

SENATE BILL NO. 229

Introduced: 01/20/83

Referred to Committee on Business & Industry: 01/20/83

Hearing: 2/4/83

Report: 02/10/83, Do Not Pass. Report Adopted.

Bill Killed.

1 *Senate* BILL NO. *229*  
 2 INTRODUCED BY *Shelley* *Chalkley* *Nezumi* *Bob Brown*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 5 CLARIFY THE LAWS RELATING TO COUNTY LICENSURE OF BUSINESSES  
 6 AND AMUSEMENTS; PROVIDING THAT ALL BUSINESSES, EXCEPT THE  
 7 PRODUCTION OF CROPS AND LIVESTOCK, MAY BE LICENSED BY A  
 8 COUNTY; PROVIDING FOR LICENSURE OF TRANSIENT AMUSEMENTS; AND  
 9 PROVIDING FOR MAXIMUM FEES AND DECENTRALIZED ADMINISTRATION  
 10 OF COUNTY LICENSURE; AMENDING SECTIONS 7-21-2105 AND  
 11 81-9-102, MCA; REPEALING SECTIONS 7-21-2102, 7-21-2103,  
 12 7-21-2201 THROUGH 7-21-2216, 7-21-2301 THROUGH 7-21-2310,  
 13 7-21-2401 THROUGH 7-21-2411, 7-21-2501 THROUGH 7-21-2508,  
 14 7-21-2601 THROUGH 7-21-2615, AND 81-7-119, MCA."

15  
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 NEW SECTION. Section 1. County licensing power --  
 18 application for license. In prescribing conditions for  
 19 issuance of a county license, a county is limited to the  
 20 following:

21 (1) proof of compliance with statutory requirements,  
 22 if any, relating to a specific license;

23 (2) requiring from a license applicant reasonable and  
 24 necessary identification and information for license  
 25 application;

1 (3) a surety bond or cash deposit, if required under a  
 2 specific statutory provision or by resolution enacted under  
 3 [section 7];

4 (4) payment of any applicable license fee.

5 NEW SECTION. Section 2. County business licenses.

6 (1) As provided in this part, a county may, in addition to  
 7 any license or fee authorized by law, license any industry,  
 8 pursuit, profession, occupation, or retail or wholesale  
 9 trade carried on in whole or in part within the county,  
 10 other than the production of crops or livestock.

11 (2) A business that operates a transient amusement  
 12 must obtain any license required by [section 6] in addition  
 13 to any license required by this section.

14 NEW SECTION. Section 3. Administration of county  
 15 licensure. (1) A county may not establish business licenses  
 16 under this part unless the board of county commissioners has  
 17 established by resolution:

18 (a) each category of business it will license;

19 (b) the license fee for each category of licenses; and

20 (c) the term for each category of licenses.

21 (2) The county treasurer is the officer responsible  
 22 for receiving license applications, collecting license fees,  
 23 and issuing county licenses.

24 NEW SECTION. Section 4. Jurisdictional area of county  
 25 business licensing. (1) If a county chooses to license

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1 businesses within the county, every business category to be  
2 licensed that is located within the county must be licensed,  
3 whether or not it is located within the limits of an  
4 incorporated municipality.

5 (2) With the concurrence of a municipal governing  
6 body, the board of county commissioners may designate an  
7 officer or employee of the municipality as an agent of the  
8 county treasurer for the purposes of licensing county  
9 businesses. The board of county commissioners and the  
10 municipal governing body shall cooperate in devising  
11 applications, forms, receipts, and certificates that may be  
12 used by both jurisdictions. The board of county  
13 commissioners may provide that only a copy of a joint  
14 city-county license application, receipt, or form need be in  
15 the possession of the county. A single license certificate,  
16 with appropriate blanks and entries, may be used for both a  
17 municipal and a county business license.

18 NEW SECTION. Section 5. License fees -- exemptions.  
19 (1) Except as provided in [section 6(2)] or when a different  
20 amount is specified in the law relating to a specific  
21 license, the board of county commissioners may set fees for  
22 licenses authorized by this part in an amount not to exceed  
23 \$50 a year for business licenses.

24 (2) The board of county commissioners may by  
25 resolution provide that annual licenses for specific types

1 of businesses be granted for periods of time of less than 1  
2 year. If an annual license is granted for a period of less  
3 than 1 year, the license fee must be prorated, but the  
4 prorated fee may not be less than one-quarter of the annual  
5 fee.

6 NEW SECTION. Section 6. Transient amusement licenses.  
7 (1) A county may by resolution provide for the licensure of  
8 transient amusements. The licensing must comply with the  
9 provisions of [section 1]. The license fee for transient  
10 amusements may not exceed \$200 a day.

