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SENATE BILL NO. 311

INTRODUCED BY Weldon Raney Ream HARP

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA SMALL BUSINESS LICENSING COORDINATION ACT; ESTABLISHING A BUSINESS REGISTRATION AND LICENSING SYSTEM; ESTABLISHING A BOARD OF REVIEW; AMENDING SECTIONS 30-16-102, 30-16-103, 30-16-202, AND 30-16-203, MCA; REPEALING SECTION 30-16-201, MCA; AND PROVIDING EFFECTIVE DATES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 3] delegates to the department of commerce authority to make rules necessary to implement the business registration and licensing system. It is the intent of the legislature that the rules adopted conform with the applicable provisions of this bill, with other applicable provisions of the Montana Code Annotated, and with the department's rules pertaining to licensing procedures. The legislature further intends that the rules be consistent with provisions in the rules of other agencies authorized to grant licenses or to administer provisions of the licensing laws of Montana.

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

Section 1. Section 30-16-102, MCA, is amended to read:

"30-16-102. Purpose. ~~The purposes of this chapter are to:~~ (1) The number of state licenses and permits required for new businesses and the procedures required for the renewal of existing licenses place an undue burden on business. The legislature believes that the state can reduce its costs by coordinating application forms, information, and licenses while retaining the authority for determining whether to issue a requested license from the agency authorized to issue the license or permit. The legislature intends that licenses and permits that no longer serve a useful purpose in regulating business activities be eliminated. Therefore, the legislature intends to establish a business registration and licensing system to develop and realize the goals of:

(a) providing a convenient, accessible, and timely system for the business community to acquire and maintain the necessary state registrations and licenses to conduct business. The system must be

1 operated in a cost-efficient manner for the business community and allow the state to:

2 (i) provide information to the business community concerning all state registration and licensing
3 requirements;

4 (ii) enable state agencies to:

5 (A) efficiently store, retrieve, and exchange registration and licensing information with due regard
6 to privacy statutes;

7 (B) issue and renew master licenses when master licenses are appropriate; and

8 (C) provide support services for the objectives contained in this subsection (1)(a)(ii);

9 (iii) provide at designated locations one consolidated application form to be completed by an
10 applicant; and

11 (iv) establish a statewide system of common business identification.

12 ~~(1)(b)~~ eliminate eliminating licensing requirements, administrative procedures, and forms that are
13 unnecessary for the protection of the public interest;

14 ~~(2)(c)~~ streamline streamlining and ~~minimize minimizing~~ the total government and business costs of
15 necessary licensing and inspection procedures; and

16 ~~(3)(d)~~ distribute distributing equitably the costs of licensing; ~~and.~~

17 (2) The legislature further intends to reduce the total number of licenses required to conduct
18 business in Montana.

19 ~~(4) provide a convenient, accessible, and timely system for the business community to acquire and~~
20 ~~maintain the necessary state registrations and licenses to conduct business."~~

21
22 **Section 2.** Section 30-16-103, MCA, is amended to read:

23 **"30-16-103. Definitions.** As used in this chapter, the following definitions apply:

24 (1) "Board of review" means the body established to review policies and rules adopted by the
25 department to carry out the provisions of this chapter.

26 ~~(1)(2)~~ "Department" means the department of commerce established in 2-15-1801.

27 ~~(2)(3)~~ (a) "License" means the whole or part of any agency permit, license, certificate, approval,
28 registration, or charter or any form or permission required by law or administrative rule to engage in any
29 retail, wholesale, consumer service, manufacturing, or distributing activity.

30 (b) "License" does not include licenses, permits, or registrations issued under Title 30, chapter 10,

1 parts 1 through 3, Title 33, Title 37, and Title 75, and Title 80, which are excluded from the coverage of
 2 this chapter.

3 (4) "Master license" means a document, issued under the system designed for public display, that
 4 certifies state agency approval for a license required by the state for a person subject to the provisions of
 5 this chapter.

6 ~~(3)~~(5) "Person" means an individual, sole proprietorship, partnership, association, cooperative,
 7 limited liability company, corporation, nonprofit organization, state or local government agency, or any other
 8 organization required to register with the state to do business in Montana and to obtain one or more
 9 licenses from the state or any of its agencies.

10 (6) "System" means the business registration and licensing system, which is under the
 11 administrative control of the department."

12
 13 **NEW SECTION. Section 3. Business registration and licensing system -- duties -- plan -- rules.** (1)

14 Before January 1, 1996, the department shall develop a plan:

15 (a) to establish an information service detailing all state licenses that are required in order to engage
 16 in business in Montana and the locations for applying for those licenses; and

17 (b) for a uniform method by which all state agencies may identify businesses.

18 (2) The method developed under subsection (1)(b) must include a phased approach to:

19 (a) complete a requirements analysis and specification document, including an overview systems
 20 design;

21 (b) complete a detailed requirements analysis, including a general systems design;

22 (c) establish interagency procedures for effectuating the system;

23 (d) select those licenses that will be included in the initial implementation of the system and the
 24 date and manner in which the licenses will be integrated into the system;

25 (e) complete a cost-benefit analysis of the final implementation of this chapter; and

26 (f) conclude a trial application and a test of the system.

27 (3) Beginning January 1, 1996, there is established within the department a system to implement
 28 the information service established and the identification method developed under the provisions of
 29 subsection (1).

