Montana Association of Counties

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EXHIBIT 2
DATE 2-16-2009
HB HB 331

DATE: February 15, 2009

FROM: Harold Blattie, MACo Executive Director

TO: Members of the House Local Government Committee

SUBJECT: House Bill 331 - Revise laws relating to licensed establishments for health purposes.

Last week you heard House Bill 331 and will be considering executive action soon. It appears that there may be some confusion about the bill that I would like to address and hopefully resolve.

- HB 331 establishes fees at the state level. Individual counties would not have different licensing fees.
- Rule making is a responsible process that allows affected parties to be involved in deciding the best fee structure for Montana. It allows for more public participation, not less. It also provides for legislative oversight.
- County Commissioners and Health Departments support local business, and believe the way to do that is to have an effective food and consumer safety program. It not only protects public health, but also protects businesses by reducing the potential for costly food and water borne illness outbreaks. It also supports Montana's tourist industry through hotels and motels inspections.
- Counties cannot continue to subsidize the food and consumer safety programs at the rate of 25 cents on the dollar.
- The current fees established in statute are not fair because both small and large establishments (with the exception of retail food establishments with 1 or 2 employees) pay the same fee. Using more categories would make the fees more equitable, while also funding local programs at a more realistic level. Ultimately, this is the most fair for business, and the most protective of public health.

If food service inspection services were done by the private sector, no one would do it because a business cannot survive when its cost of operation is at least four times its revenue. The inspection services serve two purposes; first to the public to provide assurance that the food all of us eat is as safe as possible and the second to the businesses to provide assurance that the food they serve is likewise as safe as possible.

Both the businesses and the public have a shared responsibility for funding this essential service.

Counties do not issue food service licenses. That is a state function. Counties simply provide the inspection services, prior to the issuance of a license. This bill will allow the state to establish fees through the normal administrative rules process. The rules will establish fees that are equitable - but different, depending upon the type of food service establishment being licensed. The rules would establish fees that will better fund the amount paid to counties for conducting the inspections and will be based upon the relative effort required to inspect different types of establishments.

Please take a look at the attached photos I took of the local meat market in Progresso, Mexico and ask yourself

"How important is our Food and Consumer Safety Program?"

Please support House Bill 331

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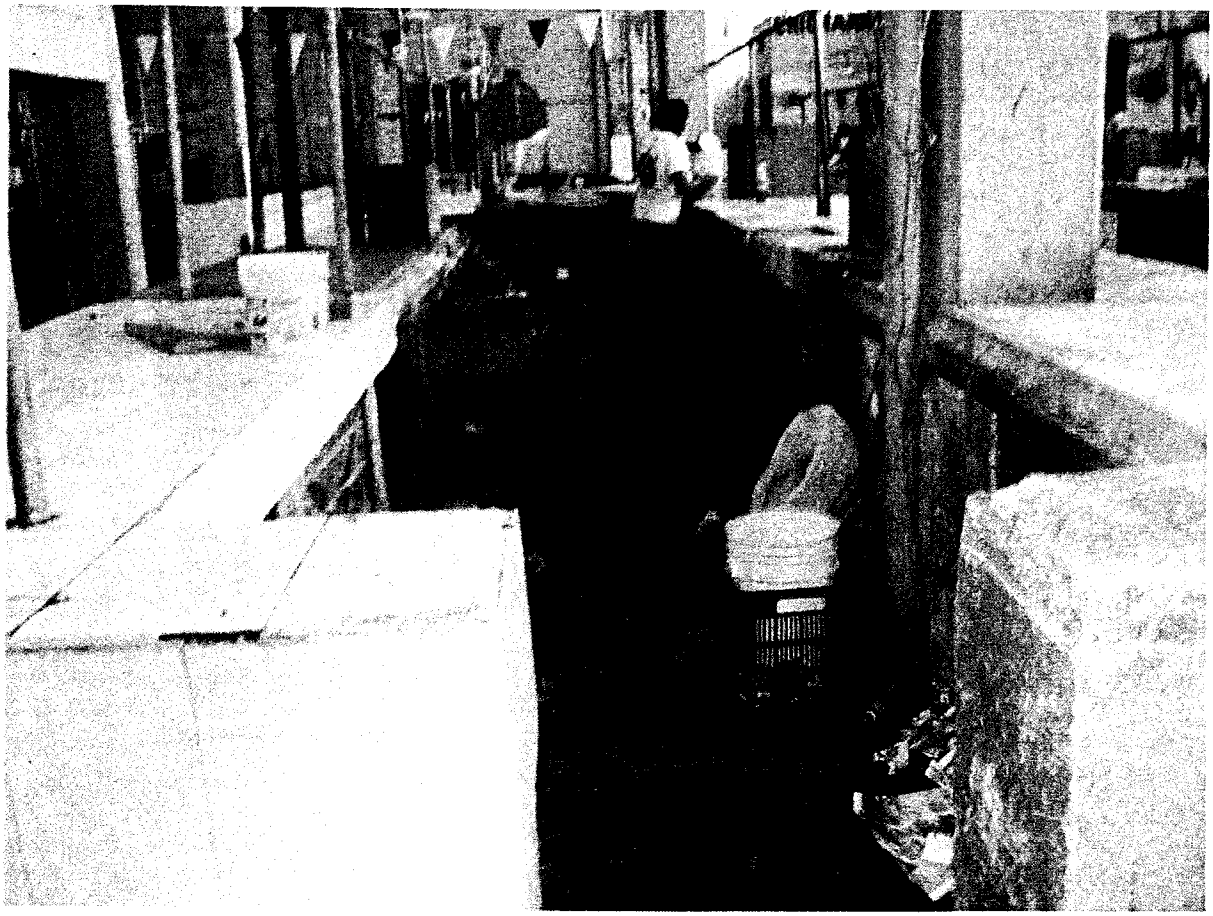

