INTRODUCED BY HARPER HB 243 STATUTORY APPROPRIATION OF PART OF LICENSE FEES FOR LOCAL HEALTH INSPECTIONS BY REQUEST OF DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES 1/16 INTRODUCED 1/16 REFERRED TO APPROPRIATIONS 1/16 FISCAL NOTE REQUESTED 1/19 FISCAL NOTE RECEIVED 2/17 HEARING 3/04 HEARING 3/18 COMMITTEE REPORT--BILL PASSED 91 3/20 2ND READING PASSED 8 3/21 3RD READING PASSED 87 7 TRANSMITTED TO SENATE 3/23 REFERRED TO FINANCE & CLAIMS 3/31 HEARING 4/02 ADVERSE COMMITTEE REPORT ADOPTED 2 44 4/02 RETURNED TO HOUSE NOT CONCURRED

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1	House BILL NO. 343	1	listed in subsection (3).
2	INTRODUCED BY	. 2	(b) The law or portion of the law making a statutory
3	BY REQUEST OF THE DEPARTMENT OF HEALTH	3	appropriation must specifically state that a statutory
4	AND ENVIRONMENTAL SCIENCES	4	appropriation is made as provided in this section.
5		5	(3) The following laws are the only laws containing
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO STATUTORILY	6	statutory appropriations:
7	APPROPRIATE THE REVENUES RECEIVED FROM A PORTION OF CERTAIN	7	(a) 2-9-202;
8	LICENSE FEES TO PAY LOCAL BOARDS OF HEALTH FOR INSPECTIONS	8	(b) 2-17-105;
9	OF FOOD ESTABLISHMENTS LICENSED PURSUANT TO TITLE 50,	9	(c) 2-18-812;
10	CHAPTER 50, AND INSPECTIONS OF ACCOMMODATIONS AND CAMPING	10	(d) 10-3-203;
11	FACILITIES LICENSED PURSUANT TO TITLE 50, CHAPTERS 51 AND	11	(e) 10-3-312;
12	52; AMENDING SECTIONS 17-7-502, 50-50-205, 50-51-204, AND	12	(f) 10-3-314;
13	50-52-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	13	(g) 10-4-301;
14		14	(h) 13-37-304;
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	(i) 15-31-702;
16	Section 1. Section 17-7-502, MCA, is amended to read:	16	(j) 15-36-112;
17	"17-7-502. Statutory appropriations definition	17	(k) 15-70-101;
18	requisites for validity. (1) A statutory appropriation is an	18	(1) 16-1-404;
19	appropriation made by permanent law that authorizes spending	19	(m) 16-1-410;
20	by a state agency without the need for a biennial	20	(n) 16-1-411;
21	legislative appropriation or budget amendment.	21	(o) 17-3-212;
22	(2) Except as provided in subsection (4), to be	22	(p) 17-5-404;
23	effective, a statutory appropriation must comply with both	23	(q) 17-5-424;
24	of the following provisions:	24	(r) 17-5-804;
25	(a) The law containing the statutory authority must be	25	(s) 19-8-504;

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-2- INTRODUCED BILL HB-243

1 tpp)(ss) Sec. 13, HB 861, L. 1985.

2 (4) There is a statutory appropriation to pay the 3 principal, interest, premiums, and costs of issuing, paying, 4 and securing all bonds, notes, or other obligations, as due, 5 that have been authorized and issued pursuant to the laws of 6 Montana. Agencies that have entered into agreements 7 authorized by the laws of Montana to pay the state 8 treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount 9 10 sufficient to pay the principal and interest as due on the 11 bonds or notes have statutory appropriation authority for 1.2 such payments."

13 Section 2. Section 50-50-205, MCA, is amended to read: 14 "50-50-205. License fee. (1) For each license issued, 15 the department shall collect a fee of \$30. It shall deposit 16 85% of the fees collected in the state special revenue fund 17 to the credit of the local board inspection fund account 18 created by 50-2-108(2) and the balance of the fees in the 19 state general fund.

