

1 Senate BILL NO. 51  
 2 INTRODUCED BY Norman (Request DH&ES)  
 3 Brown

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR FILING  
 5 FEES TO ACCOMPANY REQUESTS FOR VARIANCES; AMENDING SECTION  
 6 69-3916, R.C.M. 1947."

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

9 Section 1. Section 69-3916, R.C.M. 1947, is amended to  
 10 read as follows:

11 "69-3916. Variances -- filing fees. (1) Any person who  
 12 owns or is in control of any plant, building, structure,  
 13 process or equipment may apply to the board for an exemption  
 14 or partial exemption from rules or regulations governing the  
 15 quality, nature, duration or extent of emissions of air  
 16 pollutants. The application shall be accompanied by such  
 17 information and data as the board may require. The board may  
 18 grant such exemption or partial exemption if it finds that:

19 (a) The emissions occurring or proposed to occur do not  
 20 constitute a danger to public health or safety; and

21 (b) Compliance with the rules or regulations from which  
 22 exemption is sought would produce hardship without equal or  
 23 greater benefits to the public.

24 (2) No exemption or partial exemption shall be granted  
 25 pursuant to this section except after public hearing on due

1 notice and until the board has considered the relative  
 2 interests of the applicant, other owners or property likely  
 3 to be affected by the emissions, and the general public.

4 (3) No exemption or partial exemption pursuant to this  
 5 section shall be granted for a period to exceed one (1)  
 6 year, but any such exemption or partial exemption may be  
 7 renewed for like periods if no complaint is made to the  
 8 board on account thereof or if, such complaint having been  
 9 made and duly considered at a public hearing held by the  
 10 board on due notice, the board finds that renewal is  
 11 justified. No renewal shall be granted except on application  
 12 therefor. Any such application shall be made at least sixty  
 13 (60) days prior to the expiration of the exemption or  
 14 partial exemption. Immediately prior to application for  
 15 renewal the applicant shall give public notice of such  
 16 application in accordance with rules and regulations of the  
 17 board. Any renewal pursuant to this subsection shall be on  
 18 the same grounds and subject to the same limitations and  
 19 requirements as provided in subsection (a) of this section.

20 (4) An exemption, partial exemption or renewal thereof  
 21 shall not be a right of the applicant or holder thereof but  
 22 shall be in the discretion of the board. However, any person  
 23 adversely affected by an exemption, partial exemption or  
 24 renewal granted by the board may obtain judicial review  
 25 thereof as provided by section 14 [69-3917] of this act.

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1 (5) Nothing in this section and no exemption, partial  
 2 exemption or renewal granted pursuant hereto shall be  
 3 construed to prevent or limit the application of the  
 4 emergency provisions and procedures of section 12 [69-3915]  
 5 of this act to any person or his property.

6 (6) Any person who owns or is in control of any plant,  
 7 building, structure, process or equipment (hereinafter  
 8 called a facility) who applies to the board for an exemption  
 9 or partial exemption or a renewal of an exemption or partial  
 10 exemption from any rule governing the quality, nature,  
 11 duration or extent of emissions of air pollutants shall  
 12 submit with the application for variance a sum of not less  
 13 than five hundred dollars (\$500) or two percent (2%) of the  
 14 cost of the equipment to bring the facility into compliance  
 15 with the rule(s) for which a variance is sought, whichever  
 16 is greater, but not to exceed eighty thousand dollars  
 17 (\$80,000). The value of any fee in excess of five hundred  
 18 dollars (\$500) shall be calculated by determining the cost  
 19 of the equipment required to bring the facility into  
 20 compliance with the rule(s) for which the variance is being  
 21 sought. The person requesting the variance shall describe  
 22 the facility in sufficient detail, with accompanying  
 23 estimates of cost and verifying materials, to permit the  
 24 department to determine, with reasonable accuracy, the sum  
 25 of the fee which accompanied the request for variance. For

1 a renewal of an exemption or partial exemption, if no public  
 2 hearing is necessary, or no environmental impact statement  
 3 is deemed necessary, or if no appreciable investigation of  
 4 the renewal application is necessary by the department, the  
 5 minimum filing fee shall apply or the fee may be waived by  
 6 the department. The filing fee shall be deposited in the  
 7 earmarked revenue fund provided for in section 79-410. It  
 8 is the intent of the legislature that the revenues derived  
 9 from the filing fees shall be used by the department (a) to  
 10 compile the information required for rendering a decision on  
 11 the request, (b) to compile the information necessary for  
 12 any environmental impact statements, (c) to offset the costs  
 13 of a public hearing, printing, or mailing and (d) to carry  
 14 out its other responsibilities under this chapter."

-End-

## STATE OF MONTANA

REQUEST NO. 21-75

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 11, 19 75, there is hereby submitted a Fiscal Note for House Bill 51 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

An act to extend eligibility for Class 8 property tax classification to persons receiving disability benefits whose property is currently classified as Class 4. (Taxable value of Class 8 property is 15% of assessed value. Taxable value of Class 4 property is 30% of assessed value).

## ASSUMPTIONS:

1. Approximately 1000 additional individuals would qualify for Class 8 property classification under proposed law.
2. The average market value of Class 8 property is \$12,500 per individual; assessed value is approximately 40% of market value. Thus, approximately \$5.0 million in assessed value of property would be affected. This will not change significantly from FY 76 to FY 77.
3. Six mills will be levied for universities in FY 76 and FY 77. As much as 8 mills may be necessary in support of public school permissive levy in FY 77. Average local government mill levy will be 219 mills.