EXHIBIT 2
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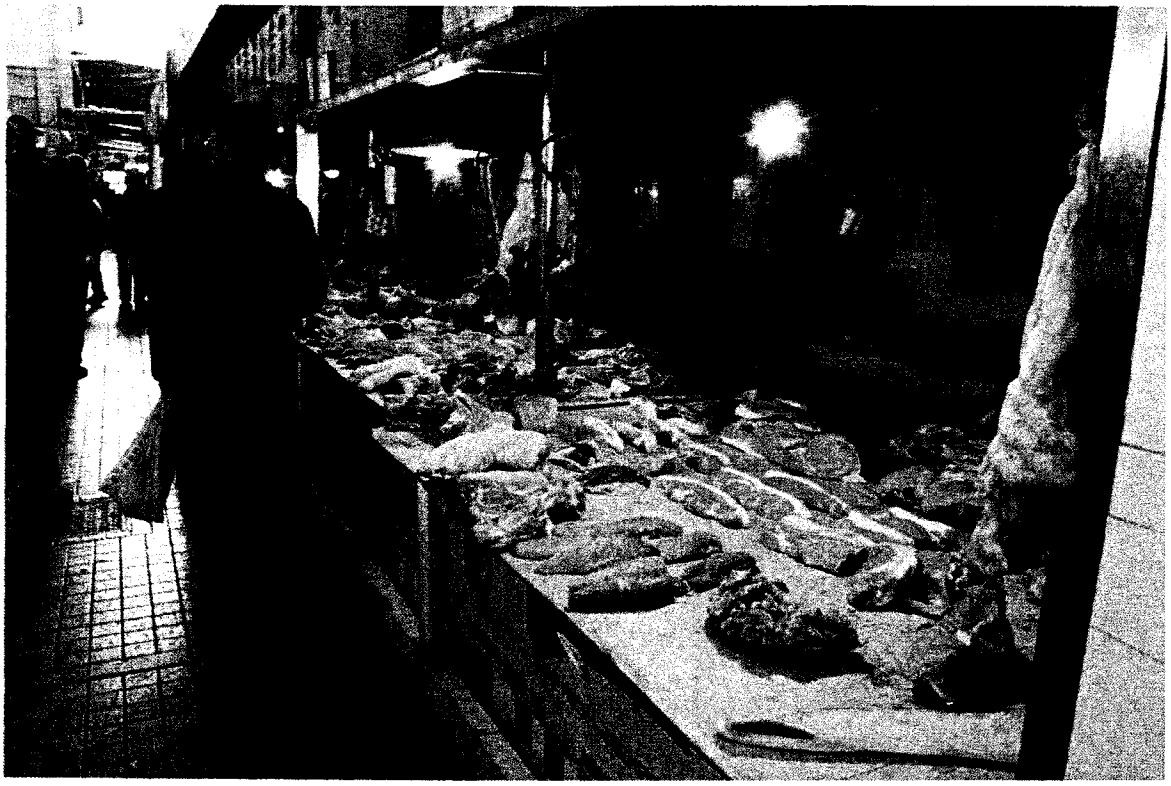
HB HB337

"Open Air" meat market in China