

SENATE BILL NO. 323

INTRODUCED BY VAUGHN

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE SENATE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
FEBRUARY 13, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 14, 1989	PRINTING REPORT.
FEBRUARY 15, 1989	SECOND READING, DO PASS.
FEBRUARY 16, 1989	ENGROSSING REPORT.
FEBRUARY 17, 1989	THIRD READING, PASSED. AYES, 41; NOES, 9.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
FEBRUARY 20, 1989	FIRST READING.
MARCH 7, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 9, 1989	SECOND READING, CONCURRED IN.
MARCH 10, 1989	THIRD READING, CONCURRED IN. AYES, 74; NOES, 15.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 10, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 323  
2 INTRODUCED BY Chang  
3 BY REQUEST OF THE DEPARTMENT OF HEALTH  
4 AND ENVIRONMENTAL SCIENCES  
5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
7 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ASSESS A  
8 LATE FEE FOR DELINQUENT LICENSE RENEWALS FOR FOOD  
9 ESTABLISHMENTS, HOTELS, MOTELS, TOURIST HOMES, RETIREMENT  
10 HOMES, ROOMINGHOUSES, CAMPGROUNDS, TRAILER COURTS, WORK  
11 CAMPS, AND YOUTH CAMPS; AMENDING SECTIONS 50-50-205,  
12 50-51-204, AND 50-52-202, MCA; PROVIDING A COORDINATION  
13 INSTRUCTION; AND PROVIDING AN EFFECTIVE DATE."  
14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
16 **Section 1.** Section 50-50-205, MCA, is amended to read:  
17 "50-50-205. License fee -- late fee. (1) For each  
18 license issued, the department shall collect a fee of \$30.  
19 It shall deposit 85% of the fees collected in the state  
20 special revenue fund to the credit of the local board  
21 inspection fund account created by 50-2-108(2) and the  
22 balance of the fees in the state general fund.  
23 (2) In addition to the license fee required under  
24 subsection (1), the department shall collect a late fee from  
25 any licensee who has failed to submit a license renewal fee

1 prior to the expiration of his current license and who  
2 operates an establishment governed by this part in the next  
3 licensing year. The late fee [is \$25 and] must be deposited  
4 in the state general fund."  
5

6 **Section 2.** Section 50-51-204, MCA, is amended to read:  
7 "50-51-204. License fee -- late fee. (1) There shall  
8 be paid to the department with each application for such  
9 license or for renewal of such license an annual license fee  
10 of \$30. The department shall deposit 85% of the fees  
11 collected in the state special revenue fund to the credit of  
12 the local board inspection fund account created by  
13 50-2-108(2) and the balance of the fees in the general fund.  
14 (2) In addition to the license fee required under  
15 subsection (1), the department shall collect a late fee from  
16 any licensee who has failed to submit a license renewal fee  
17 prior to the expiration of his current license and who  
18 operates an establishment governed by this part in the next  
19 licensing year. The late fee [is \$25 and] must be deposited  
20 in the state general fund."  
21

22 **Section 3.** Section 50-52-202, MCA, is amended to read:  
23 "50-52-202. License fee -- late fee. (1) Each  
24 application shall be accompanied by a fee of \$30.  
25 (2) The department shall deposit 85% of the fees  
collected in the state special revenue fund to the credit of  
the local board inspection fund account created by

50-2-108(2) and the balance of the fees in the state general fund.

(3) In addition to the license fee required under subsection (1), the department shall collect a late fee from any licensee who has failed to submit a license renewal fee prior to the expiration of his current license and who operates an establishment governed by this part in the next licensing year. The late fee [is \$25 and] must be deposited in the state general fund."

**NEW SECTION. Section 4.** Coordination instruction. If House Bill No. 343 [LC 1120] is passed and approved and if it amends 50-5-205, 50-51-204, or 50-52-202 to allow the license fee to exceed \$50, in each section of [this act] that amends a section amended by House Bill No. 343 [LC 1120], the language in the affected sections of [this act] in brackets is void and is replaced by the following language: "must be an amount equal to one-half of the fee required in subsection (1) or \$25, whichever is greater. The late fee".

**NEW SECTION. Section 5.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

**NEW SECTION. Section 6.** Effective date. [This act] is effective July 1, 1989.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB323, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act entitled: "An act to require the Department of Health and Environmental Sciences to assess a late fee for delinquent license renewals for food establishments, hotels, motels, tourist homes, retirement homes, rooming houses; campgrounds, trailer courts, work camps, and youth camps; amending Sections 50-50-205, 50-51-204, and 50-52-202, MCA; providing a coordination instruction; and providing an effective date."

ASSUMPTIONS:

It is assumed that after appropriate early warning most of the current 1200-1700 late renewals would decline to approximately 180 during FY90. It is assumed that the number of delinquents would further decline during FY91 to about 75 and would remain at about that level into the future.

FISCAL IMPACT:

	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed Law	Difference
<u>Expenditures:</u>	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<u>Revenues:</u>	\$ -0-	\$ 4,500	\$ 4,500	\$ -0-	\$ 1,875	\$ 1,875
<u>Net Effect:</u>	\$ -0-	\$ 4,500	\$ 4,500	\$ -0-	\$ 1,875	\$ 1,875

Fund Impact: All late renewal fees are deposited into the general fund.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local health authorities should be able to reduce their operational expenses devoted to assisting with the license delinquency program. No actual dollar value is available.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

If the late renewal fee results in the significant reduction in the number of late renewals, a corresponding reduction in the expenditures devoted to this problem should occur.

