

HOUSE BILL 502

IN THE HOUSE

February 1, 1979	Introduced and referred to Committee on Business and Industry.
February 13, 1979	Intent statement attached. Committee recommend bill, as amended.
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	On motion, taken from second reading and referred to Committee on Appropriations.
March 26, 1979	Committee recommend bill, as amended.
March 27, 1979	Printed and placed on members' desks. Second reading, do pass. Considered correctly engrossed. Third reading, passed.

IN THE SENATE

March 27, 1979	Introduced and referred to Committee on Finance and Claims.
April 5, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

April 6, 1979	Returned from Senate, not concurred.
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*HOUSE* BILL NO. *502*

INTRODUCED BY *VINCENT Propilo Burke, Missoula, Mont.*

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE STATE BUSINESS LICENSING PROCEDURES AND AUTHORIZING THE ADOPTION OF RULES FOR THIS PURPOSE."

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

Section 1. Short title. [This act] may be cited as the "Montana Business Licensing Coordination Act."

Section 2. Purpose. The purposes of [this act] are to eliminate licensing requirements, administrative procedures, and forms that are unnecessary for the protection of the public interest, to streamline and minimize the total government and business costs of necessary licensing and inspection procedures, and to distribute equitably the costs of licensing.

Section 3. Definition. As used in [this act], "license" means the whole or part of any agency permit, license, certificate, approval, registration, or charter or any form or permission required by law or administrative rule to engage in any activity.

Section 4. Designation of business licensing coordination center — duties of center. The governor shall designate an agency to administer a business licensing

coordination center. The business licensing coordination center shall:

(1) document and analyze current licensing requirements, fees, and procedures;

(2) recommend elimination of unnecessary licensing requirements, administrative procedures, or forms or parts of forms which can be eliminated in the public interest;

(3) recommend efficient and effective improvements in the administration and enforcement of licensing laws, including the development of a permanent master license certificate to be displayed on the premises of any Montana business whose annual state license fees have been paid;

(4) recommend revisions in the license fee structure to distribute the cost of licenses equitably and to provide financing for continuing improvements in licensing administration and enforcement;

(5) develop and distribute information to the business community concerning state requirements for starting and operating a business in Montana;

(6) provide technical assistance to business enterprises to facilitate their compliance with state licensing requirements; and

(7) perform other administrative tasks delegated to the center to improve state business license administration.

Section 5. Implementation of administrative

1 recommendations -- authority of governor to change  
 2 expiration dates by rule. (1) On the basis of the  
 3 recommendations of the business license coordination center,  
 4 the governor may, in his discretion and consistent with law,  
 5 direct changes in license administration. Executive agencies  
 6 shall implement any such changes.

7 (2) Whenever the implementation of improvements in  
 8 license administration is prevented by renewal dates  
 9 specified by law or administrative rule, the governor may,  
 10 in his discretion, adopt rules to change the license renewal  
 11 period or expiration date. These rules may vary renewal  
 12 periods or expiration dates by type of license or type of  
 13 business. With the exception of a transition period from one  
 14 license expiration date to another, the length of time that  
 15 by law a license is effective may not be changed by these  
 16 rules. For a transition period from one license expiration  
 17 date to another, the rules shall prorate license fees  
 18 according to the time a license is to be effective.

19 Section 6. Language added to license expiration  
 20 provisions. Wherever a license expiration date is provided  
 21 for in the MCA, there is added, immediately following that  
 22 date or other appropriate place, the following language: "or  
 23 such other date as is prescribed by the governor in  
 24 accordance with the provisions of [sections 1 through 5]" or  
 25 other substantively equivalent and appropriate language. The

1 code commissioner may add such language to all appropriate  
 2 sections and may make such other additions and changes as  
 3 are necessary and appropriate to carry out the intent of  
 4 this section. The code commissioner may not, in making such  
 5 additions and changes, make any substantive change beyond  
 6 that stated in this section.

-End-

1 STATEMENT OF INTENT RE: HB 502

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4 A statement of intent is required for House Bill No.  
5 502 in that it delegates rulemaking authority to the  
6 governor in Section 5.

7 1. Subsection (1) of section 5 provides that the  
8 governor has the power to direct changes in license  
9 administration, consistent with law. The governor may direct  
10 certain changes based on the recommendations of the small  
11 business license coordinator center. The duties of the small  
12 business license coordination center are set forth in  
13 section 4 of this bill. As a point of clarity, the  
14 governor's authority to direct changes in executive agencies  
15 already exists. It is not intended that subsection (1) of  
16 section 5 delegate new authority or additional power to the  
17 governor.

