

House BILL NO. 573

INTRODUCED BY Cobb

BY REQUEST OF THE HUMAN SERVICES SUBCOMMITTEE OF HOUSE APPROPRIATIONS

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING TOURIST HOMES THAT RENT OR LEASE ACCOMMODATIONS FOR 30 DAYS OR FEWER A YEAR FROM LICENSURE; AMENDING SECTION 50-51-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 50-51-102, MCA, is amended to read:

**"50-51-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

~~(1)~~ "Board" means the board of health and environmental sciences.

~~(2)~~ "Commercial establishment" means an establishment operated primarily for profit.

~~(3)~~(1) "Department" means the department of health and environmental sciences.

~~(4)~~(2) "Establishment" means a hotel, motel, roominghouse, boardinghouse, retirement home, or tourist home.

~~(5)~~(3) "Hotel" or "motel" includes a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodginghouse, or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

~~(6)~~(4) "Person" includes an individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaged in the business of operating, owning, or offering the services of a hotel, motel, boardinghouse, tourist home, retirement home, or roominghouse.

~~(7)~~(5) "Roominghouse", "boardinghouse", or "retirement home" means buildings in which separate sleeping rooms are rented providing sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services provided by the facility.

~~(8)~~(6) "Tourist home" means an establishment or premises where sleeping accommodations are

1 furnished for more than 30 days a year to transient guests for hire or rent on a daily or weekly rental basis  
2 in a private home when the accommodations are offered for hire or rent for the use of the ~~traveling public~~  
3 transient guests.

4 ~~(9)(7)~~ "Transient guest" means a guest for only a brief stay, such as the traveling public."  
5

6 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.  
7

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0573, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act exempting tourist homes that rent or lease accommodations for 30 days or fewer per year from licensure.

ASSUMPTIONS:

1. The Executive Budget present law base serves as the starting point from which to calculate any fiscal impact due to this proposed legislation.
2. There is no way to determine how many tourist home licenses would become exempt because of this definition change. Licensure records do not currently record this type of information. Therefore, little or virtually no fiscal impact is assumed.
3. Licenses are issued for a one-year time frame. The department assumes that the establishments which have already received their licenses for the 1995 year, and which become exempt under this legislation, will be entitled to a refund of their license fee.

FISCAL IMPACT:

Minimal impact (please see assumptions #2 and #3 above).

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:


Any local health agency inspections already completed during calendar year 1995 on the newly-exempted establishments could be unfunded through license fee reimbursements if the fee is refunded. (Please see assumption # 3 above.)


LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This legislation could create a situation where unlicensed tourist homes are in competition with licensed tourist homes. (As an example, a tourist home could operate on Friday, Saturday, and Sunday through an entire summer, and be exempt from licensure.) Effects on long-term public health would need to be evaluated with the evolving tourism emphasis in Montana to determine future impact.

TECHNICAL NOTES:

Section 2 gives an immediate effective date upon passage and approval. The department would need to determine which establishments were issued 1995 tourist home licenses, that would now be exempt from licensure, and issue license fee refunds. An October 1, 1995, effective date would eliminate this requirement. (Please see assumption #3.)

 2-27-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

  
JOHN COBB, PRIMARY SPONSOR      DATE

Fiscal Note for HB0573, as introduced

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