30 (4) The department shall:

1 (a) before January 1, 1997, develop a computerized system capable of storing, retrieving, and
2 exchanging license information as well as issuing and renewing master licenses efficiently; and

3 (b) on January 2, 1997, recommend to the legislature criteria for the evaluation of existing and
4 proposed forms of licensing authorization.

5 (5) Each state agency shall review its licenses and recommend to the legislature on January 2,
6 1997, those licenses that should be eliminated or consolidated and justify those that should be retained.

7 (6) The department shall designate a deputy director in charge of the system whose duties include
8 those of executive secretary of the board of review.

9 (7) The department shall adopt rules necessary to implement this chapter.

10
11 **NEW SECTION. Section 4. Board of review.** (1) There is a board of review. The board of
12 review's duty is to provide policy direction to the department in the establishment and operation of the
13 system. The board of review includes the directors of the departments of agriculture, commerce, health
14 and environmental sciences, revenue, labor and industry, social and rehabilitation services, and family
15 services, the director of the office of budget and program planning, the commissioner of labor and industry,
16 the president of the senate or a designee, and the speaker of the house or a designee.

17 (2) The governor shall appoint a presiding officer from among the members of the board of review.

18 (3) The board of review shall meet at the call of the presiding officer at least once each calendar
19 quarter to:

20 (a) establish interagency policy and guidelines for the system;

21 (b) review the findings, status, and problems of system operations and recommend courses of
22 action;

23 (c) receive reports from industry and agency task forces that the board of review may request to
24 inquire into particular issues; and

25 (d) recommend, in questionable cases, whether a particular license falls within the scope of this
26 chapter.

27
28 **NEW SECTION. Section 5. Participation of state agencies.** The legislature directs full participation
29 in the implementation of this chapter by:

30 (1) the departments of agriculture, commerce, health and environmental sciences, revenue, labor

1 and industry, social and rehabilitation services, and family services;

2 (2) the secretary of state;

3 (3) the public service commission; and

4 (4) other agencies as directed by the governor.

5
6 **Section 6.** Section 30-16-202, MCA, is amended to read:

7 "**30-16-202. Information availability.** ~~The small business licensing coordination center shall~~ system
8 is established to encourage and invite federal and local government agencies to make license and permit
9 information available to applicants through the ~~coordination center~~ system. ~~The center shall, where~~
10 ~~possible, advise~~ system must be designed to provide advice to applicants ~~of~~ on federal and local
11 government agency license and permit requirements."

12
13 **Section 7.** Section 30-16-203, MCA, is amended to read:

14 "**30-16-203. New licenses, permits, or modifications.** Each state agency shall report to the
15 ~~coordination center~~ system any new license or permit or modification of an existing license or permit ~~that~~
16 ~~becomes effective as a requirement after April 20, 1981,~~ together with the applicable forms and pertinent
17 rules and information."

18
19 NEW SECTION. **Section 8. Repealer.** Section 30-16-201, MCA, is repealed.

20
21 NEW SECTION. **Section 9. Saving clause.** (1) [Section 3] does not affect rights and duties that
22 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
23 act].

24 (2) [Sections 1, 2, and 4 through 7] do not affect rights and duties that matured, penalties that
25 were incurred, or proceedings that were begun before January 1, 1996.

26
27 NEW SECTION. **Section 10. Severability.** If a part of [this act] is invalid, all valid parts that are
28 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
29 applications, the part remains in effect in all valid applications that are severable from the invalid
30 applications.

1 NEW SECTION. **Section 11. Codification instruction.** [Sections 3 through 5] are intended to be
2 codified as an integral part of Title 30, chapter 16, and the provisions of Title 30, chapter 16, apply to
3 [sections 3 through 5].

4

5 NEW SECTION. **Section 12. Effective dates.** (1) [Section 3 and this section] are effective on
6 passage and approval.

7 (2) [Sections 1, 2, and 4 through 11] are effective January 1, 1996.

8

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0311, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the Montana Small Business Licensing Coordination Act; establishing a business registration and licensing system; establishing a board of review; and providing effective dates.

ASSUMPTIONS:


Department of Commerce:

1. The Department of Commerce (DOC) will contract for professional assistance in FY96 to analyze, evaluate and develop a Business Registration and Licensing System plan for the State of Montana to be administered by the DOC (phase one). All phase one professional assistance will be performed with oversight and input from the board of review established by the proposed legislation. DOC estimates that contracted services on a cost basis not to exceed \$100,000 in FY96 would be required to complete phase one.
2. DOC is unable to quantify any phase two implementation and evaluation costs until such time as phase one of the proposed legislation has been completed.
3. DOC estimates that the phase one evaluation and development phase can be completed by January 1, 1996. However, the costs associated with the implementation of the actual Business Registration Plan would not be known until that time.

Department of Labor and Industry:

4. Passage of this bill will require extensive programming of the Unemployment Tax (UI) system to allow electronic data exchange with the proposed DOC database. The extent of programming required is unknown until the DOC defines system requirements - - initial estimates range from \$20,000 to \$1 million. The higher range would result from developing an interactive information system among state agencies.
5. Based upon the proposed bill language, it is assumed UI field representatives and staff at selected local Job Service offices will have to be trained and supplied with registration forms to accomplish this bill's intent to provide a convenient and accessible system to businesses in communities.
6. The DOC will perform the licensing function and will not answer any questions concerning subjectivity to UI laws.
7. This proposed legislation requires a higher level of interaction and coordination among state agencies than the current program. The Department of Labor and Industry's Uninsured Employers Fund (UEF) program works with the independent contractors (IC) who are exempt from certain standard workers' compensation insurance requirements. This program will require additional communication and coordination responsibilities on independent contractors' issues, requiring a 0.25 FTE. Between 1,200 and 1,300 IC applications are processed each year.

