

SENATE BILL NO. 437

INTRODUCED BY B. BROWN, BOHARSKI

IN THE SENATE

FEBRUARY 19, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

 FIRST READING.

FEBRUARY 22, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1991 PRINTING REPORT.

FEBRUARY 25, 1991 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

FEBRUARY 26, 1991 SECOND READING, DO PASS.

 ENGROSSING REPORT.

FEBRUARY 27, 1991 THIRD READING, PASSED.
AYES, 46; NOES, 1.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

 FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

 POSTED ON CONSENT CALENDAR.

MARCH 15, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

MARCH 19, 1991 ON MOTION, CONSIDERATION PASSED.

 ON MOTION, BILL PLACED ON SECOND READING.

MARCH 21, 1991 ON MOTION, CONSIDERATION PASSED

MARCH 23, 1991 ON MOTION, CONSIDERATION PASSED

APRIL 6, 1991 SECOND READING, CONCURRED IN AS

AMENDED.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.
AYES, 96; NOES, 1.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 17, 1991

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 18, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

APRIL 19, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *437*
 2 INTRODUCED BY *Bob Brown* *Lelan E. Bhatnagar*
 3 *Johnathan*

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL
 5 GOVERNMENT TO ESTABLISH REASONABLE FEES FOR LAKE-RELATED
 6 CONSTRUCTION PERMITS; CLARIFYING THAT A PERMIT IS REQUIRED
 7 FOR CONSTRUCTION ON A LAKESHORE; AND AMENDING SECTION
 8 75-7-210, MCA."
 9

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

11 **Section 1.** Section 75-7-210, MCA, is amended to read:

12 "75-7-210. Application for permit -- fee. (1) A person
 13 seeking a permit for work in a lake or on a lakeshore shall
 14 apply to the local governing body and shall pay an
 15 application a permit fee of ~~--\$10--~~ to established by the
 16 governing body under subsection (2).

17 (2) The local governing body shall establish a permit
 18 fee as provided in subsection (1). The permit fee must
 19 reasonably address the cost of administering the permit
 20 application. Factors the local governing body shall consider
 21 when establishing the fee include but are not limited to:

- 22 (a) the annual estimated total number of permit
- 23 requests;
- 24 (b) the complexity of the specific project;
- 25 (c) the need for and location and number of onsite

1 investigations; and
 2 (d) the estimated cost of the specific project."

-End-



-2-
 INTRODUCED BILL
 SB 437

1 SENATE BILL NO. 437
2 INTRODUCED BY B. BROWN, BOHARSKI
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL
5 GOVERNMENT TO ESTABLISH REASONABLE FEES FOR LAKE-RELATED
6 CONSTRUCTION PERMITS; CLARIFYING THAT A PERMIT IS REQUIRED
7 FOR CONSTRUCTION ON A LAKESHORE; AND AMENDING SECTION
8 75-7-210, MCA."

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

11 **Section 1.** Section 75-7-210, MCA, is amended to read:

12 "75-7-210. Application for permit -- fee --
13 LIMITATIONS. (1) A person seeking a permit for work in a
14 lake or on a lakeshore shall apply to the local governing
15 body and shall pay an application a permit fee of --\$10--to
16 established by the governing body under subsection (2).

17 (2) (A) The local governing body shall establish a
18 permit fee as provided in subsection (1). The permit fee
19 must reasonably address the cost of administering the permit
20 application. Factors the local governing body shall consider
21 when establishing the fee include but are not limited to:

- 22 (a)(I) the annual estimated total number of permit
23 requests;
24 (b)(II) the complexity of the specific project;
25 (c)(III) the need for and location and number of onsite

1 investigations; and
2 (d)(IV) the estimated cost of the specific project.
3 (B) A PERMIT FEE PROVIDED FOR IN SUBSECTION (2)(A) MAY
4 NOT EXCEED \$250, EXCEPT THAT A PERMIT FEE FOR A PROJECT
5 INVOLVING A MAJOR VARIANCE TO ADOPTED REGULATIONS MAY NOT
6 EXCEED \$500."

-End-

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 437
Representative Boharski

April 5, 1991 10:37 am
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 437 (third reading copy -- blue).

