

SENATE BILL NO. 403

INTRODUCED BY NORMAN

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Business and Industry.
February 17, 1983	Committee recommend bill do pass as amended. Report adopted.
February 18, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass.
February 21, 1983	Correctly engrossed.
February 22, 1983	Third reading, passed. Ayes, 45; Noes, 4. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Business and Industry.
March 11, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 19, 1983	Second reading, concurred in.
March 21, 1983	Third reading, concurred in.

IN THE SENATE

March 22, 1983

Returned to Senate with  
amendments.

March 23, 1983

Second reading, amendments  
concurred in.

March 24, 1983

Third reading, amendments  
concurred in. Ayes, 49; Noes,  
0.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 403  
2 INTRODUCED BY Norman  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE  
5 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY BY RULE  
6 ESTABLISH THE STATE LICENSE FEES FOR FOOD ESTABLISHMENTS,  
7 HOTELS, MOTELS, AND ROOMING HOUSES, TOURIST CAMPGROUNDS, AND  
8 TRAILER COURTS; AMENDING SECTIONS 50-50-205, 50-51-204, AND  
9 50-52-202, MCA."  
10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12 NEW SECTION. Section 1. Fees to be established  
13 commensurate with costs. The department of health and  
14 environmental sciences shall set fees for licenses and  
15 inspections under 50-50-205, 50-51-204, and 50-52-202, that  
16 are reasonably related to the respective licensure or  
17 inspection costs. Costs not directly attributable to a  
18 specific license or inspection may be equitably distributed  
19 to such costs and other departmental areas as determined by  
20 the department. The department shall maintain, and may  
21 require local entities to retain, records sufficient to  
22 support the fees charged.  
23 Section 2. Section 50-50-205, MCA, is amended to read:  
24 "50-50-205. License fee. For each license issued, the  
25 department shall collect a fee of--\$20 in an amount

1 ~~established by rule as provided in [section 1].~~ It shall  
2 deposit receipts in the state general fund."  
3 Section 3. Section 50-51-204, MCA, is amended to read:  
4 "50-51-204. License fee. There shall be paid to the  
5 department with each application for such license or for  
6 renewal of such license an annual license fee of--\$20 in an  
7 amount established by rule pursuant to [section 1]. These  
8 fees shall be deposited with the state treasury to the  
9 credit of the general fund."  
10 Section 4. Section 50-52-202, MCA, is amended to read:  
11 "50-52-202. License fee. (1) Each application shall be  
12 accompanied by a fee of--\$20 in an amount established by rule  
13 pursuant to [section 1].  
14 (2) Fees collected by the department shall be  
15 deposited in the state general fund."

-End-

Approved by Committee  
on Business and Industry

1 SENATE BILL NO. 403  
2 INTRODUCED BY NORMAN  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE--THAT--THE  
5 DEPARTMENT--OF-HEALTH-AND-ENVIRONMENTAL-SCIENCES-MAY-BY-RULE  
6 ESTABLISH THE STATE LICENSE FEES FOR FOOD ESTABLISHMENTS,  
7 HOTELS, MOTELS, AND ROOMING HOUSES, TOURIST CAMPGROUNDS, AND  
8 TRAILER COURTS; AMENDING SECTIONS 50-50-205, 50-51-204, AND  
9 50-52-202, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12 ~~NEW-SECTIONS--Section-1--Fees---to---be---established~~  
13 ~~commensurate---with---costs---The--department--of--health-and~~  
14 ~~environmental-sciences--shall--set--fees--for--licenses--and~~  
15 ~~inspections--under-50-50-205, 50-51-204, and 50-52-202, that~~  
16 ~~are---reasonably---related---to---the---respective---license--or~~  
17 ~~inspection--costs---Costs--not--directly--attributable--to-a~~  
18 ~~specific--license-or-inspection-may-be-equitably--distributed~~  
19 ~~to--such-costs-and-other-departmental-areas-as-determined-by~~  
20 ~~the-department--The--department--shall--maintain--and--may~~  
21 ~~require--local--entities--to--retain--records-sufficient-to~~  
22 ~~support-the-fees-charged~~

23 Section 1. Section 50-50-205, MCA, is amended to read:  
24 "50-50-205. License fee. For each license issued, the  
25 department shall collect a fee of--\$20 in--an--amount

1 ~~established-by-rule-as-provided-in-section-1~~ OF \$30. It  
2 shall deposit receipts in the state general fund."