(continued on page 2)

 2-13-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JEFF WELDON, PRIMARY SPONSOR DATE

Fiscal Note for SB0311, as introduced

SB311

8. The UEF program would also have new communication and coordination responsibilities in informing the business registration and licensing system those business entities operating outside the law. These additional responsibilities would require a 0.25 FTE. Between 500 and 600 investigations are conducted each year, and approximately 1/3 of these business entities are not in the current registration and licensing system.
9. The work of this total 0.50 FTE will be equivalent to an existing UEF compliance specialist, and the operating costs for this position would be similar to other staff in the UEF program; one-time-only office and computer costs will be \$2,494 and \$2,963 respectively.

Department of Agriculture:

10. The Department of Agriculture would be required to develop licensing documentation, explanation of licensing and registration systems for 19 different types of licenses, registrations and permits for the Department of Commerce and Board of Review.
11. For each of the 19 different types of licenses there are labeling, bonding, insurance and educational requirements that must be satisfied prior to issuance of licenses.
12. The department will conduct an analysis of conversion of licensing systems and an evaluation of cost and effectiveness, coordinating these efforts with the Department of Commerce and the board of review.
13. Based upon the direction of the board and Department of Commerce, the Department of Agriculture would be required to collect and evaluate additional information and compile reports.
14. The Department of Agriculture will have to calculate the actual expenditure cost of issuing licenses for implementing the system with the Department of Commerce.
15. The Department of Agriculture will consult with regulated industry, associations and interest groups at least twice within each fiscal year for informational and coordination purposes.
16. Currently all licenses and permits, except apiary registrations, are associated with state special funding.
17. A 1.00 FTE will be required for the two year project.
18. The new position will relieve the licensing manager currently on staff of some licensing functions, so the person can primarily work on the responsibilities associated with this legislation.
19. Based upon bill directives there are many unknown factors which could affect the development of the system, making it difficult to estimate costs of implementation.
20. When a license is revoked a new master license will have to be issued.
21. The actual cost, if the system is implemented, cannot be determined until reports are submitted to the 1997 legislature by all impacted state agencies.
22. All licensing qualifications and criteria would continue to be the responsibility of the Department of Agriculture.
23. General fund will support the Department of Agriculture's 1997 biennium participation in this program.
24. Legislation would be required to adopt master licensing and registration system because some agricultural licenses by statute are issued on a staggered year basis or prior to conducting the business.

Legislative Council:

25. The board of review will meet several times prior to January 1, 1996. Each of the meetings will be a one-day meeting.
26. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, will attend each meeting.

27. The Senate President and House Speaker, or their designees, will receive salary, mileage, and per diem pursuant to 5-2-302, MCA.
28. Any costs resulting from implementation of the bill, such as increased mainframe charges, PC access charges, and software cannot be estimated.

Fiscal Impact:

Expenditures:

<u>Department of Commerce:</u>	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Operating Expenses	100,000	0
General Fund	100,000	0

Department of Labor and Industry:

Expenditures:

<u>Dept of Labor & Industry</u>	<u>FY96</u>	<u>FY97</u>
<u>Employment Relations Div (04)</u>	<u>Difference</u>	<u>Difference</u>
FTE	0.50	0.50
Personal Services	15,903	15,903
Operating Expenses	5,441	5,441
Equipment	<u>5,457</u>	<u>0</u>
Total	26,801	21,395

Funding:

Workers' Compensation (02)	13,401	10,698
Uninsured Employers Fund (06)	<u>13,400</u>	<u>10,697</u>
	26,801	21,395

Revenues:

Workers' Compensation (06)	13,401	10,698
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<u>Net Impact:</u>	(13,400)	(10,697)
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Department of Agriculture

Expenditures:

FTE	1.00	1.00
Personal Services	26,949	27,042
Operating Expenses	2,250	2,250
Equipment	<u>2,500</u>	<u>2,500</u>
Total	31,699	29,292

Total Net Impact on General Fund Balance: *

General Fund (Cost) (01)	(131,699)	(29,292)
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* Total does not include legislators costs on the Board of Review.

Legislative Council:

1. For each meeting of the board of review, salary, mileage, and per diem for the Senate President and House Speaker will amount to approximately \$483.

(continued on page 4)

Other Agencies:

There are no known 1997 biennium fiscal impacts to the Governor's Office; the Secretary of State's Office; the Public Service Commission; and the Departments of Revenue, Family Services, and Health and Environmental Sciences. There are significant potential expenditure and statutory impacts depending to a great extent on the requirements of the systems that may be developed.

TECHNICAL AND INFORMATIONAL NOTES:

1. Until phase one of the proposed legislation is completed, on a cooperative basis with inputs from the board of review and the professional consultant, phase two implementation and maintenance costs are unknown.
2. The UI Division staff contacted the State of Washington, which installed a similar licensing system approximately six years ago at a cost of \$3 million for employers numbering approximately four times MORE than Montana. With inflation, Montana is estimated to experience approximately a \$3 million cost today. Washington used state staff to program its system and DOLI would have to contract this work out.
3. UI does not charge employers to register within the UI system or to determine whether an employer should pay UI contributions. These activities are federally funded. The DOLI is asking the U.S. Department of Labor whether administrative funds could be used to pay for any licensing activities that might be performed by the Department of Commerce.
4. In Section 4, board of review, the Commissioner of the Department of Labor and Industry is actually mention twice: once as one of the directors of the departments and again as the commissioner of labor and industry.
5. It must be clarified which entity, e.g., the Department of Commerce, pays the expenses of the board of review.
6. There appears to be a constitutional separation of powers question in the composition and duties of the board of review.
7. The report required under Section 3(4)(b) and the recommendations required under Section 3(5) should follow the procedures of the Executive Planning Process, with the results/recommendations completed by September 15 and included in the budget proposed by the Governor to the 55th Legislature. At the very least, the reporting should follow 5-11-210, MCA.