Signed: Wm E Boharski
Representative Boharski

And, that such amendments to Senate Bill 437 read as follows:

1. Page 2, lines 3 through 6.

Strike: subsection b in its entirety

Insert: "(B) The fees established in this subsection shall not exceed the following limits:

- I) \$25 for residential permits not requiring a variance from the local governing authority;
- II) \$60 for residential permits requiring a variance from the local governing authority;
- III) \$60 for commercial permits not requiring a variance from the local governing authority; and
- IV) \$150 for commercial permits requiring a variance from the local governing authority."

ADOPT

REJECT

HOUSE

SB 437

1 SENATE BILL NO. 437

2 INTRODUCED BY B. BROWN, BOHARSKI

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL
5 GOVERNMENT TO ESTABLISH REASONABLE FEES FOR LAKE-RELATED
6 CONSTRUCTION PERMITS; CLARIFYING THAT A PERMIT IS REQUIRED
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8 75-7-210, MCA."

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14 lake or on a lakeshore shall apply to the local governing
15 body and shall pay an application a permit fee of--\$10--to
16 established by the governing body under subsection (2).

17 (2) (A) The local governing body shall establish a
18 permit fee as provided in subsection (1). The permit fee
19 must reasonably address the cost of administering the permit
20 application. Factors the local governing body shall consider
21 when establishing the fee include but are not limited to:

22 (a)(I) the annual estimated total number of permit
23 requests;

24 (b)(II) the complexity of the specific project;

25 (c)(III) the need for and location and number of onsite

1 investigations; and

2 (d)(IV) the estimated cost of the specific project.

3 (B) A PERMIT FEE PROVIDED FOR IN SUBSECTION (2)(A) MAY
4 NOT EXCEED \$250, EXCEPT THAT A PERMIT FEE FOR A PROJECT
5 INVOLVING A MAJOR VARIANCE TO ADOPTED REGULATIONS MAY NOT
6 EXCEED \$500."

-End-

SENATE BILL NO. 437

INTRODUCED BY B. BROWN, BOHARSKI

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL GOVERNMENT TO ESTABLISH REASONABLE FEES FOR LAKE-RELATED CONSTRUCTION PERMITS; CLARIFYING THAT A PERMIT IS REQUIRED FOR CONSTRUCTION ON A LAKESHORE; AND AMENDING SECTION 75-7-210, MCA."

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

Section 1. Section 75-7-210, MCA, is amended to read:

"75-7-210. Application for permit -- fee -- LIMITATIONS. (1) A person seeking a permit for work in a lake or on a lakeshore shall apply to the local governing body and shall pay an application a permit fee of--\$10--to established by the governing body under subsection (2).

(2) (A) The local governing body shall establish a permit fee as provided in subsection (1). The permit fee must reasonably address the cost of administering the permit application. Factors the local governing body shall consider when establishing the fee include but are not limited to:

- (a)(I) the annual estimated total number of permit requests;
(b)(II) the complexity of the specific project;
(c)(III) the need for and location and number of onsite

investigations; and

(d)(IV) the estimated cost of the specific project.

(B) --A--PERMIT-FEE-PROVIDED-FOR-IN-SUBSECTION-(2)-(A)--MAY NOT EXCEED \$250, EXCEPT THAT A--PERMIT--FEE--FOR--A--PROJECT INVOLVING--A--MAJOR--VARIANCE-TO-ADOPTED-REGULATIONS-MAY-NOT EXCEED \$500.

(B) THE FEES ESTABLISHED IN THIS SUBSECTION MAY NOT EXCEED THE FOLLOWING LIMITS:

- (I) \$25 FOR RESIDENTIAL PERMITS NOT REQUIRING A VARIANCE FROM THE LOCAL GOVERNING AUTHORITY;
(II) \$60 FOR RESIDENTIAL PERMITS REQUIRING A VARIANCE FROM THE LOCAL GOVERNING AUTHORITY;
(III) \$60 FOR COMMERCIAL PERMITS NOT REQUIRING A VARIANCE FROM THE LOCAL GOVERNING AUTHORITY; AND
(IV) \$150 FOR COMMERCIAL PERMITS REQUIRING A VARIANCE FROM THE LOCAL GOVERNING AUTHORITY."

-End-



REFERENCE BILL

SB 437

AS AMENDED

SECOND PRINTING