

HB 243 INTRODUCED BY HARPER
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		
3/20	2ND READING PASSED	91	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	44	2
4/02	RETURNED TO HOUSE NOT CONCURRED		

1 House BILL NO. 243
 2 INTRODUCED BY [Signature]
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH
 4 AND ENVIRONMENTAL SCIENCES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO STATUTORILY
 7 APPROPRIATE THE REVENUES RECEIVED FROM A PORTION OF CERTAIN
 8 LICENSE FEES TO PAY LOCAL BOARDS OF HEALTH FOR INSPECTIONS
 9 OF FOOD ESTABLISHMENTS LICENSED PURSUANT TO TITLE 50,
 10 CHAPTER 50, AND INSPECTIONS OF ACCOMMODATIONS AND CAMPING
 11 FACILITIES LICENSED PURSUANT TO TITLE 50, CHAPTERS 51 AND
 12 52; AMENDING SECTIONS 17-7-502, 50-50-205, 50-51-204, AND
 13 50-52-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 14

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

16 Section 1. Section 17-7-502, MCA, is amended to read:

17 "17-7-502. Statutory appropriations -- definition --
 18 requisites for validity. (1) A statutory appropriation is an
 19 appropriation made by permanent law that authorizes spending
 20 by a state agency without the need for a biennial
 21 legislative appropriation or budget amendment.

22 (2) Except as provided in subsection (4), to be
 23 effective, a statutory appropriation must comply with both
 24 of the following provisions:

25 (a) The law containing the statutory authority must be

1 listed in subsection (3).

2 (b) The law or portion of the law making a statutory
 3 appropriation must specifically state that a statutory
 4 appropriation is made as provided in this section.

5 (3) The following laws are the only laws containing
 6 statutory appropriations:

- 7 (a) 2-9-202;
- 8 (b) 2-17-105;
- 9 (c) 2-18-812;
- 10 (d) 10-3-203;
- 11 (e) 10-3-312;
- 12 (f) 10-3-314;
- 13 (g) 10-4-301;
- 14 (h) 13-37-304;
- 15 (i) 15-31-702;
- 16 (j) 15-36-112;
- 17 (k) 15-70-101;
- 18 (l) 16-1-404;
- 19 (m) 16-1-410;
- 20 (n) 16-1-411;
- 21 (o) 17-3-212;
- 22 (p) 17-5-404;
- 23 (q) 17-5-424;
- 24 (r) 17-5-804;
- 25 (s) 19-8-504;



-2- INTRODUCED BILL
 HB-243

1 (t) 19-9-702;
 2 (u) 19-9-1007;
 3 (v) 19-10-205;
 4 (w) 19-10-305;
 5 (x) 19-10-506;
 6 (y) 19-11-512;
 7 (z) 19-11-513;
 8 (aa) 19-11-606;
 9 (bb) 19-12-301;
 10 (cc) 19-13-604;
 11 (dd) 20-6-406;
 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 ~~(hh)~~(kk) 53-24-206;
 19 ~~(ii)~~(ll) 75-1-1101;
 20 ~~(jj)~~(mm) 75-7-305;
 21 ~~(kk)~~(nn) 80-2-103;
 22 ~~(ll)~~(oo) 80-2-228;
 23 ~~(mm)~~(pp) 90-3-301;
 24 ~~(nn)~~(qq) 90-3-302;
 25 ~~(oo)~~(rr) 90-15-103; and

1 ~~(pp)~~(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
 9 17-2-107, as determined by the state treasurer, an amount
 10 sufficient to pay the principal and interest as due on the
 11 bonds or notes have statutory appropriation authority for
 12 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:

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 17-7-502, for allocation to local boards of health as
 25 required by 50-52-302."

1 NEW SECTION. Section 5. Effective date. This act is
 2 effective on passage and approval.

3 NEW SECTION. 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

David L. Hunter DATE 1/19/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Hal Harper DATE 1/17/87
HAL HARPER, PRIMARY SPONSOR

Fiscal Note for HB243, as introduced.

HB-243

APPROVED BY COMMITTEE
ON APPROPRIATIONS

1 House BILL NO. 243
2 INTRODUCED BY Hayes
3 BY REQUEST OF THE DEPARTMENT OF HEALTH
4 AND ENVIRONMENTAL SCIENCES
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18 requisites for validity. (1) A statutory appropriation is an
19 appropriation made by permanent law that authorizes spending
20 by a state agency without the need for a biennial
21 legislative appropriation or budget amendment.

22 (2) Except as provided in subsection (4), to be
23 effective, a statutory appropriation must comply with both
24 of the following provisions:

25 (a) The law containing the statutory authority must be

- 1 listed in subsection (3).
- 2 (b) The law or portion of the law making a statutory
- 3 appropriation must specifically state that a statutory
- 4 appropriation is made as provided in this section.
- 5 (3) The following laws are the only laws containing
- 6 statutory appropriations:
- 7 (a) 2-9-202;
- 8 (b) 2-17-105;
- 9 (c) 2-18-812;
- 10 (d) 10-3-203;
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- 22 (p) 17-5-404;
- 23 (q) 17-5-424;
- 24 (r) 17-5-804;
- 25 (s) 19-8-504;



-2- SECOND READING
HB-243

1 (t) 19-9-702;
 2 (u) 19-9-1007;
 3 (v) 19-10-205;
 4 (w) 19-10-305;
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1 ~~(pp)~~(ss) Sec. 13, HB 861, L. 1985.
 2 (4) There is a statutory appropriation to pay the
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 6 Montana. Agencies that have entered into agreements
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 9 17-2-107, as determined by the state treasurer, an amount
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 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
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 25 Section 3. Section 50-51-204, MCA, is amended to read:

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 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."

1 NEW SECTION. Section 5. Effective date. This act is
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 24 required by 50-50-305."

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13 Section 4. Section 50-52-202, MCA, is amended to read:
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1 NEW SECTION. Section 5. Effective date. This act is
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 5 environmental sciences to make rules on the subject of the
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 7 act.

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