1 SENATE BILL NO. 311

2 INTRODUCED BY WELDON, RANEY, REAM, HARP, CRIPPEN, MOHL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA SMALL BUSINESS LICENSING
5 COORDINATION ACT; ESTABLISHING A BUSINESS REGISTRATION AND LICENSING SYSTEM;
6 ESTABLISHING A BOARD OF REVIEW; AMENDING SECTIONS 30-16-102, 30-16-103, 30-16-202, AND
7 30-16-203, MCA; REPEALING SECTION 30-16-201, MCA; AND PROVIDING EFFECTIVE DATES AND A
8 CONTINGENT VOIDNESS PROVISION."

9
10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because [section 3] delegates to the department of
12 commerce authority to make rules necessary to implement the business registration and licensing system.
13 It is the intent of the legislature that the rules adopted conform with the applicable provisions of this bill,
14 with other applicable provisions of the Montana Code Annotated, and with the department's rules pertaining
15 to licensing procedures. The legislature further intends that the rules be consistent with provisions in the
16 rules of other agencies authorized to grant licenses or to administer provisions of the licensing laws of
17 Montana.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20
21 **Section 1.** Section 30-16-102, MCA, is amended to read:

22 "**30-16-102. Purpose.** ~~The purposes of this chapter are to:~~ (1) The number of state licenses and
23 permits required for new businesses and the procedures required for the renewal of existing licenses place
24 an undue burden on business. The legislature believes that the state can reduce its costs by coordinating
25 application forms, information, and licenses while retaining the authority for determining whether to issue
26 a requested license from the agency authorized to issue the license or permit. The legislature intends that
27 licenses and permits that no longer serve a useful purpose in regulating business activities be eliminated.
28 Therefore, the legislature intends to establish a business registration and licensing system to develop and
29 realize the goals of:

30 (a) providing a convenient, accessible, and timely system for the business community to acquire

1 and maintain the necessary state registrations and licenses to conduct business. The system must be
 2 operated in a cost-efficient manner for the business community and allow the state to:

3 (i) provide information to the business community concerning all state registration and licensing
 4 requirements;

5 (ii) enable state agencies to:

6 (A) efficiently store, retrieve, and exchange registration and licensing information with due regard
 7 to privacy statutes;

8 (B) issue and renew master licenses when master licenses are appropriate; and

9 (C) provide support services for the objectives contained in this subsection (1)(a)(ii);

10 (iii) provide at designated locations one consolidated application form to be completed by an
 11 applicant; and

12 (iv) establish a statewide system of common business identification.

13 ~~(1)(b) eliminate eliminating~~ licensing requirements, administrative procedures, and forms that are
 14 unnecessary for the protection of the public interest;

15 ~~(2)(c) streamline streamlining and minimize minimizing~~ the total government and business costs of
 16 necessary licensing and inspection procedures; and

17 ~~(3)(d) distribute distributing~~ equitably the costs of licensing; and,

18 (2) The legislature further intends to reduce the total number of licenses required to conduct
 19 business in Montana.

20 ~~(4) provide a convenient, accessible, and timely system for the business community to acquire and~~
 21 ~~maintain the necessary state registrations and licenses to conduct business."~~

22
 23 **Section 2.** Section 30-16-103, MCA, is amended to read:

24 **"30-16-103. Definitions.** As used in this chapter, the following definitions apply:

25 (1) "Board of review" means the body established to review policies and rules adopted by the
 26 department to carry out the provisions of this chapter.

27 ~~(1)(2)~~ "Department" means the department of commerce established in 2-15-1801.

28 ~~(2)(3) (a)~~ "License" means the whole or part of any agency permit, license, certificate, approval,
 29 registration, or charter or any form or permission required by law or administrative rule to engage in any
 30 retail, wholesale, consumer service, manufacturing, or distributing activity.

1 **(b)** "License" does not include licenses, permits, or registrations issued under Title 30, chapter 10,
 2 parts 1 through 3, Title 33, Title 37, and Title 75, and Title 80, which are excluded from the coverage of
 3 this chapter.

4 **(4)** "Master license" means a document, issued under the system designed for public display, that
 5 certifies state agency approval for a license required by the state for a person subject to the provisions of
 6 this chapter.

7 ~~(3)~~**(5)** "Person" means an individual, sole proprietorship, partnership, association, cooperative,
 8 limited liability company, corporation, nonprofit organization, state or local government agency, or any other
 9 organization required to register with the state to do business in Montana and to obtain one or more
 10 licenses from the state or any of its agencies.

11 **(6)** "System" means the business registration and licensing system, which is under the
 12 administrative control of the department."