20 (2) The fees deposited in the state special revenue 21 fund to the credit of the local board inspection fund 22 account are statutorily appropriated, as provided in 23 17-7-502, for allocation to local boards of health as 24 required by 50-50-305." 25 Section 3. Section 50-51-204, MCA, is amended to read:

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9 (bb) 19-12-301; 10 (cc) 19-13-604;

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11 (dd) 20-6-406;

(t) 19-9-702;

(u) 19-9-1007;

(v) 19-10-205;

(w) 19-10-305;

(x) 19-10-506;

(y) 19-11-512;

(z) 19-11-513;

(aa) 19-11-606;

12 (ee) 20-8-111;

13 (ff) 23-5-612;

14 (gg) 37-51-501;

15 (hh) 50-50-205;

16 (ii) 50-51-204;

17 (jj) 50-52-202;

18 thh; (kk) 53-24-206;

19 tiit(11) 75-1-1101;

20 tjj)(mm) 75-7-305;

21 tkk;(nn) 80-2-103;

22 f111(00) 80-2-228;

23 tmm + (pp) 90-3-301;

24 tnn)(qq) 90-3-302;

too)(rr) 90-15-103; and

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1 "50-51-204. License fee. (1) There shall be paid to 2 the department with each application for such license or for 3 renewal of such license an annual license fee of \$30. The 4 department shall deposit 85% of the fees collected in the 5 state special revenue fund to the credit of the local board 6 inspection fund account created by 50-2-108(2) and the 7 balance of the fees in the general fund.

8 (2) The fees deposited in the state special revenue 9 fund to the credit of the local board inspection fund 10 account are statutorily appropriated, as provided in 11 17-7-502, for allocation to local boards of health as 12 required by 50-51-303."

13 Section 4. Section 50-52-202, MCA, is amended to read:
14 "50-52-202. License fee. (1) Each application shall be
15 accompanied by a fee of \$30.

16 (2) The department shall deposit 85% of the fees
17 collected in the state special revenue fund to the credit of
18 the local board inspection fund account created by
19 50-2-108(2) and the balance of the fees in the state general
20 fund.

21 (3) The fees deposited in the state special revenue 22 fund to the credit of the local board inspection fund 23 account are statutorily appropriated, as provided in 24 <u>17-7-502</u>, for allocation to local boards of health as 25 required by 50-52-302." <u>NEW SECTION.</u> Section 5. Effective date. This act is
 effective on passage and approval.

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3 <u>NEW SECTION.</u> Section 6. Extension of authority. Any 4 existing authority of the department of health and 5 environmental sciences to make rules on the subject of the 6 provisions of this act is extended to the provisions of this 7 act.

-End-

## STATE OF MONTANA - FISCAL NOTE Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB243, as introduced.

## DESCRIPTION OF PROPOSED LEGISLATION:

An act to statutorily appropriate the revenues received from a portion of certain license fees to pay local boards of health for inspections of food establishments licensed pursuant to Title 50, Chapter 50, and inspections of accommodations and camping facilities licensed pursuant to Title 50, Chapters 51 and 52; amending sections 17-7-502, 50-50-205, 50-51-204, and 50-52-202, MCA; and providing an immediate effective date.

### **ASSUMPTIONS:**

N/A

## FISCAL IMPACT:

There is no fiscal impact of the proposed law, as it merely provides a statutory appropriation for funds allocated by statute to local boards of health.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES: N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION: N/A

HUNTER, BUDGET DIRECTOR Office of Budget and Program Planning

DATE HAL HARPER. PRIMARY SPONSOR.

Fiscal Note for HB243, as introduced.

