

HOUSE BILL 718

Introduced by Elliott, et al.

2/08	Introduced
2/08	Referred to Natural Resources
2/09	First Reading
2/09	Fiscal Note Requested
2/16	Fiscal Note Received
2/18	Fiscal Note Printed
3/12	Hearing
3/15	Committee Report--Bill Passed as Amended
3/16	Rereferred to Appropriations
3/21	Hearing
3/23	Tabled in Committee

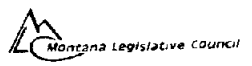
1 HOUSE BILL NO. 718
2 INTRODUCED BY Ream

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE
5 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO COLLECT
6 FEES TO OFFSET WATER QUALITY PROGRAM COSTS FOR ISSUING
7 PERMITS AND MONITORING ACTIVITY; ESTABLISHING A WATER
8 QUALITY SPECIAL REVENUE ACCOUNT INTO WHICH THE COLLECTED
9 FEES ARE TO BE PAID; AND PROVIDING AN IMMEDIATE EFFECTIVE
10 DATE."
11

12 STATEMENT OF INTENT

13 A statement of intent is required for this bill because
14 it authorizes the board of health and environmental sciences
15 to adopt rules providing schedules for fees to be assessed
16 to applicants for or holders of certain permits or licenses.
17 The intent of this bill is to allow the department of health
18 and environmental sciences to charge for its services in
19 preparing and administering permits and for costs of
20 monitoring sites to ensure compliance with permit conditions
21 developed pursuant to Title 75, chapter 5, MCA. The board of
22 health and environmental sciences shall develop fee
23 schedules that result in revenues that do not exceed the
24 documented costs of providing the services.
25

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
2 NEW SECTION. **Section 1.** Fees authorized for cost
3 recovery. (1) The board may adopt fee schedules and
4 authorize the department to assess a fee to recover a part
5 or all of:
6 (a) the department's costs in reviewing an application
7 for a state permit or license;
8 (b) the department's costs in processing and monitoring
9 a permit authorized by rule pursuant to 75-5-401;
10 (c) the department's costs in monitoring activity
11 undertaken pursuant to a state permit or license or in
12 monitoring activity that does not require a permit but does
13 require department review; and
14 (d) the board's and department's costs related to
15 determinations pertaining to nondegradation of state waters
16 pursuant to 75-5-303.
17 (2) The fee schedules may not result in the collection
18 of revenues exceeding the board's and department's
19 documented costs.
20 (3) Fees collected pursuant to this section must be
21 deposited in the water quality special revenue account
22 established in [section 2].
23 NEW SECTION. **Section 2.** Water quality special revenue
24 account. (1) There is a water quality special revenue
25 account within the state special revenue fund established in



LC 1990/01

1 17-2-102. There must be paid into the account all revenues
2 collected pursuant to [section 1].

3 (2) Funds from the water quality special revenue
4 account may only be used to pay department and board costs
5 as described in [section 1].

6 NEW SECTION. **Section 3.** Codification instruction.
7 [Sections 1 and 2] are intended to be codified as an
8 integral part of Title 75, chapter 5, part 5, and the
9 provisions of Title 75, chapter 5, part 5, apply to
10 [sections 1 and 2].

11 NEW SECTION. **Section 4.** Effective date. [This act] is
12 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0718, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill to authorize the Department of Health and Environmental Sciences to collect fees to offset water quality program costs for issuing permits and monitoring activity and establishing a water quality special revenue account into which the collected fees are to be paid.