3 Section 2. Section 50-51-204, MCA, is amended to read:  
4 "50-51-204. License fee. There shall be paid to the  
5 department with each application for such license or for  
6 renewal of such license an annual license fee of--\$20 in--an  
7 ~~amount-established-by-rule-pursuant-to-section-1~~ OF \$30.  
8 These fees shall be deposited with the state treasury to the  
9 credit of the general fund."

10 Section 3. Section 50-52-202, MCA, is amended to read:  
11 "50-52-202. License fee. (1) Each application shall be  
12 accompanied by a fee of--\$20 in--an--amount-established-by-rule  
13 ~~pursuant-to-section-1~~ OF \$30.  
14 (2) Fees collected by the department shall be  
15 deposited in the state general fund."

-End-

SECOND READING

SENATE BILL NO. 403

INTRODUCED BY NORMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE--THAT--THE DEPARTMENT--OF-HEALTH-AND-ENVIRONMENTAL-SCIENCES-MAY-BY-RULE ESTABLISH THE STATE LICENSE FEES FOR FOOD ESTABLISHMENTS, HOTELS, MOTELS, AND ROOMING HOUSES, TOURIST CAMPGROUNDS, AND TRAILER COURTS; AMENDING SECTIONS 50-50-205, 50-51-204, AND 50-52-202, MCA."

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

~~NEW SECTION: Section 1. Fees--to--be--established commensurate--with--costs--the--department--of--health-and-environmental-sciences--shall--set--fees--for--licenses--and inspections--under-50-50-205, 50-51-204, and 50-52-202--that are--reasonably--related--to--the--respective--license--or inspection--costs--Costs--not--directly--attributable--to-a specific--license--or--inspection--may--be--equitably--distributed to--such--costs--and--other--departments--areas--as--determined--by the--department--The--department--shall--maintain--and--may require--local--entities--to--retain--records--sufficient--to support--the--fees--charged.~~

Section 1. Section 50-50-205, MCA, is amended to read:

"50-50-205. License fee. For each license issued, the department shall collect a fee of--\$20 in--an--amount

~~established-by-rule-as-provided-in-section-13~~ OF \$30. It shall deposit receipts in the state general fund."

Section 2. Section 50-51-204, MCA, is amended to read:

"50-51-204. License fee. There shall be paid to the department with each application for such license or for renewal of such license an annual license fee of--\$20 in--an amount--established-by-rule--pursuant-to-section-13 OF \$30. These fees shall be deposited with the state treasury to the credit of the general fund."

Section 3. Section 50-52-202, MCA, is amended to read:

"50-52-202. License fee. (1) Each application shall be accompanied by a fee of--\$20 in--an amount--established-by-rule pursuant-to-section-13 OF \$30.

(2) Fees collected by the department shall be deposited in the state general fund."

-End-

HOUSE BUSINESS & INDUSTRY COMMITTEE  
AMENDMENTS TO SENATE BILL 403 THIRD READING COPY COLOR BLUE  
MARCH 11, 1983

1. Title, line 8

Following: "COURTS;"

Insert: "PROVIDING FOR A LOCAL BOARD INSPECTION FUND ACCOUNT WITHIN THE EARMARKED REVENUE FUND;"

Following: "50-50-205,"

Insert: "50-50-305,"

Following: "50-51-204"

Strike: "AND"

Insert: "50-51-303,"

2. Title, line 9

Following: "50-52-202,"

Insert: "AND 50-52-302,"

3. Page 2, line 2

Following: "deposit:"

Strike: "receipts"

Insert: "85% of the fees collected in the earmarked revenue fund to the credit of the local board inspection fund account created by [section 4] and the balance of the fees"

4. Page 2, lines 8 and 9

Strike: line 8 in its entirety through "of" on line 9

Insert: "The department shall deposit 85% of the fees collected in the earmarked revenue fund to the credit of the local board inspection fund account created by [section 4] and the balance of the fees in"

5. Page 2, line 14

Strike: "Fees collected by the"

Insert: "The"

Following: "shall"

Strike: "be"

6. Page 2, line 15

Strike: "deposited"

Insert: "deposit 85% of the fees collected in the earmarked revenue fund to the credit of the local board inspection fund account created by [section 4] and the balance of the fees"

7. Page 2

Following: line 15

Insert: ""NEW SECTION. Section 4. Local board inspection fund established. There is within the earmarked revenue fund a local board inspection fund account."