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# APPROVED BY COMMITTEE ON APPROPRIATIONS

1	House BILL NO. 243	1	listed in subsection	'n
2	INTRODUCED BY	2	(b) The law	•
3	BY REQUEST OF THE DEPARTMENT OF HEALTH	3	appropriation must	:
4	AND ENVIRONMENTAL SCIENCES	4	appropriation is ma	đ
5		5	(3) The foll	.01
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO STATUTORILY	6	statutory appropria	it.
7	APPROPRIATE THE REVENUES RECEIVED FROM A PORTION OF CERTAIN	7	(a) 2-9-202;	
		8	(b) 2-17-105;	
8	LICENSE FEES TO PAY LOCAL BOARDS OF HEALTH FOR INSPECTIONS	9	(c) 2-18-812;	
9	OF FOOD ESTABLISHMENTS LICENSED PURSUANT TO TITLE 50,	10	(d) 10-3-203;	
10	CHAPTER 50, AND INSPECTIONS OF ACCOMMODATIONS AND CAMPING	11	(e) 10-3-312;	
11	FACILITIES LICENSED PURSUANT TO TITLE 50, CHAPTERS 51 AND	12	(f) 10-3-314;	
12	52; AMENDING SECTIONS 17-7-502, 50-50-205, 50-51-204, AND	13	(g) 10-4-301;	
13	50-52-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	14	(h) 13-37-304	:
14		15	(1) 15-31-702	Ċ
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	16	(1) 15-36-112	
16	Section 1. Section 17-7-502, MCA, is amended to read:	17	(k) 15-70-101	·
17	"17-7-502. Statutory appropriations definition	18	(1) 16-1-404;	
18	requisites for validity. (1) A statutory appropriation is an	19		
19	appropriation made by permanent law that authorizes spending		(m) 16-1-410;	
20	by a state agency without the need for a biennial	20	(n) 16-1-411;	
21	legislative appropriation or budget amendment.	21	(o) 17-3-212;	
22	(2) Except as provided in subsection (4), to be	22	(p) 17-5-404;	
23	effective, a statutory appropriation must comply with both	23	(q) 17-5-424;	
24	of the following provisions:	24	(r) 17-5-804;	
25	(a) The law containing the statutory authority must be	25	(s) 19-8-504;	

(3).

or portion of the law making a statutory specifically state that a statutory e as provided in this section.

wing laws are the only laws containing ions:

	-	
7	(a)	2-9-202;
8	(b)	2-17-105;
9	(c)	2-18-812;
L0	(d)	10-3-203;
1	(e)	10-3-312;
2	(f)	10-3-314;
.3	(g)	10-4-301;
4	(h)	13-37-304;
.5	(i)	15-31-702;
.6	(İ)	15-36-112;
.7	(k)	15-70-101;
.8	(1)	16-1-404;
.9	(m)	16-1-410;
!0	(11)	16-1-411;
21	(0)	17 <b>-3</b> -212;
2	(p)	17-5-404;
3	(q)	17-5-424;
	1 1	17 5 004



-2- SECOND READING HB·243

1	(t) 19-9-702;	l <u>tpp;(ss)</u> Sec. 13, HB 861, L. 1985.
2	(u) 19-9-1007;	2 (4) There is a statutory appropriation to pay the
3	(v) 19-10-205;	3 principal, interest, premiums, and costs of issuing, paying,
4	(w) 19-10-305;	4 and securing all bonds, notes, or other obligations, as due,
5	(x) 19-10-506;	5 that have been authorized and issued pursuant to the laws of
6	(y) 19-11-512;	6 Montana. Agencies that have entered into agreements
7	(z) 19-11-513;	7 authorized by the laws of Montana to pay the state
8	(aa) 19-11-606;	8 treasurer, for deposit in accordance with 17-2-101 through
9	(bb) 19-12-301;	9 17-2-107, as determined by the state treasurer, an amount
10	(cc) 19-13-604;	10 sufficient to pay the principal and interest as due on the
11	(dd) 20-6-406;	11 bonds or notes have statutory appropriation authority for
12	(ee) 20-8-111.;	12 such payments."
13	(ff) 23-5-612;	13 Section 2. Section 50-50-205, MCA, is amended to read:
14	(gg) 37-51-501;	14 "50-50-205. License fee. (1) For each license issued,
15	<u>(hh) 50-50-205;</u>	15 the department shall collect a fee of \$30. It shall deposit
16	<u>(ii) 50-51-204;</u>	16 85% of the fees collected in the state special revenue fund
17	(jj) 50-52-202;	17 to the credit of the local board inspection fund account
18	thht <u>(kk)</u> 53-24-206;	18 created by 50-2-108(2) and the balance of the fees in the
19	<del>(iii)</del> 75-1-1101;	19 state general fund.
20	<del>(jj)(mm)</del> 75-7-305;	20 (2) The fees deposited in the state special revenue
21	(kk)(nn) 80-2-103;	21 fund to the credit of the local board inspection fund
22	<u> </u>	22 account are statutorily appropriated, as provided in
23	<pre>tmm†(pp) 90-3-301;</pre>	23 17-7-502, for allocation to local boards of health as
24	tnnt <u>(qq)</u> 90-3-302;	24 required by 50-50-305."
25	toot(rr) 90-15-103; and	25 Section 3. Section 50-51-204, MCA, is amended to read:

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1 "50-51-204. License fee. (1) There shall be paid to 2 the department with each application for such license or for 3 renewal of such license an annual license fee of \$30. The 4 department shall deposit 85% of the fees collected in the 5 state special revenue fund to the credit of the local board 6 inspection fund account created by 50-2-108(2) and the 7 balance of the fees in the general fund.

8 (2) The fees deposited in the state special revenue 9 fund to the credit of the local board inspection fund 10 account are statutorily appropriated, as provided in 11 <u>17-7-502</u>, for allocation to local boards of health as 12 required by 50-51-303."

 Section 4. Section 50-52-202, MCA, is amended to read:
 "50-52-202. License fee. (1) Each application shall be accompanied by a fee of \$30.

16 (2) The department shall deposit 85% of the fees 17 collected in the state special revenue fund to the credit of 18 the local board inspection fund account created by 19 50-2-108(2) and the balance of the fees in the state general 20 fund.

21 (3) The fees deposited in the state special revenue 22 fund to the credit of the local board inspection fund 23 account are statutorily appropriated, as provided in 24 17- 502, for allocation to local boards of health as 25 required by 50-52-302." <u>NEW SECTION.</u> Section 5. Effective date. This act is
 effective on passage and approval.

3 <u>NEW SECTION.</u> Section 6. Extension of authority. Any 4 existing authority of the department of health and 5 environmental sciences to make rules on the subject of the 6 provisions of this act is extended to the provisions of this 7 act.

-End-

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House BILL NO. 243 1 1 Jane INTRODUCED BY 2 2 BY REQUEST OF THE DEPARTMENT OF HEALTH 3 3 AND ENVIRONMENTAL SCIENCES 4 4 5 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO STATUTORILY 6 6 APPROPRIATE THE REVENUES RECEIVED FROM A PORTION OF CERTAIN 7 7 R LICENSE FEES TO PAY LOCAL BOARDS OF HEALTH FOR INSPECTIONS 8 9 OF FOOD ESTABLISHMENTS LICENSED PURSUANT TO TITLE 50. 9 10 CHAPTER 50, AND INSPECTIONS OF ACCOMMODATIONS AND CAMPING 10 FACILITIES LICENSED PURSUANT TO TITLE 50, CHAPTERS 51 AND 11 11 52; AMENDING SECTIONS 17-7-502, 50-50-205, 50-51-204, AND 12 12 13 50-52-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 13 14 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 15 Section 1. Section 17-7-502, MCA, is amended to read: 16 16 17 "17-7-502. Statutory appropriations -- definition --17 requisites for validity. (1) A statutory appropriation is an 18 18 19 appropriation made by permanent law that authorizes spending 19 by a state agency without the need for a biennial 20 20 legislative appropriation or budget amendment. 21 21 (2) Except as provided in subsection (4), to be 22 22 »ffective, a statutory appropriation must comply with both 23 23 24 of the following provisions: 24 (a) The law containing the statutory authority must be 25 25

listed in subsection (3). (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section. (3) The following laws are the only laws containing statutory appropriations: (a) 2-9-202; (b) 2-17-105; (c) 2-18-812; (d) 10-3-203; (e) 10-3-312; (f) 10-3-314; (q) 10-4-301; (h) 13-37-304; (i) 15-31-702; (i) 15-36-112; (k) 15-70-101; (1) 16-1-404; (m) 16-1-410: (n) 16-1-411; (o) 17-3-212: (p) 17-5-404; (q) 17-5-424;

