as an integral part  
25 of Title 37, chapter 41, and the provisions of Title 37,

HB 0639/02

1 chapter 41, apply to [section 2].

-End-