13
 14 **NEW SECTION. Section 3. Business registration and licensing system -- duties -- plan -- rules.** (1)
 15 Before January 1, 1996, the department shall develop a plan:

16 (a) to establish an information service detailing all state licenses that are required in order to engage
 17 in business in Montana and the locations for applying for those licenses; and

18 (b) for a uniform method by which all state agencies may identify businesses.

19 (2) The method developed under subsection (1)(b) must include a phased approach to:

20 (a) complete a requirements analysis and specification document, including an overview systems
 21 design;

22 (b) complete a detailed requirements analysis, including a general systems design;

23 (c) establish interagency procedures for effectuating the system;

24 (d) select those licenses that will be included in the initial implementation of the system and the
 25 date and manner in which the licenses will be integrated into the system;

26 (e) complete a cost-benefit analysis of the final implementation of this chapter; and

27 (f) conclude a trial application and a test of the system.

28 (3) Beginning January 1, 1996, there is established within the department a system to implement
 29 the information service established and the identification method developed under the provisions of
 30 subsection (1).

1 (4) The department shall:

2 (a) before January 1, 1997, develop a computerized system capable of storing, retrieving, and
3 exchanging license information as well as issuing and renewing master licenses efficiently; and

4 (b) on January 2, 1997, recommend to the legislature criteria for the evaluation of existing and
5 proposed forms of licensing authorization.

6 (5) Each state agency shall review its licenses and recommend to the legislature on January 2,
7 1997, those licenses that should be eliminated or consolidated and justify those that should be retained.

8 (6) The department shall designate a deputy director in charge of the system whose duties include
9 those of executive secretary of the board of review.

10 (7) The department shall adopt rules necessary to implement this chapter.
11

12 **NEW SECTION. Section 4. Board of review.** (1) There is a board of review. The board of
13 review's duty is to provide policy direction to the department in the establishment and operation of the
14 system. The board of review includes the directors of the departments of agriculture, commerce, health
15 and environmental sciences, revenue, labor and industry, social and rehabilitation services, and family
16 services, the director of the office of budget and program planning, the commissioner of labor and industry,
17 the president of the senate or a designee, and the speaker of the house or a designee.

18 (2) The governor shall appoint a presiding officer from among the members of the board of review.

19 (3) The board of review shall meet at the call of the presiding officer at least once each calendar
20 quarter to:

21 (a) establish interagency policy and guidelines for the system;

22 (b) review the findings, status, and problems of system operations and recommend courses of
23 action;

24 (c) receive reports from industry and agency task forces that the board of review may request to
25 inquire into particular issues; and

26 (d) recommend, in questionable cases, whether a particular license falls within the scope of this
27 chapter.
28

29 **NEW SECTION. Section 5. Participation of state agencies.** The legislature directs full participation
30 in the implementation of this chapter by:

1 (1) the departments of agriculture, commerce, health and environmental sciences, revenue, labor
2 and industry, social and rehabilitation services, and family services;

3 (2) the secretary of state;

4 (3) the public service commission; and

5 (4) other agencies as directed by the governor.

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7 **Section 6.** Section 30-16-202, MCA, is amended to read:

8 "**30-16-202. Information availability.** ~~The small business licensing coordination center shall~~ system
9 is established to encourage and invite federal and local government agencies to make license and permit
10 information available to applicants through the ~~coordination center~~ system. ~~The center shall, where~~
11 ~~possible, advise~~ system must be designed to provide advice to applicants ~~of~~ on federal and local
12 government agency license and permit requirements."

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14 **Section 7.** Section 30-16-203, MCA, is amended to read:

15 "**30-16-203. New licenses, permits, or modifications.** Each state agency shall report to the
16 ~~coordination center~~ system any new license or permit or modification of an existing license or permit ~~that~~
17 ~~becomes effective as a requirement after April 20, 1981,~~ together with the applicable forms and pertinent
18 rules and information."

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20 NEW SECTION. **Section 8. Repealer.** Section 30-16-201, MCA, is repealed.

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22 NEW SECTION. **Section 9. Saving clause.** (1) [Section 3] does not affect rights and duties that
23 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
24 act].

25 (2) [Sections 1, 2, and 4 through 7] do not affect rights and duties that matured, penalties that
26 were incurred, or proceedings that were begun before January 1, 1996.

27
28 NEW SECTION. **Section 10. Severability.** If a part of [this act] is invalid, all valid parts that are
29 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
30 applications, the part remains in effect in all valid applications that are severable from the invalid

1 applications.

2

3 NEW SECTION. Section 11. Codification instruction. [Sections 3 through 5] are intended to be
4 codified as an integral part of Title 30, chapter 16, and the provisions of Title 30, chapter 16, apply to
5 [sections 3 through 5].

6

7 NEW SECTION. SECTION 12. CONTINGENT VOIDNESS. IN ORDER TO MAINTAIN A BALANCED
8 BUDGET, BECAUSE [THIS ACT] REDUCES REVENUE, IT MAY NOT BE TRANSMITTED TO THE GOVERNOR
9 UNLESS A CORRESPONDING IDENTIFIED REDUCTION IN SPENDING IS CONTAINED IN HOUSE BILL NO.
10 2. IF A CORRESPONDING IDENTIFIED REDUCTION IN SPENDING IS NOT CONTAINED IN HOUSE BILL NO.
11 2, [THIS ACT] IS VOID.

12

13 NEW SECTION. Section 13. Effective dates. (1) [~~Section~~ SECTIONS 3 AND 12 and this section]
14 are effective on passage and approval.

15 (2) [Sections 1, 2, and 4 through 11] are effective January 1, 1996.