18 2. In subsection (2) of section 5, the governor is  
19 authorized to adopt rules to change the license renewal  
20 period or expiration date of any license. This authority  
21 has been delegated to the governor in order to realize the  
22 primary goal of this legislation. Presently, any one  
23 business may require more than one license that expires on  
24 different dates. The intent of this bill is to create a  
25 uniform licensing procedure if possible, to eliminate

1 unnecessary licenses, and develop a system whereby a person  
2 could apply for more than one license at one time. If the  
3 objectives of consistency and uniformity are to be met, it  
4 is imperative that the governor have the power to change  
5 license expiration and renewal dates. Any rule adopted that  
6 relates to changing the expiration or renewal date of a  
7 license shall be consistent with the provisions of the  
8 Montana Administrative Procedure Act.

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7 Montana Administrative Procedure Act.

8 First adopted by the HOUSE COMMITTEE ON BUSINESS AND  
9 INDUSTRY on February 13, 1979.

Approved by Committee  
on Business and Industry

HOUSE BILL NO. 502

INTRODUCED BY VINCENT, TROPILA, GERKE, DUSSAULT, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE STATE  
SMALL BUSINESS LICENSING PROCEDURES; AND AUTHORIZING THE  
ADOPTION OF RULES FOR THIS PURPOSE; AND PROVIDING FOR AN  
APPROPRIATION."

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

Section 1. Short title. [This act] may be cited as the  
"Montana SMALL Business Licensing Coordination Act."

Section 2. Purpose. The purposes of [this act] are to  
eliminate RETAIL, WHOLESAL, CONSUMER SERVICE, MANUFACTURER,  
AND DISTRIBUTOR licensing requirements, administrative  
procedures, and forms that are unnecessary for the  
protection of the public interest, to streamline and  
minimize the total government and business costs of SUCH  
necessary licensing and inspection procedures, and to  
distribute equitably the costs of SUCH licensing.

Section 3. Definition. As used in [this act],  
"license" means the whole or part of any agency permit,  
license, certificate, approval, registration, or charter or  
any form or permission required by law or administrative  
rule to engage in any RETAIL, WHOLESAL, CONSUMER SERVICE,  
MANUFACTURING, AND DISTRIBUTING activity.

Section 4. Designation of SMALL business licensing  
coordination center -- duties of center. The governor shall  
designate an agency to administer a SMALL business licensing  
coordination center. The SMALL business licensing  
coordination center shall:

(1) document and analyze current licensing  
requirements, fees, and procedures;

(2) recommend elimination of unnecessary licensing  
requirements, administrative procedures, or forms or parts  
of forms which can be eliminated in the public interest;

(3) recommend efficient and effective improvements in  
the administration and enforcement of licensing laws,  
including the development of a permanent master license  
certificate to be displayed on the premises of any Montana  
business whose annual state license fees have been paid;

(4) recommend revisions in the license fee structure  
to distribute the cost of licenses equitably and to provide  
financing for continuing improvements in licensing  
administration and enforcement;

(5) develop and distribute information to the business  
community concerning state requirements for starting and  
operating a business in Montana;

(6) provide technical assistance to business  
enterprises to facilitate their compliance with state  
licensing requirements; and

1 (7) perform other administrative tasks delegated to  
 2 the center to improve state business license administration.

3 Section 5. Implementation of administrative  
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 5 expiration dates by rule. (1) On the basis of the  
 6 recommendations of the business license coordination center,  
 7 the governor may, in his discretion and consistent with law,  
 8 direct changes in license administration. Executive agencies  
 9 shall implement any such changes.

10 (2) Whenever the implementation of improvements in  
 11 license administration is prevented by renewal dates  
 12 specified by law or administrative rule, the governor may,  
 13 in his discretion, adopt rules to change the license renewal  
 14 period or expiration date. These rules may vary renewal  
 15 periods or expiration dates by type of license or type of  
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 25 date or other appropriate place, the following language: "or

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 3 other substantively equivalent and appropriate language. The  
 4 code commissioner may add such language to all appropriate  
 5 sections and may make such other additions and changes as  
 6 are necessary and appropriate to carry out the intent of  
 7 this section. The code commissioner may not, in making such  
 8 additions and changes, make any substantive change beyond  
 9 that stated in this section.

10 SECTION 7. APPROPRIATION. THERE IS APPROPRIATED  
 11 \$39,146 IN FISCAL YEAR 1980 AND \$29,888 IN FISCAL YEAR 1981  
 12 FROM THE GENERAL FUND TO THE AGENCY DESIGNATED BY THE  
 13 GOVERNOR TO ADMINISTER THE SMALL BUSINESS LICENSING  
 14 COORDINATION CENTER FOR THE PURPOSE OF CARRYING OUT THE  
 15 PROVISIONS OF THIS ACT.

-End-

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