

1 ~~House~~ BILL NO. 492
 2 INTRODUCED BY ~~WILLIAM~~ VINCENT ~~Harper~~

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
 5 ASSESSMENT OF FEES FOR THE PREPARATION OF ENVIRONMENTAL
 6 IMPACT STATEMENTS UPON CERTAIN APPLICATIONS FOR WATER RIGHT
 7 PERMITS OR APPROVALS; AND PROVIDING FOR AN IMMEDIATE
 8 EFFECTIVE DATE."
 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 89-8-102.2, that reads as follows:

13 89-8-102.2. Fees for environmental impact statements.

14 (1) Whenever the department determines that the filing of an
 15 application (or a combination of applications) for a permit
 16 or approval under this chapter requires the preparation of
 17 an environmental impact statement as prescribed by the
 18 Montana Environmental Policy Act (Title 69, chapter 65,
 19 R.C.M. 1947), and the application (or combination of
 20 applications) involves the use of ten thousand (10,000) or
 21 more acre feet per year or fifteen (15) or more cubic feet
 22 per second of water, the applicant shall pay to the
 23 department the fee prescribed in subsection (2) of this
 24 section. The department shall notify the applicant in
 25 writing within thirty (30) days of receipt of a correct and

1 complete application (or a combination of applications), if
 2 it determines that an environmental impact statement and fee
 3 is required.

4 (2) Upon notification by the department under
 5 subsection (1) of this section, the applicant shall pay a
 6 fee based upon the estimated cost of constructing, repairing
 7 or changing the appropriation and diversion facilities
 8 according to the declining scale as follows: two percent
 9 (2%) of the estimated cost up to one million dollars
 10 (\$1,000,000); plus one percent (1%) of the estimated cost
 11 over one million dollars (\$1,000,000) and up to twenty
 12 million dollars (\$20,000,000); plus one-half of one percent
 13 (0.5%) of the estimated cost over twenty million dollars
 14 (\$20,000,000) and up to one hundred million dollars
 15 (\$100,000,000); plus one-quarter of one percent (0.25%) of
 16 the estimated cost over one hundred million dollars
 17 (\$100,000,000) and up to three hundred million dollars
 18 (\$300,000,000); plus one-tenth of one percent (0.1%) of the
 19 estimated cost over three hundred million dollars
 20 (\$300,000,000). The fee shall be deposited in the earmarked
 21 revenue fund to be used by the department only to comply
 22 with the Montana Environmental Policy Act in connection with
 23 the application(s). Any amounts paid by the applicant but
 24 not actually expended by the department shall be refunded to
 25 the applicant.

1 (3) No fee as prescribed by this section may be
2 assessed against an applicant for a permit or approval if
3 the applicant has also filed an application for a
4 certificate of environmental compatibility and public need
5 pursuant to the Montana Utility Siting Act (Title 70,
6 chapter 8, R.C.M. 1947), and the appropriation or use of
7 water involved in the application(s) for permit or approval
8 has been or will be studied by the department pursuant to
9 that act.

10 (4) Failure to submit the fee as required by this
11 section shall void the application(s).

12 Section 2. This act is effective upon its passage and
13 approval.

-End-

Approved by Committee
on Natural Resources

HOUSE BILL NO. 492

INTRODUCED BY JAMES MOORE, VINCENT, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR ASSESSMENT OF FEES FOR THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS UPON CERTAIN APPLICATIONS FOR WATER RIGHT PERMITS OR APPROVALS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. There is a new R.C.M. section numbered 89-8-102.2, that reads as follows:

89-8-102.2. Fees for environmental impact statements.

(1) Whenever the department determines that the filing of an application (or a combination of applications) for a permit or approval under this chapter requires the preparation of an environmental impact statement as prescribed by the Montana Environmental Policy Act (Title 69, chapter 65, R.C.M. 1947), and the application (or combination of applications) involves the use of ten thousand (10,000) or more acre feet per year or fifteen (15) or more cubic feet per second of water, the applicant shall pay to the department the fee prescribed in subsection (2) of this section. The department shall notify the applicant in writing within thirty (30) days of receipt of a correct and

complete application (or a combination of applications), if it determines that an environmental impact statement and fee is required.