16

-END-

SENATE BILL NO. 311

INTRODUCED BY WELDON, RANEY, REAM, HARP, CRIPPEN, MOHL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA SMALL BUSINESS LICENSING COORDINATION ACT; ESTABLISHING A PLAN FOR A BUSINESS REGISTRATION AND LICENSING SYSTEM; ESTABLISHING A BOARD OF REVIEW; AMENDING ~~SECTIONS 30-16-102, SECTION 30-16-103, 30-16-202, AND 30-16-203~~, MCA; ~~REPEALING SECTION 30-16-201~~, MCA; AND PROVIDING AN EFFECTIVE DATES DATE AND A CONTINGENT VOIDNESS PROVISION."

STATEMENT OF INTENT

~~A statement of intent is required for this bill because [section 3] delegates to the department of commerce authority to make rules necessary to implement the business registration and licensing system. It is the intent of the legislature that the rules adopted conform with the applicable provisions of this bill, with other applicable provisions of the Montana Code Annotated, and with the department's rules pertaining to licensing procedures. The legislature further intends that the rules be consistent with provisions in the rules of other agencies authorized to grant licenses or to administer provisions of the licensing laws of Montana.~~

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

~~Section 1. Section 30-16-102, MCA, is amended to read:~~

~~"30-16-102. Purpose. The purposes of this chapter are to: (1) The number of state licenses and permits required for new businesses and the procedures required for the renewal of existing licenses place an undue burden on business. The legislature believes that the state can reduce its costs by coordinating application forms, information, and licenses while retaining the authority for determining whether to issue a requested license from the agency authorized to issue the license or permit. The legislature intends that licenses and permits that no longer serve a useful purpose in regulating business activities be eliminated. Therefore, the legislature intends to establish a business registration and licensing system to develop and realize the goals of:~~

~~(a) providing a convenient, accessible, and timely system for the business community to acquire~~



~~and maintain the necessary state registrations and licenses to conduct business. The system must be operated in a cost efficient manner for the business community and allow the state to:~~

~~(i) provide information to the business community concerning all state registration and licensing requirements;~~

~~(ii) enable state agencies to:~~

~~(A) efficiently store, retrieve, and exchange registration and licensing information with due regard to privacy statutes;~~

~~(B) issue and renew master licenses when master licenses are appropriate; and~~

~~(C) provide support services for the objectives contained in this subsection (1)(a)(iii);~~

~~(iii) provide at designated locations one consolidated application form to be completed by an applicant; and~~

~~(iv) establish a statewide system of common business identification.~~

~~(1)(b) eliminate eliminating licensing requirements, administrative procedures, and forms that are unnecessary for the protection of the public interest;~~

~~(2)(a) streamline streamlining and minimize minimizing the total government and business costs of necessary licensing and inspection procedures; and~~

~~(3)(d) distribute distributing equitably the costs of licensing; and~~

~~(2) The legislature further intends to reduce the total number of licenses required to conduct business in Montana.~~

~~(4) provide a convenient, accessible, and timely system for the business community to acquire and maintain the necessary state registrations and licenses to conduct business."~~

Section 1. Section 30-16-103, MCA, is amended to read:

"30-16-103. Definitions. As used in this chapter, the following definitions apply:

~~(1) "Board of review" means the body established to review policies and rules adopted by the department to carry out the provisions of this chapter~~ **PROVIDE POLICY DIRECTION TO THE DEPARTMENT IN DESIGNING AND RECOMMENDING TO THE LEGISLATURE THE IMPLEMENTATION OF A PLAN FOR A BUSINESS REGISTRATION AND LICENSING SYSTEM.**

~~(1)(2)~~ **"Department"** means the department of commerce established in 2-15-1801.

~~(2)(3)~~ **(a) "License"** means the whole or part of any agency permit, license, certificate, approval,

1 registration, or charter or any form or permission required by law or administrative rule to engage in any
2 retail, wholesale, consumer service, manufacturing, or distributing activity.

3 ~~(b)~~ "License" does not include licenses, permits, or registrations issued under Title 30, chapter 10,
4 parts 1 through 3, Title 33, Title 37, and Title 75, ~~and Title 80~~, which are excluded from the coverage of
5 this chapter.

6 ~~(4) "Master license" means a document, issued under the system designed for public display, that~~
7 ~~certifies state agency approval for a license required by the state for a person subject to the provisions of~~
8 ~~this chapter.~~

9 ~~(3)(5)(4)~~ "Person" means an individual, sole proprietorship, partnership, association, cooperative,
10 limited liability company, corporation, nonprofit organization, state or local government agency, or any other
11 organization required to register with the state to do business in Montana and to obtain one or more
12 licenses from the state or any of its agencies.

13 ~~(6)(5) "System" "PLAN" means the business registration and licensing system DOCUMENT, which~~
14 ~~is under the administrative control of the department."~~

15
16 **NEW SECTION. Section 2. Business registration and licensing system PLAN -- duties -- plan --**
17 ~~rules.~~ (1) Before January 1, ~~1996~~ 1997, the department shall develop a plan:

18 (a) to establish an information service detailing all state licenses that are required in order to engage
19 in business in Montana and the locations for applying for those licenses; and

20 (b) for a uniform method by which all state agencies may identify businesses.

