

1 House BILL NO. 340
 2 INTRODUCED BY Shelden Bradley Stutz
 3 Kille W. Bach

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE EACH STATE
 5 AGENCY TO ADOPT RULES IMPOSING A FEE TO BE PAID BY AN
 6 APPLICANT FOR A LEASE, PERMIT, CONTRACT, LICENSE, OR
 7 CERTIFICATE WHEN AN AGENCY IS REQUIRED TO COMPILE AN
 8 ENVIRONMENTAL IMPACT STATEMENT."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. There is a new R.C.M. section numbered
 12 69-6518 that reads as follows:

13 69-6518. Fee may be imposed. (1) Each agency of
 14 state government charged with the responsibility of issuing
 15 a lease, permit, contract, license, or certificate under any
 16 provision of state law may adopt rules prescribing fees
 17 which shall be paid by a person, corporation, partnership,
 18 firm, association, or other private entity when an
 19 application for a lease, permit, contract, license, or
 20 certificate will require an agency to compile an
 21 environmental impact statement as prescribed by section
 22 69-650, R.C.M. 1947, of the Montana Environmental Policy
 23 Act. An agency must determine within thirty (30) days after
 24 a completed application is filed whether it will be
 25 necessary to compile an environmental impact statement and

1 assess a fee as prescribed by this section. The fee
 2 assessed under this section shall only be used to gather
 3 data and information necessary to compile an environmental
 4 impact statement as defined in the Montana Environmental
 5 Policy Act. No fee may be assessed if an agency intends
 6 only to file a negative declaration stating that the
 7 proposed project will not have a significant impact on the
 8 human environment.

9 (2) In prescribing fees to be assessed against
 10 applicants for a lease, permit, contract, license, or
 11 certificate, as specified in subsection (1), an agency may
 12 adopt a fee schedule which may be adjusted depending upon
 13 the size and complexity of the proposed project. No fee may
 14 be assessed unless the application for a lease, permit,
 15 contract, license, or certificate will result in the agency
 16 incurring expenses in excess of two thousand five hundred
 17 dollars (\$2,500) to compile an environmental impact
 18 statement. The maximum fee that may be imposed by an agency
 19 shall not exceed two percent (2%) of the cost of
 20 constructing a project.

21 (3) No fee as prescribed by this section may be
 22 assessed against any person, corporation, partnership, firm,
 23 association, or other private entity filing an application
 24 for a certificate under the provisions of the Montana
 25 Utility Siting Act, Title 70, chapter 8, R.C.M. 1947.

1 (4) In adopting rules prescribing fees as authorized
2 by this section, an agency shall comply with the provisions
3 of the Montana Administrative Procedure Act, Title 82,
4 chapter 42, R.C.M. 1947.

5 (5) All fees collected under this section shall be
6 deposited in the state general fund. It is the intent of
7 the legislature that the fees derived under this section be
8 appropriated to the agencies for the compilation of
9 environmental impact statements as required by this act.

10 (6) Each agency shall review and revise its rules
11 imposing fees as authorized by this section at least every
12 two (2) years. Furthermore, each agency shall provide the
13 legislature with a complete report on the fees collected
14 prior to the time that a request for an appropriation of
15 those fees is made to the legislature.

-End-

Approved by Committee
on State Administration

House BILL NO. *340*

INTRODUCED BY *Sheldon Bradley, Stoltz*
Kalle W. Barth

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE EACH STATE AGENCY TO ADOPT RULES IMPOSING A FEE TO BE PAID BY AN APPLICANT FOR A LEASE, PERMIT, CONTRACT, LICENSE, OR CERTIFICATE WHEN AN AGENCY IS REQUIRED TO COMPILE AN ENVIRONMENTAL IMPACT STATEMENT."

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

Section 1. There is a new R.C.M. section numbered 69-6518 that reads as follows:

69-6518. Fee may be imposed. (1) Each agency of state government charged with the responsibility of issuing a lease, permit, contract, license, or certificate under any provision of state law may adopt rules prescribing fees which shall be paid by a person, corporation, partnership, firm, association, or other private entity when an application for a lease, permit, contract, license, or certificate will require an agency to compile an environmental impact statement as prescribed by section 69-6504, R.C.M. 1947, of the Montana Environmental Policy Act. An agency must determine within thirty (30) days after a completed application is filed whether it will be necessary to compile an environmental impact statement and

assess a fee as prescribed by this section. The fee assessed under this section shall only be used to gather data and information necessary to compile an environmental impact statement as defined in the Montana Environmental Policy Act. No fee may be assessed if an agency intends only to file a negative declaration stating that the proposed project will not have a significant impact on the human environment.

(2) In prescribing fees to be assessed against applicants for a lease, permit, contract, license, or certificate, as specified in subsection (1), an agency may adopt a fee schedule which may be adjusted depending upon the size and complexity of the proposed project. No fee may be assessed unless the application for a lease, permit, contract, license, or certificate will result in the agency incurring expenses in excess of two thousand five hundred dollars (\$2,500) to compile an environmental impact statement. The maximum fee that may be imposed by an agency shall not exceed two percent (2%) of the cost of constructing a project.