Section 5. Section 50-50-305, MCA, is amended to read:

"50-50-305. Department to pay local board for inspections. (1) Before June 30 of each year, the department shall pay to a local board of health, as established under 50-2-104, 50-2-106, or 50-2-107, an amount from ~~any-general-fund-appropriation to the department~~ the local board inspection fund account created by [section 4]

which is for the purpose of inspecting establishments licensed under this chapter; provided, however, that there is a functioning local board of health and that the local board of health, local health officers, and sanitarians assist in the enforcement of the provisions of this chapter and the rules adopted under it.

(2) The funds received by the local board of health shall be deposited with the appropriate local fiscal authority and shall be in addition to the funds appropriated under 50-2-108 through 50-2-114."

Section 6. Section 50-51-303, MCA, is amended to read:

"50-51-303. Department to pay local board for inspections. (1) Before June 30 of each year, the department shall pay to a local board of health, as established under 50-2-104, 50-2-106, or 50-2-107, an amount from ~~any-general-fund appropriation-to-the-department~~ the local board inspection fund created by [section 4] which is for the purpose of inspecting establishments licensed under this chapter; provided, however, that there is a functioning local board of health and the local board of health, local health officers, and sanitarians assist in the enforcement of the provisions of this chapter and the rules adopted under it.

(2) The funds received by the local board of health shall be deposited with the appropriate local fiscal authority and shall be in addition to the funds appropriated under 50-2-108 through 50-2-114."

Section 7. Section 50-52-302, MCA, is amended to read:

"50-52-302. Department to pay local board for inspection.

(1) Before June 30 of each year, the department shall pay to a local board of health, as established under 50-2-104, 50-2-106, or 50-2-107, an amount from ~~any-general-fund-appropriation-to-the-department~~ the local board inspection fund created by [section 4] which is for the purpose of inspecting establishments licensed under this chapter; provided, however, that there is a functioning local board of health and that the local board of health, local health officers, and sanitarians assist in the enforcement of the provisions of this chapter and the rules adopted under it.

(2) The funds received by the local board of health shall be deposited with the appropriate local fiscal authority and shall be in addition to the funds appropriated under 50-2-108 through 50-2-114."

NEW SECTION. Section 8. Codification instruction. Section 4 is intended to be codified as an integral part of Title 50, Chapter 2."

AND AS AMENDED  
BE CONCURRED IN

## SENATE BILL NO. 403

INTRODUCED BY NORMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE--THAT--THE DEPARTMENT--OF--HEALTH--AND--ENVIRONMENTAL--SCIENCES--MAY--BY--RULE--ESTABLISH THE STATE LICENSE FEES FOR FOOD ESTABLISHMENTS, HOTELS, MOTELS, AND ROOMING HOUSES, TOURIST CAMPGROUNDS, AND TRAILER COURTS; PROVIDING FOR A LOCAL BOARD INSPECTION FUND ACCOUNT WITHIN THE FARMARKED REVENUE FUND; AMENDING SECTIONS 50-50-205, 50-50-302, 50-51-204, AND 50-51-302, 50-52-202, AND 50-52-302, MCA."

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

~~NEW SECTION~~ Section 1. Fees--to--be--established commensurate with costs--The department of health and environmental sciences--shall--set--fees--for--licenses and inspections under 50-50-205, 50-51-204, and 50-52-202--that are--reasonably--related--to--the--respective--license--or inspection costs--Costs not directly attributable to a specific license or inspection may be equitably distributed to such costs and other departmental areas as determined by the department. The department shall maintain and may require local entities to retain records sufficient to support the fees charged.

Section 1. Section 50-50-205, MCA, is amended to read:

"50-50-205. License fee. For each license issued, the department shall collect a fee of--\$20 in an amount established by rule as provided in [section 1] OF \$30. It shall deposit receipts 85% OF THE FEES COLLECTED IN THE FARMARKED REVENUE FUND TO THE CREDIT OF THE LOCAL BOARD INSPECTION FUND ACCOUNT CREATED BY [SECTION 4] AND THE BALANCE OF THE FEES in the state general fund."