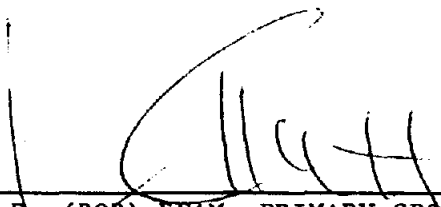
ASSUMPTIONS:

1. HB0718 requires that fees be structured in relation to costs of conducting permitting and inspection activities. It is assumed that the Board of Health and Environmental Sciences would adjust the fee structure to exclude costs funded by federal grants. The water permits program is currently 100% federally funded. Therefore, HB0718 would have a revenue effect only to the extent that the program is expanded using state funds. HB0718 would have no direct impact on expenditures.
2. For purposes of this fiscal note, the revenues generated assume an expansion in the program of 3.00 FTE. This assumption is based on the amount of additional resources that the department estimates are justified to adequately monitor the current number of permitted facilities, based on an interpretation of the sponsor's intent.
3. The cost of the current inspection/monitoring activities is approximately \$300 per year for facilities discharging to surface water and \$1,000 for facilities discharging to groundwater.

FISCAL IMPACT:Department of Health and Environmental Sciences:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Revenues:</u>						
Permit Fees (02)	0	109,400	109,400	0	109,400	109,400


 ROD SUNDSTED, BUDGET DIRECTOR
 Office of Budget and Program Planning
 DATE 2-15-91


 ROBERT R. (BOB) REAM, PRIMARY SPONSOR
 Jim Elliott
 Fiscal Note for HB0718, as introduced.
 DATE 2-18-91
 HB 718

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 718

INTRODUCED BY ELLIOT, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO COLLECT FEES TO OFFSET WATER QUALITY PROGRAM COSTS FOR ISSUING PERMITS AND MONITORING ACTIVITY; REQUIRING THE DEPARTMENT TO PROVIDE NOTICE OF THE FEE ASSESSMENT; PROVIDING AN APPEAL PROCEDURE FOR RESOLUTION OF FEE DISPUTES; ESTABLISHING A WATER QUALITY SPECIAL REVENUE ACCOUNT INTO WHICH THE COLLECTED FEES ARE TO BE PAID; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because it authorizes the board of health and environmental sciences to adopt rules providing schedules for fees to be assessed to applicants for or holders of certain permits or licenses. The intent of this bill is to allow the department of health and environmental sciences to charge for its services in preparing and administering permits and for costs of monitoring sites to ensure compliance with permit conditions developed pursuant to Title 75, chapter 5, MCA. THE DEPARTMENT MAY ALSO COLLECT FEES FOR INCREASED EFFORT IN REVIEWING PERMIT, CERTIFICATE, AND LICENSE APPLICATIONS AND

IN CONDUCTING MONITORING FOR PROJECTS AND ACTIVITIES THAT ARE EXCLUDED BY RULE FROM THE PERMIT OR CERTIFICATION REQUIREMENTS OF TITLE 75, CHAPTER 5, PART 4, BUT THAT REQUIRE THE DEPARTMENT'S SERVICES. The board of health and environmental sciences shall develop fee schedules that result in revenues that do not exceed the documented costs of providing the services.

THE RULES ADOPTED BY THE BOARD SHOULD PROVIDE A MECHANISM FOR COORDINATING COLLECTION OF FEES FOR THE REVIEW AND MONITORING OF PROJECTS AND ACTIVITIES AS AUTHORIZED BY [SECTION 1] WITH ANY OTHER FEES THAT ARE COLLECTED BY OTHER STATE AGENCIES FOR THE REVIEW AND MONITORING OF THOSE PROJECTS AND ACTIVITIES. THE FEES COLLECTED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY NOT DUPLICATE THE FEES COLLECTED BY ANOTHER STATE AGENCY FOR SERVICES IN REVIEWING PERMIT, CERTIFICATE, AND LICENSE APPLICATIONS AND IN CONDUCTING MONITORING.