(3) No fee as prescribed by this section may be assessed against any person, corporation, partnership, firm, association, or other private entity filing an application for a certificate under the provisions of the Montana Utility Siting Act, Title 70, chapter 8, R.C.M. 1947.

1 (4) In adopting rules prescribing fees as authorized
2 by this section, an agency shall comply with the provisions
3 of the Montana Administrative Procedure Act, Title 82,
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13 legislature with a complete report on the fees collected
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15 those fees is made to the legislature.

-End-

1 House BILL NO. 340
 2 INTRODUCED BY Shepherd Bradley Staff
 3 Kubie W. Beeth

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 19 application for a lease, permit, contract, license, or
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 21 environmental impact statement as prescribed by section
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 23 Act. An agency must determine within thirty (30) days after
 24 a completed application is filed whether it will be
 25 necessary to compile an environmental impact statement and

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 4 impact statement as defined in the Montana Environmental
 5 Policy Act. No fee may be assessed if an agency intends
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 7 proposed project will not have a significant impact on the
 8 human environment.

9 (2) In prescribing fees to be assessed against
 10 applicants for a lease, permit, contract, license, or
 11 certificate, as specified in subsection (1), an agency may
 12 adopt a fee schedule which may be adjusted depending upon
 13 the size and complexity of the proposed project. No fee may
 14 be assessed unless the application for a lease, permit,
 15 contract, license, or certificate will result in the agency
 16 incurring expenses in excess of two thousand five hundred
 17 dollars (\$2,500) to compile an environmental impact
 18 statement. The maximum fee that may be imposed by an agency
 19 shall not exceed two percent (2%) of the cost of
 20 constructing a project.

21 (3) No fee as prescribed by this section may be
 22 assessed against any person, corporation, partnership, firm,
 23 association, or other private entity filing an application
 24 for a certificate under the provisions of the Montana
 25 Utility Siting Act, Title 70, chapter 8, R.C.M. 1947.

1 (4) In adopting rules prescribing fees as authorized
2 by this section, an agency shall comply with the provisions
3 of the Montana Administrative Procedure Act, Title 82,
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5 (5) All fees collected under this section shall be
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9 environmental impact statements as required by this act.

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12 two (2) years. Furthermore, each agency shall provide the
13 legislature with a complete report on the fees collected
14 prior to the time that a request for an appropriation of
15 those fees is made to the legislature.

-End-

March 20, 1975

SENATE COMMITTEE ON STATE ADMINISTRATION

AMENDMENTS TO HOUSE BILL NO. 340

That House Bill No. 340, third reading, be amended as follows:

1. Amend page 2, section 1, lines 19 through 20.

Following: "(2%) of"

Strike: "the cost of constructing a project"

Insert: "any estimated cost up to one million dollars (\$1,000,000); plus one percent (1%) of any estimated cost over one million dollars (\$1,000,000) and up to twenty million dollars (\$20,000,000); plus one-half of one percent (1/2 of 1%) of any estimated cost over twenty million dollars (\$20,000,000) and up to one hundred million dollars (\$100,000,000); plus one-quarter of one percent (1/4 of 1%) of any estimated cost over one hundred million dollars (\$100,000,000) and up to three hundred million dollars (\$300,000,000); plus one-eighth of one percent (1/8 of 1%) of any estimated cost in excess of three hundred million dollars (\$300,000,000). If an application consists of two (2) or more facilities, the filing fee shall be based on the total estimated cost of the combined facilities. The estimated cost shall be determined by the agency and the applicant at the time the application is filed"

2. Amend page 3, section 1, lines 6 through 9.

Following: "state"

Strike: "general fund. It is the intent of the legislature that the fees derived under this section be appropriated to the agencies for the compilation of environmental impact statements as required by this act"

Insert: "earmarked revenue fund as provided in R.C.M. 1947, Section 79-410. All fees paid pursuant to this section shall be used as herein provided and each agency upon completion of the necessary work will make an accounting to the applicant of the funds expended and refund all unexpended funds without interest"

3. Amend page 3, section 1, line 9.

Following: line 9

Insert: "(6) In cases where a combined facility proposed by an applicant requires action by more than one (1) agency or multiple applications for the same facility, the governor shall designate a lead agency to collect one (1) fee pursuant to this section, to coordinate the preparation of information required for all environmental impact statements which may be required, and to allocate and disburse the funds necessary to the other agencies which require funds for the completion of the necessary work."

Renumber: Subsequent subsection

4. Amend page 3, section 1, lines 14 and 15.

Following: "appropriation"

Strike: "of those fees"

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 2 INTRODUCED BY SHELDEN, BRADLEY, STOLTZ, KIMBLE, W. BAETH
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 17 which shall be paid by a person, corporation, partnership,
 18 firm, association, or other private entity when an
 19 application for a lease, permit, contract, license, or
 20 certificate will require an agency to compile an
 21 environmental impact statement as prescribed by section
 22 69-6504, R.C.M. 1947, of the Montana Environmental Policy
 23 Act. An agency must determine within thirty (30) days after
 24 a completed application is filed whether it will be
 25 necessary to compile an environmental impact statement and

1 assess a fee as prescribed by this section. The fee
 2 assessed under this section shall only be used to gather
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 4 impact statement as defined in the Montana Environmental
 5 Policy Act. No fee may be assessed if an agency intends
 6 only to file a negative declaration stating that the
 7 proposed project will not have a significant impact on the
 8 human environment.