Section 2. Section 50-51-204, MCA, is amended to read:

"50-51-204. License fee. There shall be paid to the department with each application for such license or for renewal of such license an annual license fee of--\$20 in an amount established by rule pursuant to [section 1] OF \$30. These fees shall be deposited with the state treasury to the credit of THE DEPARTMENT SHALL DEPOSIT 85% OF THE FEES COLLECTED IN THE FARMARKED REVENUE FUND TO THE CREDIT OF THE LOCAL BOARD INSPECTION FUND ACCOUNT CREATED BY [SECTION 4] AND THE BALANCE OF THE FEES IN the general fund."

Section 3. Section 50-52-202, MCA, is amended to read:

"50-52-202. License fee. (1) Each application shall be accompanied by a fee of--\$20 in an amount established by rule pursuant to [section 1] OF \$30.

(2) Fees collected by the THE department shall be deposited DEPOSIT 85% OF THE FEES COLLECTED IN THE FARMARKED REVENUE FUND TO THE CREDIT OF THE LOCAL BOARD INSPECTION FUND ACCOUNT CREATED BY [SECTION 4] AND THE BALANCE OF THE



1 ~~EEEE~~ in the state general fund."

2 THERE IS A NEW MCA SECTION THAT READS:

3 Section 4. Local board inspection fund established.  
4 There is within the earmarked revenue fund a local board  
5 inspection fund account.

6 SECTION 5. SECTION 50-50-305, MCA, IS AMENDED TO READ:

7 "50-50-305. Department to pay local board for  
8 inspections. (1) Before June 30 of each year, the department  
9 shall pay to a local board of health, as established under  
10 50-2-104, 50-2-106, or 50-2-107, an amount from ~~any general~~  
11 ~~fund--appropriation--to--the--department~~ the local board  
12 inspection fund account created by [section 4] which is for  
13 the purpose of inspecting establishments licensed under this  
14 chapter; provided, however, that there is a functioning  
15 local board of health and that the local board of health,  
16 local health officers, and sanitarians assist in the  
17 enforcement of the provisions of this chapter and the rules  
18 adopted under it.

19 (2) The funds received by the local board of health  
20 shall be deposited with the appropriate local fiscal  
21 authority and shall be in addition to the funds appropriated  
22 under 50-2-108 through 50-2-114."

23 SECTION 6. SECTION 50-51-303, MCA, IS AMENDED TO READ:

24 "50-51-303. Department to pay local board for  
25 inspections. (1) Before June 30 of each year, the department

1 shall pay to a local board of health, as established under  
2 50-2-104, 50-2-106, or 50-2-107, an amount from ~~any general~~  
3 ~~fund--appropriation--to--the--department~~ the local board  
4 inspection fund created by [section 4] which is for the  
5 purpose of inspecting establishments licensed under this  
6 chapter; provided, however, that there is a functioning  
7 local board of health and the local board of health, local  
8 health officers, and sanitarians assist in the enforcement  
9 of the provisions of this chapter and the rules adopted  
10 under it.

11 (2) The funds received by the local board of health  
12 shall be deposited with the appropriate local fiscal  
13 authority and shall be in addition to the funds appropriated  
14 under 50-2-108 through 50-2-114."

15 SECTION 7. SECTION 50-52-302, MCA, IS AMENDED TO READ:

16 "50-52-302. Department to pay local board for  
17 inspection. (1) Before June 30 of each year, the department  
18 shall pay to a local board of health, as established under  
19 50-2-104, 50-2-106, or 50-2-107, an amount from ~~any general~~  
20 ~~fund--appropriation--to--the--department~~ the local board  
21 inspection fund created by [section 4] which is for the  
22 purpose of inspecting establishments licensed under this  
23 chapter; provided, however, that there is a functioning  
24 local board of health and that the local board of health,  
25 local health officers, and sanitarians assist in the

1 enforcement of the provisions of this chapter and the rules  
2 adopted under it.

3 (2) The funds received by the local board of health  
4 shall be deposited with the appropriate local fiscal  
5 authority and shall be in addition to the funds appropriated  
6 under 50-2-108 through 50-2-114."

7 SECTION 8. CODIFICATION INSTRUCTION. SECTION 4 IS  
8 INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 50.  
9 CHAPTER 2.

-End-