21 (2) The method developed under subsection (1)(b) must include a phased approach to:

22 (a) complete a requirements analysis and specification document, including an overview systems
23 design;

24 (b) complete a detailed requirements analysis, including a general systems design;

25 (c) establish interagency procedures for effectuating the ~~system~~ PLAN;

26 (d) select those licenses that will be included in the initial implementation of the ~~system~~ PLAN and
27 the date and manner in which the licenses will be integrated into the ~~system~~ PLAN; AND

28 (e) complete a cost-benefit analysis of the final implementation of ~~this chapter~~; and

29 ~~(f) conclude a trial application and a test of the system.~~

30 ~~(3) Beginning January 1, 1996, there is established within the department a system to implement~~

1 ~~the information service established and the identification method developed under the provisions of~~
 2 ~~subsection (1)~~ THE PLAN.

3 (4) The department shall:

4 ~~(a) before January 1, 1997, develop a computerized system capable of storing, retrieving, and~~
 5 ~~exchanging license information as well as issuing and renewing master licenses efficiently; and~~

6 ~~(b) on January 2, 1997, recommend to the legislature criteria for the evaluation of existing and~~
 7 ~~proposed forms of licensing authorization~~ ANY STATUTORY OR BUDGETARY CHANGES FOR
 8 IMPLEMENTING THE PLAN.

9 (5) Each state agency shall review its licenses and recommend to the legislature on January 2,
 10 1997, those licenses that should be eliminated or consolidated and justify those that should be retained.

11 (6) The department shall designate a deputy director in charge of the ~~system~~ PLAN whose duties
 12 include those of executive secretary of the board of review.

13 ~~(7) The department shall adopt rules necessary to implement this chapter.~~

14
 15 NEW SECTION. Section 3. Board of review. (1) There is a board of review. The board of
 16 review's duty is to provide policy direction to the department in the establishment and operation of the
 17 system. The board of review includes the directors of the departments of agriculture, commerce, health
 18 and environmental sciences, revenue, ~~labor and industry~~, social and rehabilitation services, and family
 19 services, THE SECRETARY OF STATE, the director of the office of budget and program planning, the
 20 commissioner of labor and industry, the president of the senate or a designee, and the speaker of the house
 21 or a designee.

22 (2) The governor shall appoint a presiding officer from among the members of the board of review.

23 (3) The board of review shall meet at the call of the presiding officer at least once each calendar
 24 quarter to:

25 (a) establish interagency policy and guidelines for the ~~system~~ PLAN;

26 (b) review the findings, status, and problems of system operations and recommend courses of
 27 action;

28 (c) receive reports from industry and agency task forces that the board of review may request to
 29 inquire into particular issues; and

30 (d) recommend, in questionable cases, whether a particular license falls within the scope of this

1 chapter.

2 (4) IN DEVELOPING A RECOMMENDED PLAN FOR STREAMLINED REGISTRATION AND LICENSING
 3 PROCEDURES, THE BOARD OF REVIEW SHALL CONSIDER THE EXPERIENCE GAINED FROM THE
 4 CONSOLIDATED EMPLOYER REGISTRATION PROCESS IMPLEMENTED BY THE DEPARTMENT OF
 5 REVENUE AND THE DEPARTMENT OF LABOR AND INDUSTRY.

6

7 NEW SECTION. Section 4. Participation of state agencies. The legislature directs full participation
 8 in the implementation of this chapter by:

9 (1) the departments of agriculture, commerce, health and environmental sciences, revenue, labor
 10 and industry, social and rehabilitation services, and family services;

11 (2) the secretary of state;

12 (3) the public service commission; and

13 (4) other agencies as directed by the governor.

14

15 ~~Section 6. Section 30-16-202, MCA, is amended to read:~~

16 ~~"30-16-202. Information availability. The small business licensing coordination center shall system~~
 17 ~~is established to encourage and invite federal and local government agencies to make license and permit~~
 18 ~~information available to applicants through the coordination center system. The center shall, where~~
 19 ~~possible, advise system must be designed to provide advice to applicants of on federal and local~~
 20 ~~government agency license and permit requirements."~~

21

22 ~~Section 7. Section 30-16-203, MCA, is amended to read:~~

23 ~~"30-16-203. New licenses, permits, or modifications. Each state agency shall report to the~~
 24 ~~coordination center system any new license or permit or modification of an existing license or permit that~~
 25 ~~becomes effective as a requirement after April 20, 1981, together with the applicable forms and pertinent~~
 26 ~~rules and information."~~

27

28 NEW SECTION. Section 8. Repealer. Section 30-16-201, MCA, is repealed.

29

30 NEW SECTION. Section 5. Saving clause. (†) [Section 3 2] does not affect rights and duties that

1 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
2 act].

3 ~~(2) [Sections 1, 2, and 4 through 7] do not affect rights and duties that matured, penalties that~~
4 ~~were incurred, or proceedings that were begun before January 1, 1996.~~

5
6 **NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are
7 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
8 applications, the part remains in effect in all valid applications that are severable from the invalid
9 applications.

10
11 **NEW SECTION. Section 7. Codification instruction.** [Sections ~~3 through 5~~ 2 THROUGH 4] are
12 intended to be codified as an integral part of Title 30, chapter 16, and the provisions of Title 30, chapter
13 16, apply to [sections ~~3 through 5~~ 2 THROUGH 4].