11 (2) The payment of a license fee may not be required  
12 for the licensing of any amusement, including a county or  
13 state fair, conducted for purposes other than private gain  
14 by a public or private school or college, charitable  
15 organization, religious body, rodeo association, veterans'  
16 organization, or political entity.

17 (3) For the purposes of this section, [sections 2 and  
18 7], "transient amusement" means circuses, carnivals,  
19 traveling shows, concerts, and similar temporary  
20 recreational events.

21 NEW SECTION. Section 7. Surety bond or cash deposit  
22 -- action on bond or deposit. (1) The board of county  
23 commissioners may by resolution require that applicants for  
24 any business licenses issued for less than 1 year or  
25 applicants for transient amusement licenses under [section

6] provide a surety bond or cash deposit. The resolution shall establish specific amounts for the surety bonds or cash deposits, based upon the type of license. The resolution may establish a term for the surety bonding or cash deposit that may not extend more than 6 months beyond the term of the license.

(2) Any person aggrieved by an action or misrepresentation of a licensee has a right of action on the bond or cash deposit for the recovery of his damages and costs.

NEW SECTION. Section 8. License to be displayed.

(1) Every business or transient amusement licensed under this part must at all times keep all required licenses conspicuously posted in the place of business or the location of the transient amusement.

(2) Failure to post a license as required by this section is a misdemeanor punishable by a fine of not less than \$25 or more than \$100.

Section 9. Section 7-21-2105, MCA, is amended to read:

"7-21-2105. Disbursement Deposit of license fees. ~~(1)~~

Unless the disposition is otherwise provided for, all money collected by the county treasurer for licenses issued by the county under this chapter part must be paid into the treasury general fund of the county.

~~(2) Unless otherwise provided, the county treasurer~~

~~shall retain 50% thereof for the use of the county, pay over 45% thereof to the state treasurer for the use of the general fund of the state, and pay over 5% thereof to the state treasurer for deposit in the earmarked revenue fund to be used by the livestock commission for predatory animal control."~~

Section 10. Section 81-9-102, MCA, is amended to read:

"81-9-102. Butchers' and meat peddlers' licenses -- ~~amount of fees -- disposition of moneys -- penalty for failure to display license --~~ exception for personal use.

(1) Every butcher and every meat peddler shall, before engaging in or conducting any market or business as such in any county, ~~pay to the county treasurer of such~~ procure a county a license fee of \$5 as provided in Title 7, chapter 21, part 21, for each such market or business so engaged in or conducted within the county, ~~which license shall continue in force and effect for the balance of the calendar year in which it was issued and which shall be deemed null and void after January 1 of the succeeding year.~~

~~(2) Every meat peddler shall, before commencing or doing any business or performing any acts in any county as such meat peddler, pay to the county treasurer of such county a license fee of \$100, which shall continue in force and effect for the balance of the calendar year in which it is issued and shall be deemed null and void after January 1~~

1 ~~of the succeeding years.~~

2 ~~{3}{12}~~ It shall be the duty of every meat peddler to  
3 have his license with him at all times when transacting  
4 business, and it shall be the duty of every butcher to  
5 display his license in a conspicuous place in his market.  
6 Failure to have such license shall be deemed a misdemeanor.

7 ~~{4} The county treasurers of the state are hereby~~  
8 ~~authorized and required upon the payment of such licenses~~  
9 ~~to issue a proper certificate of such payments. The moneys~~  
10 ~~collected from such licenses shall be placed in the general~~  
11 ~~fund of the county wherein collected.~~

12 ~~{5}{13}~~ This section shall not apply to the slaughter  
13 of meat by any person, firm, corporation, or association  
14 which may slaughter or cause to be slaughtered any neat  
15 cattle of his or its own breeding or to the sale of  
16 slaughtered cattle of his or its own breeding; provided any  
17 person who shall sell the equivalent of more than 25  
18 carcasses, beef and/or veal, in any one year shall take out  
19 a license as herein provided for.

20 ~~{6}{14}~~ Any person who kills beef or veal in good faith  
21 for his own use shall not be required to procure any license  
22 provided for in this section."

23 NEW SECTION. Section 11. Codification instruction.  
24 Sections 1 through 8 are intended to be codified as an  
25 integral part of Title 7, chapter 21, part 21, and the

1 provisions of Title 7, chapter 21, part 21, apply to  
2 sections 1 through 8.

3 NEW SECTION. Section 12. Repealer. Sections  
4 7-21-2102, 7-21-2103, 7-21-2201 through 7-21-2216, 7-21-2301  
5 through 7-21-2310, 7-21-2401 through 7-21-2411, 7-21-2501  
6 through 7-21-2503, 7-21-2601 through 7-21-2615, and  
7 81-7-119, MCA, are repealed.

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