

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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1 *House* BILL NO. 502
2 INTRODUCED BY *VINCENT Tropilo, Burke, Pleasant, S., 1/4*

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

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

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

1 coordination center. The business licensing coordination
2 center shall:
3 (1) document and analyze current licensing
4 requirements, fees, and procedures;
5 (2) recommend elimination of unnecessary licensing
6 requirements, administrative procedures, or forms or parts
7 of forms which can be eliminated in the public interest;
8 (3) recommend efficient and effective improvements in
9 the administration and enforcement of licensing laws,
10 including the development of a permanent master license
11 certificate to be displayed on the premises of any Montana
12 business whose annual state license fees have been paid;
13 (4) recommend revisions in the license fee structure
14 to distribute the cost of licenses equitably and to provide
15 financing for continuing improvements in licensing
16 administration and enforcement;
17 (5) develop and distribute information to the business
18 community concerning state requirements for starting and
19 operating a business in Montana;
20 (6) provide technical assistance to business
21 enterprises to facilitate their compliance with state
22 licensing requirements; and
23 (7) perform other administrative tasks delegated to
24 the center to improve state business license administration.

25 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-

STATEMENT OF INTENT RE: HB 502

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.

HB 502

1 STATEMENT OF INTENT RE: HB 502

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3 is imperative that the governor have the power to change

4 license expiration and renewal dates. Any rule adopted that

5 relates to changing the expiration or renewal date of a

6 license shall be consistent with the provisions of the

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

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

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

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

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

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

3 Section 5. Implementation of administrative
 4 recommendations -- authority of governor to change
 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
 16 business. With the exception of a transition period from one
 17 license expiration date to another, the length of time that
 18 by law a license is effective may not be changed by these
 19 rules. For a transition period from one license expiration
 20 date to another, the rules shall prorate license fees
 21 according to the time a license is to be effective.

22 Section 6. Language added to license expiration
 23 provisions. Wherever a license expiration date is provided
 24 for in the MCA, there is added, immediately following that
 25 date or other appropriate place, the following language: "or

1 such other date as is prescribed by the governor in
 2 accordance with the provisions of [sections 1 through 5]* or
 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 \$132,146 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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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.

HOUSE BILL NO. 502

INTRODUCED BY VINCENT, TROPILA, GERKE, DUSSAULT, SCULLY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE STATE
5 SMALL BUSINESS LICENSING PROCEDURES; AND AUTHORIZING THE
6 ADOPTION OF RULES FOR THIS PURPOSE; AND PROVIDING FOR AN
7 APPROPRIATION."

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

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

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

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

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

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

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

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

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

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

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

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

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 5 expiration dates by rule. (1) On the basis of the
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 2 accordance with the provisions of [sections 1 through 5]* or
 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-