9 (2) In prescribing fees to be assessed against
 10 applicants for a lease, permit, contract, license, or
 11 certificate, as specified in subsection (1), an agency may
 12 adopt a fee schedule which may be adjusted depending upon
 13 the size and complexity of the proposed project. No fee may
 14 be assessed unless the application for a lease, permit,
 15 contract, license, or certificate will result in the agency
 16 incurring expenses in excess of two thousand five hundred
 17 dollars (\$2,500) to compile an environmental impact
 18 statement. The maximum fee that may be imposed by an agency
 19 shall not exceed two percent (2%) of ~~the cost of~~
 20 constructing a project, ANY ESTIMATED COST UP TO ONE MILLION
 21 DOLLARS (\$1,000,000); PLUS ONE PERCENT (1%) OF ANY ESTIMATED
 22 COST OVER ONE MILLION DOLLARS (\$1,000,000) AND UP TO TWENTY
 23 MILLION DOLLARS (\$20,000,000); PLUS ONE-HALF OF ONE PERCENT
 24 (1/2 OF 1%) OF ANY ESTIMATED COST OVER TWENTY MILLION
 25 DOLLARS (\$20,000,000) AND UP TO ONE HUNDRED MILLION DOLLARS

1 (\$100,000,000); PLUS ONE-QUARTER OF ONE PERCENT (1/4 OF 1%)
 2 OF ANY ESTIMATED COST OVER ONE HUNDRED MILLION DOLLARS
 3 (\$100,000,000) AND UP TO THREE HUNDRED MILLION DOLLARS
 4 (\$300,000,000); PLUS ONE-EIGHTH OF ONE PERCENT (1/8 OF 1%)
 5 OF ANY ESTIMATED COST IN EXCESS OF THREE HUNDRED MILLION
 6 DOLLARS (\$300,000,000). IF AN APPLICATION CONSISTS OF TWO
 7 (2) OR MORE FACILITIES, THE FILING FEE SHALL BE BASED ON THE
 8 TOTAL ESTIMATED COST OF THE COMBINED FACILITIES. THE
 9 ESTIMATED COST SHALL BE DETERMINED BY THE AGENCY AND THE
 10 APPLICANT AT THE TIME THE APPLICATION IS FILED.

11 (3) No fee as prescribed by this section may be
 12 assessed against any person, corporation, partnership, firm,
 13 association, or other private entity filing an application
 14 for a certificate under the provisions of the Montana
 15 Utility Siting Act, Title 70, chapter 9, R.C.M. 1947.

16 (4) In adopting rules prescribing fees as authorized
 17 by this section, an agency shall comply with the provisions
 18 of the Montana Administrative Procedure Act, Title 82,
 19 chapter 42, R.C.M. 1947.

20 (5) All fees collected under this section shall be
 21 deposited in the state general fund, ~~it is the intent of~~
 22 ~~the legislature that the fees derived under this section be~~
 23 ~~appropriated to the agencies for the completion of~~
 24 ~~environmental impact statements as required by this act.~~
 25 EARMARKED REVENUE FUND AS PROVIDED IN SECTION 79-410, R.C.M.

1 1947. ALL FEES PAID PURSUANT TO THIS SECTION SHALL BE USED
 2 AS HEREIN PROVIDED AND EACH AGENCY UPON COMPLETION OF THE
 3 NECESSARY WORK WILL MAKE AN ACCOUNTING TO THE APPLICANT OF
 4 THE FUNDS EXPENDED AND REFUND ALL UNEXPENDED FUNDS WITHOUT
 5 INTEREST.

6 (6) IN CASES WHERE A COMBINED FACILITY PROPOSED BY AN
 7 APPLICANT REQUIRES ACTION BY MORE THAN ONE (1) AGENCY OR
 8 MULTIPLE APPLICATIONS FOR THE SAME FACILITY, THE GOVERNOR
 9 SHALL DESIGNATE A LEAD AGENCY TO COLLECT ONE (1) FEE
 10 PURSUANT TO THIS SECTION, TO COORDINATE THE PREPARATION OF
 11 INFORMATION REQUIRED FOR ALL ENVIRONMENTAL IMPACT STATEMENTS
 12 WHICH MAY BE REQUIRED, AND TO ALLOCATE AND DISBURSE THE
 13 FUNDS NECESSARY TO THE OTHER AGENCIES WHICH REQUIRE FUNDS
 14 FOR THE COMPLETION OF THE NECESSARY WORK.

15 ~~(6)~~ (7) Each agency shall review and revise its rules
 16 imposing fees as authorized by this section at least every
 17 two (2) years. Furthermore, each agency shall provide the
 18 legislature with a complete report on the fees collected
 19 prior to the time that a request for an appropriation of
 20 ~~these fees~~ is made to the legislature.

-End-