## FISCAL IMPACT:

	FY 76		FY 77 (1)		FY 77 (2)	
	State 6 mills	Local 219 mills	State 6 mills	Local 219 mills	State 14 mills	Local 219 mills
(1) Property tax collections on affected property under current law.	\$9,000	\$328,500	\$9,000	\$328,500	\$21,000	\$328,500
Tax collections under proposed law	<u>4,500</u>	<u>164,250</u>	<u>4,500</u>	<u>164,250</u>	<u>10,500</u>	<u>164,250</u>
Decrease in collections	<u>\$4,500</u>	<u>\$164,250</u>	<u>\$4,500</u>	<u>\$164,250</u>	<u>\$10,500</u>	<u>\$164,250</u>

## CONCLUSION:

Enactment of House Bill 51 would result in a loss of property tax revenue to the state of \$9,000 to \$15,000 during the biennium. Loss to local governments would be an estimated \$328,500 during the biennium.

*Michael S. Bellings*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: January 15, 1975

Approved by Committee  
on Natural Resources

Approved by Comm.  
on Fish and Game

SENATE BILL NO. 51

INTRODUCED BY NORMAN, BROWN

(BY REQUEST, DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR FILING  
FEES TO ACCOMPANY REQUESTS FOR VARIANCES; AMENDING SECTION  
69-3916, R.C.M. 1947."

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

Section 1. Section 69-3916, R.C.M. 1947, is amended to  
read as follows:

"69-3916. Variances -- filing fees. (1) Any person who  
owns or is in control of any plant, building, structure,  
process or equipment may apply to the board for an exemption  
or partial exemption from rules or regulations governing the  
quality, nature, duration or extent of emissions of air  
pollutants. The application shall be accompanied by such  
information and data as the board may require. The board may  
grant such exemption or partial exemption if it finds that:

(a) The emissions occurring or proposed to occur do  
not constitute a danger to public health or safety; and

(b) Compliance with the rules or regulations from  
which exemption is sought would produce hardship without  
equal or greater benefits to the public.

(2) No exemption or partial exemption shall be granted

pursuant to this section except after public hearing on due  
notice and until the board has considered the relative  
interests of the applicant, other owners or property likely  
to be affected by the emissions, and the general public.

(3) No exemption or partial exemption pursuant to this  
section shall be granted for a period to exceed one (1)  
year, but any such exemption or partial exemption may be  
renewed for like periods if no complaint is made to the  
board on account thereof or if, such complaint having been  
made and duly considered at a public hearing held by the  
board on due notice, the board finds that renewal is  
justified. No renewal shall be granted except on application  
therefor. Any such application shall be made at least sixty  
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partial exemption. Immediately prior to application for  
renewal the applicant shall give public notice of such  
application in accordance with rules and regulations of the  
board. Any renewal pursuant to this subsection shall be on  
the same grounds and subject to the same limitations and  
requirements as provided in subsection (a) of this section.

(4) An exemption, partial exemption or renewal thereof  
shall not be a right of the applicant or holder thereof but  
shall be in the discretion of the board. However, any person  
adversely affected by an exemption, partial exemption or  
renewal granted by the board may obtain judicial review

1 thereof as provided by section 14 [69-3917] of this act.

2 (5) Nothing in this section and no exemption, partial  
3 exemption or renewal granted pursuant hereto shall be  
4 construed to prevent or limit the application of the  
5 emergency provisions and procedures of section 12 [69-3915]  
6 of this act to any person or his property.

7 (6) Any person who owns or is in control of any plant,  
8 building, structure, process or equipment (hereinafter  
9 called a facility) who applies to the board for an exemption  
10 or partial exemption or a renewal of an exemption or partial  
11 exemption from any rule governing the quality, nature,  
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13 submit with the application for variance a sum of not less  
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15 cost of the equipment to bring the facility into compliance  
16 with the rule(s) for which a variance is sought, whichever  
17 is greater, but not to exceed eighty thousand dollars  
18 (\$80,000). THE DEPARTMENT SHALL PREPARE A STATEMENT OF  
19 ACTUAL COSTS, AND ANY FUNDS IN EXCESS OF THIS SHALL BE  
20 RETURNED TO THE APPLICANT. The value of any fee in excess of  
21 five hundred dollars (\$500) shall be calculated by  
22 determining the cost of the equipment required to bring the  
23 facility into compliance with the rule(s) for which the  
24 variance is being sought. The person requesting the  
25 variance shall describe the facility in sufficient detail,

1 with accompanying estimates of cost and verifying materials,  
2 to permit the department to determine, with reasonable  
3 accuracy, the sum of the fee which accompanied the request  
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9 apply or the fee may be waived by the department. The  
10 filing fee shall be deposited in the earmarked revenue fund  
11 provided for in section 79-410. It is the intent of the  
12 legislature that the revenues derived from the filing fees  
13 shall be used by the department (a) to compile the  
14 information required for rendering a decision on the  
15 request, (b) to compile the information necessary for any  
16 environmental impact statements, (c) to offset the costs of  
17 a public hearing, printing, or mailing and (d) to carry out  
18 its other responsibilities under this chapter."

-End-

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