Ray Shackelford 2/8/89  
RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
OFFICE OF BUDGET AND PROGRAM PLANNING

Eleanor L. Vaughn 2/8/89  
ELEANOR L. VAUGHN, PRIMARY SPONSOR DATE

Fiscal Note for SB323, as introduced

**SB 323**

APPROVED BY COMMITTEE  
ON PUBLIC HEALTH, WELFARE  
& SAFETY

SENATE BILL NO. 323

INTRODUCED BY VAUGHN

BY REQUEST OF THE DEPARTMENT OF HEALTH

AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ASSESS A  
LATE FEE FOR DELINQUENT LICENSE RENEWALS FOR FOOD  
ESTABLISHMENTS, HOTELS, MOTELS, TOURIST HOMES, RETIREMENT  
HOMES, ROOMINGHOUSES, CAMPGROUNDS, TRAILER COURTS, WORK  
CAMPS, AND YOUTH CAMPS; AMENDING SECTIONS 50-50-205,  
50-51-204, AND 50-52-202, MCA; AND PROVIDING A COORDINATION  
INSTRUCTION; ~~AND PROVIDING AN EFFECTIVE DATE.~~"

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

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

"50-50-205. License fee -- late fee. (1) For each  
license issued, the department shall collect a fee of \$30.  
It shall deposit 85% of the fees collected in the state  
special revenue fund to the credit of the local board  
inspection fund account created by 50-2-108(2) and the  
balance of the fees in the state general fund.

(2) In addition to the license fee required under  
subsection (1), the department shall collect a late fee from  
any licensee who has failed to submit a license renewal fee

prior to the expiration of his current license and who  
operates an establishment governed by this part in the next  
licensing year. The late fee [is \$25 and] must be deposited  
in the state general fund."

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

"50-51-204. License fee -- late fee. (1) There shall  
be paid to the department with each application for such  
license or for renewal of such license an annual license fee  
of \$30. The department shall deposit 85% of the fees  
collected in the state special revenue fund to the credit of  
the local board inspection fund account created by  
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operates an establishment governed by this part in the next  
licensing year. The late fee [is \$25 and] must be deposited  
in the state general fund."

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

"50-52-202. License fee -- late fee. (1) Each  
application shall be accompanied by a fee of \$30.

(2) The department shall deposit 85% of the fees  
collected in the state special revenue fund to the credit of  
the local board inspection fund account created by

1 50-2-108(2) and the balance of the fees in the state general  
2 fund.

3 (3) In addition to the license fee required under  
4 subsection (1), the department shall collect a late fee from  
5 any licensee who has failed to submit a license renewal fee  
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7 operates an establishment governed by this part in the next  
8 licensing year. The late fee [is \$25 and] must be deposited  
9 in the state general fund."

10 NEW SECTION. Section 4. Coordination instruction. If  
11 House Bill No. 343 [LC 1120] is passed and approved and if  
12 it amends 50-5-205, 50-51-204, or 50-52-202 to allow the  
13 license fee to exceed \$50, in each section of [this act]  
14 that amends a section amended by House Bill No. 343 [LC  
15 1120], the language in the affected sections of [this act]  
16 in brackets is void and is replaced by the following  
17 language: "must be an amount equal to one-half of the fee  
18 required in subsection (1) or \$25, whichever is greater. The  
19 late fee".

20 NEW SECTION. Section 5. Extension of authority. Any  
21 existing authority to make rules on the subject of the  
22 provisions of [this act] is extended to the provisions of  
23 [this act].

24 ~~NEW SECTION. Section 6. Effective date. [This act] is~~  
25 ~~effective July 17, 1989.~~

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ASSESS A LATE FEE FOR DELINQUENT LICENSE RENEWALS FOR FOOD ESTABLISHMENTS, HOTELS, MOTELS, TOURIST HOMES, RETIREMENT HOMES, ROOMINGHOUSES, CAMPGROUNDS, TRAILER COURTS, WORK CAMPS, AND YOUTH CAMPS; AMENDING SECTIONS 50-50-205, 50-51-204, AND 50-52-202, MCA; AND PROVIDING A COORDINATION INSTRUCTION;--AND-PROVIDING-AN-EFFECTIVE-DATE."

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prior to the expiration of his current license and who operates an establishment governed by this part in the next licensing year. The late fee (is \$25 and) must be deposited in the state general fund."

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

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

(2) In addition to the license fee required under subsection (1), the department shall collect a late fee from any licensee who has failed to submit a license renewal fee prior to the expiration of his current license and who operates an establishment governed by this part in the next licensing year. The late fee (is \$25 and) must be deposited in the state general fund."

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

"50-52-202. License fee -- late fee. (1) Each application shall be accompanied by a fee of \$30.

(2) The department shall deposit 85% of the fees collected in the state special revenue fund to the credit of the local board inspection fund account created by



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1 50-2-108(2) and the balance of the fees in the state general  
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20 Section 3. Section 50-52-202, MCA, is amended to read:

21 "50-52-202. License fee -- late fee. (1) Each  
22 application shall be accompanied by a fee of \$30.

23 (2) The department shall deposit 85% of the fees  
24 collected in the state special revenue fund to the credit of  
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15 No. 343 [LC 1120], the language in the affected sections of  
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-End-

-3-