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

NEW SECTION. Section 1. Fees authorized for cost recovery -- NOTICE -- APPEAL. (1) The board may adopt fee schedules and authorize the department to assess a fee to recover a part or all of:

(a)--the-department's-costs-in-reviewing-an-application for-a-state-permit-or-license;

1 (b)(A) the department's costs in processing AN
 2 APPLICATION FOR A PERMIT OR CERTIFICATE and monitoring a
 3 permit OR CERTIFICATE authorized by rule pursuant to
 4 75-5-401;

5 (c)(B) the department's costs in REVIEWING AN
 6 APPLICATION FOR A STATE PERMIT, CERTIFICATE, OR LICENSE OR
 7 IN monitoring activity undertaken pursuant to a state
 8 permit, CERTIFICATE, or license ~~or-in-monitoring-activity~~
 9 ~~that-does-not-require-a-permit-but-does--require--department~~
 10 review THAT IS EXCLUDED BY RULE FROM THE PERMIT REQUIREMENTS
 11 OF TITLE 75, CHAPTER 5, PART 4; and

12 (d)(C) the board's and department's costs related to
 13 determinations pertaining to nondegradation of state waters
 14 pursuant to 75-5-303.

15 (2) The fee schedules may not result in the collection
 16 of revenues exceeding the board's and department's
 17 documented costs.

18 (3) Fees collected pursuant to this section must be
 19 deposited in the water quality special revenue account
 20 established in [section 2].

21 (4) THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO A
 22 HOLDER OF OR AN APPLICANT FOR A STATE PERMIT, CERTIFICATE,
 23 OR LICENSE OF THE AMOUNT OF THE FEE TO BE ASSESSED AND THE
 24 BASIS FOR THE DEPARTMENT'S FEE ASSESSMENT UNDER THIS
 25 SECTION.

1 (5) A HOLDER OF OR AN APPLICANT FOR A PERMIT,
 2 CERTIFICATE, OR LICENSE MAY APPEAL THE DEPARTMENT'S FEE
 3 ASSESSMENT TO THE BOARD WITHIN 20 DAYS AFTER RECEIVING
 4 WRITTEN NOTICE OF THE DEPARTMENT'S FEE DETERMINATION UNDER
 5 SUBSECTION (4). THE APPEAL TO THE BOARD MUST INCLUDE A
 6 WRITTEN STATEMENT DETAILING THE REASONS THAT THE
 7 PERMITHOLDER OR APPLICANT CONSIDERS THE DEPARTMENT'S FEE
 8 ASSESSMENT TO BE ERRONEOUS OR EXCESSIVE.

9 (6) IF PART OF THE DEPARTMENT'S FEE ASSESSMENT IS NOT
 10 IN DISPUTE IN AN APPEAL FILED PURSUANT TO SUBSECTION (5),
 11 THE UNDISPUTED PORTION OF THE FEE MUST BE PAID TO THE
 12 DEPARTMENT UPON WRITTEN REQUEST OF THE DEPARTMENT.

13 (7) THE CONTESTED CASE PROVISIONS OF THE MONTANA
 14 ADMINISTRATIVE PROCEDURE ACT, TITLE 2, CHAPTER 4, APPLY TO A
 15 HEARING BEFORE THE BOARD PURSUANT TO THIS SECTION.

16 NEW SECTION. Section 2. Water quality special revenue
 17 account. (1) There is a water quality special revenue
 18 account within the state special revenue fund established in
 19 17-2-102. There must be paid into the account all revenues
 20 collected pursuant to [section 1].

21 (2) Funds from the water quality special revenue
 22 account may only be used to pay department and board costs
 23 as described in [section 1].

24 NEW SECTION. Section 3. Codification instruction.
 25 [Sections 1 and 2] are intended to be codified as an

1 integral part of Title 75, chapter 5, part 5, and the
2 provisions of Title 75, chapter 5, part 5, apply to
3 [sections 1 and 2].

4 NEW SECTION. SECTION 4. APPLICABILITY. THE BOARD OF
5 HEALTH AND ENVIRONMENTAL SCIENCES MAY COMMENCE PROCEEDINGS
6 TO ADOPT RULES TO BE EFFECTIVE ON [THE EFFECTIVE DATE OF
7 THIS ACT].

8 NEW SECTION. Section 5. Effective date. [This act] is
9 effective on ~~passage-and-approval~~ THE EARLIER OF OCTOBER 1,
10 1991, OR THE DATE OF ADOPTION OF RULES BY THE BOARD OF
11 HEALTH AND ENVIRONMENTAL SCIENCES.

-End-