(r) 17-5-804;

(s) 19-8-504;

ontana Legislative Council

-2- THIRD READING HB-243

1	(t) 19-9-702;	1	(pp)(ss) Sec. 13, HB 861, L. 1985.
2	(u) 19-9-1007;	2	(4) There is a statutory appropriation to pay the
3	(v) 19-10-205;	3	principal, interest, premiums, and costs of issuing, paying,
4	(w) 19-10-305;	4	and securing all bonds, notes, or other obligations, as due,
5	(x) 19-10-506;	5	that have been authorized and issued pursuant to the laws of
6	(y) 19-11-512;	6	Montana. Agencies that have entered into agreements
7	(z) 19-11-513;	7	authorized by the laws of Montana to pay the state
8	(aa) 19-11-606;	8	treasurer, for deposit in accordance with 17-2-101 through
9	(bb) 19-12-301;	9	17-2-107, as determined by the state treasurer, an amount
10	(cc) 19-13-604;	10	sufficient to pay the principal and interest as due on the
i1	(dd) 20-6-406;	11	bonds or notes have statutory appropriation authority for
12	(ee) 20-8-111;	12	such payments."
13	(ff) 23-5-612;	13	Section 2. Section 50-50-205, MCA, is amended to read:
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15	<u>(hh) 50-50-205;</u>	15	the department shall collect a fee of \$30. It shall deposit
16	<u>(ii) 50-51-204;</u>	16	85% of the fees collected in the state special revenue fund
17	(jj) 50-52-202;	17	to the credit of the local board inspection fund account
18	thh <u>}(kk)</u> 53-24-206;	18	created by 50-2-108(2) and the balance of the fees in the
19	<del>(±±)<u>(11)</u> 75-1-1101;</del>	19	state general fund.
20	tjj} <u>(mm)</u> 75-7-305;	20	(2) The fees deposited in the state special revenue
21	tkkj <u>(nn)</u> 80-2-103;	21	fund to the credit of the local board inspection fund
22	<del>(11)</del> 80-2-228;	22	account are statutorily appropriated, as provided in
23	<pre>fmm + (pp) 90-3-301;</pre>	23	17-7-502, for allocation to local boards of health as
24	tnnt <u>(qq)</u> 90-3-302;	24	required by 50-50-305."
25	toot(rr) 90-15-103; and	25	Section 3. Section 50-51-204, MCA, is amended to read:

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1 "50-51-204. License fee. (1) There shall be paid to 2 the department with each application for such license or for 3 renewal of such license an annual license fee of \$30. The 4 department shall deposit 85% of the fees collected in the 5 state special revenue fund to the credit of the local board 6 inspection fund account created by 50-2-108(2) and the 5 balance of the fees in the general fund.

8 (2) The fees deposited in the state special revenue 9 fund to the credit of the local board inspection fund 10 account are statutorily appropriated, as provided in 11 <u>17-7-502</u>, for allocation to local boards of health as 12 required by 50-51-303."

13 Section 4. Section 50-52-202, MCA, is amended to read:
14 "50-52-202. License fee. (1) Each application shall be
15 accompanied by a fee of \$30.

16 (2) The department shall deposit 85% of the fees
17 collected in the state special revenue fund to the credit of
18 the local board inspection fund account created by
19 50-2-108(2) and the balance of the fees in the state general
20 fund.

21 (3) The fees deposited in the state special revenue 22 fund to the credit of the local board inspection fund 23 eccount are statutorily appropriated, as provided in 24 17-7-502, for allocation to local boards of health as 25 required by 50-52-302." <u>NEW SECTION.</u> Section 5. Effective date. This act is
 effective on passage and approval.
 <u>NEW SECTION.</u> Section 6. Extension of authority. Any

3 <u>NEW SECTION.</u> Section 6. Extension of authority. Any 4 existing authority of the department of health and 5 environmental sciences to make rules on the subject of the 6 provisions of this act is extended to the provisions of this 7 act.

-End-

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