14
15 **NEW SECTION. SECTION 8. CONTINGENT VOIDNESS. IN ORDER TO MAINTAIN A BALANCED**
16 **BUDGET, BECAUSE [THIS ACT] REDUCES REVENUE, IT MAY NOT BE TRANSMITTED TO THE GOVERNOR**
17 **UNLESS A CORRESPONDING IDENTIFIED REDUCTION IN SPENDING IS CONTAINED IN HOUSE BILL NO.**
18 **2. IF A CORRESPONDING IDENTIFIED REDUCTION IN SPENDING IS NOT CONTAINED IN HOUSE BILL NO.**
19 **2, [THIS ACT] IS VOID.**

20
21 **NEW SECTION. Section 9. Effective dates DATE.** ~~(1) [Section SECTIONS 3 AND 12 and this~~
22 ~~section] are effective on passage and approval.~~

23 ~~(2) [Sections 1, 2, and 4 through 11] are effective January 1, 1996. [THIS ACT] IS EFFECTIVE~~
24 ~~JULY 1, 1995.~~

25 -END-



HOUSE STANDING COMMITTEE REPORT

March 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Business and Labor report that Senate Bill 311 (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Bruce Simon
Bruce Simon, Chair

And, that such amendments read:

Carried by: Rep. Raney

1. Title, line 8.

Following: "DATE"

Strike: "AND A CONTINGENT VOIDNESS PROVISION"

2. Page 4, line 18.

Following: "revenue,"

Insert: "justice,"

3. Page 5, line 9.

Following: "revenue,"

Insert: "justice,"

4. Page 6, lines 15 through 19.

Strike: section 8 in its entirety

Renumber: subsequent section

-END-

SB 311

Committee Vote:

Yes 16, No 0

HOUSE

SENATE BILL NO. 311

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1 ~~and maintain the necessary state registrations and licenses to conduct business. The system must be~~
 2 ~~operated in a cost efficient manner for the business community and allow the state to:~~

3 ~~(i) provide information to the business community concerning all state registration and licensing~~
 4 ~~requirements;~~

5 ~~(ii) enable state agencies to:~~

6 ~~(A) efficiently store, retrieve, and exchange registration and licensing information with due regard~~
 7 ~~to privacy statutes;~~

8 ~~(B) issue and renew master licenses when master licenses are appropriate; and~~

9 ~~(C) provide support services for the objectives contained in this subsection (1)(a)(iii);~~

10 ~~(iii) provide at designated locations one consolidated application form to be completed by an~~
 11 ~~applicant; and~~

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 14 ~~unnecessary for the protection of the public interest;~~

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 16 ~~necessary licensing and inspection procedures; and~~

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 27 IN DESIGNING AND RECOMMENDING TO THE LEGISLATURE THE IMPLEMENTATION OF A PLAN FOR A
 28 BUSINESS REGISTRATION AND LICENSING SYSTEM.

29 ~~(1)(2)~~ (2) "Department" means the department of commerce established in 2-15-1801.

30 ~~(2)(3)~~ (a) "License" means the whole or part of any agency permit, license, certificate, approval,

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2 retail, wholesale, consumer service, manufacturing, or distributing activity.

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12 licenses from the state or any of its agencies.

13 ~~(6)(5)~~ "System" "PLAN" means the business registration and licensing system DOCUMENT, which
14 is under the administrative control of the department."

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20 (b) for a uniform method by which all state agencies may identify businesses.

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26 (d) select those licenses that will be included in the initial implementation of the ~~system~~ PLAN and
27 the date and manner in which the licenses will be integrated into the ~~system~~ PLAN; AND

28 (e) complete a cost-benefit analysis of the final implementation of ~~this chapter~~; and

29 ~~(f) conclude a trial application and a test of the system.~~

30 ~~(3) Beginning January 1, 1996, there is established within the department a system to implement~~

1 ~~the information service established and the identification method developed under the provisions of~~
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 10 1997, those licenses that should be eliminated or consolidated and justify those that should be retained.

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 16 review's duty is to provide policy direction to the department in the establishment and operation of the
 17 system. The board of review includes the directors of the departments of agriculture, commerce, health
 18 and environmental sciences, revenue, JUSTICE, ~~labor and industry~~, social and rehabilitation services, and
 19 family services, THE SECRETARY OF STATE, the director of the office of budget and program planning,
 20 the commissioner of labor and industry, the president of the senate or a designee, and the speaker of the
 21 house or a designee.

22 (2) The governor shall appoint a presiding officer from among the members of the board of review.

23 (3) The board of review shall meet at the call of the presiding officer at least once each calendar
 24 quarter to:

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 10 JUSTICE, labor and industry, social and rehabilitation services, and family services;
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14
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 16 ~~"30-16-202. Information availability. The small business licensing coordination center shall system~~
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 19 ~~possible, advise system must be designed to provide advice to applicants of on federal and local~~
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1 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
2 act].

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4 ~~were incurred, or proceedings that were begun before January 1, 1996.~~

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7 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
8 applications, the part remains in effect in all valid applications that are severable from the invalid
9 applications.

10

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12 intended to be codified as an integral part of Title 30, chapter 16, and the provisions of Title 30, chapter
13 16, apply to [sections ~~3 through 5~~ 2 THROUGH 4].

14

15 ~~NEW SECTION. SECTION 8. CONTINGENT VOIDNESS. IN ORDER TO MAINTAIN A BALANCED~~
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20

21 NEW SECTION. Section 8. Effective dates DATE. ~~(1) [Section SECTIONS 3 AND 12 and this~~
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23 ~~(2) [Sections 1, 2, and 4 through 11] are effective January 1, 1996. [THIS ACT] IS EFFECTIVE~~
24 ~~JULY 1, 1995.~~

25

-END-