(2) Upon notification by the department under subsection (1) of this section, the applicant shall pay a fee based upon the estimated cost of constructing, repairing or changing the appropriation and diversion facilities according to the declining scale as follows: two percent (2%) of the estimated cost up to one million dollars (\$1,000,000); plus one percent (1%) of the estimated cost over one million dollars (\$1,000,000) and up to twenty million dollars (\$20,000,000); plus one-half of one percent (0.5%) of the 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 (0.25%) of the estimated cost over one hundred million dollars (\$100,000,000) and up to three hundred million dollars (\$300,000,000); plus one-tenth of one percent (0.1%) of the estimated cost over three hundred million dollars (\$300,000,000). The fee shall be deposited in the earmarked revenue fund to be used by the department only to comply with the Montana Environmental Policy Act in connection with the application(s). Any amounts paid by the applicant but not actually expended by the department shall be refunded to the applicant.

1 (3) No fee as prescribed by this section may be
2 assessed against an applicant for a permit or approval if
3 the applicant has also filed an application for a
4 certificate of environmental compatibility and public need
5 pursuant to the Montana Utility Siting Act (Title 70,
6 chapter 8, R.C.M. 1947), and the appropriation or use of
7 water involved in the application(s) for permit or approval
8 has been or will be studied by the department pursuant to
9 that act.

10 (4) THIS ACT SHALL APPLY TO ALL APPLICATIONS, PENDING
11 OR HEREINAFTER FILED, FOR WHICH THE DEPARTMENT HAS NOT, AS
12 OF THE EFFECTIVE DATE OF THIS ACT, COMMENCED WRITING AN
13 ENVIRONMENTAL IMPACT STATEMENT.

14 ~~(4)~~(5) Failure to submit the fee as required by this
15 section shall void the application(s).

16 Section 2. This act is effective upon its passage and
17 approval.

-End-

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89-8-102.2. Fees for environmental impact statements.

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complete application (or a combination of applications), if it determines that an environmental impact statement and fee is required.

(2) Upon notification by the department under subsection (1) of this section, the applicant shall pay a fee based upon the estimated cost of constructing, repairing or changing the appropriation and diversion facilities according to the declining scale as follows: two percent (2%) of the estimated cost up to one million dollars (\$1,000,000); plus one percent (1%) of the estimated cost over one million dollars (\$1,000,000) and up to twenty million dollars (\$20,000,000); plus one-half of one percent (0.5%) of the 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 (0.25%) of the estimated cost over one hundred million dollars (\$100,000,000) and up to three hundred million dollars (\$300,000,000); plus one-tenth of one percent (0.1%) of the estimated cost over three hundred million dollars (\$300,000,000). The fee shall be deposited in the earmarked revenue fund to be used by the department only to comply with the Montana Environmental Policy Act in connection with the application(s). Any amounts paid by the applicant but not actually expended by the department shall be refunded to the applicant.

1 (3) No fee as prescribed by this section may be
2 assessed against an applicant for a permit or approval if
3 the applicant has also filed an application for a
4 certificate of environmental compatibility and public need
5 pursuant to the Montana Utility Siting Act (Title 70,
6 chapter 8, R.C.M. 1947), and the appropriation or use of
7 water involved in the application(s) for permit or approval
8 has been or will be studied by the department pursuant to
9 that act.

10 (4) THIS ACT SHALL APPLY TO ALL APPLICATIONS, PENDING
11 OR HEREINAFTER FILED, FOR WHICH THE DEPARTMENT HAS NOT, AS
12 OF THE EFFECTIVE DATE OF THIS ACT, COMMENCED WRITING AN
13 ENVIRONMENTAL IMPACT STATEMENT. THIS ACT SHALL NOT APPLY TO
14 ANY APPLICATION THE FEE FOR WHICH WOULD NOT EXCEED TWO
15 THOUSAND FIVE HUNDRED DOLLARS (\$2,500).

16 ~~+~~(5) Failure to submit the fee as required by this
17 section shall void the application(s).

18 Section 2. This act is effective upon its passage and
19 approval.

-End-

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15 (\$100,000,000); plus one-quarter of one percent (0.25%) of
16 the estimated cost over one hundred million dollars
17 (\$100,000,000) and up to three hundred million dollars
18 (\$300,000,000); plus ~~one-tenth--of--one--percent--(0.1%)~~
19 ONE-EIGHTH OF ONE PERCENT (.125%) of the estimated cost over
20 three hundred million dollars (\$300,000,000). The fee shall
21 be deposited in the earmarked revenue fund to be used by the
22 department only to comply with the Montana Environmental
23 Policy Act in connection with the application(s). Any
24 amounts paid by the applicant but not actually expended by
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