

HOUSE BILL NO. 179
INTRODUCED BY DONALDSON

IN THE HOUSE

January 13, 1981	Introduced and referred to Committee on Local Government.
January 15, 1981	Fiscal note requested.
January 21, 1981	Fiscal note returned.
February 16, 1981	Committee recommend bill do pass as amended. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 19, 1981	Second reading, do pass.
February 20, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 80; Noes, 18. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Local Government.
March 26, 1981	Committee recommend bill be concurred in. Report adopted.
March 28, 1981	Second reading, pass consideration.
March 30, 1981	Second reading, concurred in.
March 31, 1981	On motion rules suspended. Bill allowed to be transmitted on 71st legislative day. Motion adopted. Third reading, concurred in. Ayes, 41; Noes, 9.

In The House

April 1, 1981	Returned from Senate. Concurred. Sent to enrolling.
April 2, 1981	Correctly enrolled.
April 6, 1981	Signed by Speaker. Signed by President.

Governor

April 6, 1981	Delivered to Governor.
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In the House

April 11, 1981	Returned from Governor with amendments.
April 20, 1981	Second reading, Governor's amendments concurred. On motion rules suspended and Governor's amendments placed on third reading this day. Transmitted to Senate.

In The Senate

April 21, 1981	Received from House.
April 22, 1981	Second reading, Governor's amendments not concurred.

In The House

April 23, 1981	Returned from Senate. On motion rules suspended to allow House to reconsider its action on the Governor's amendments. Motion adopted. Third reading, Governor's amendments not concurred.
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Governor

April 29, 1981	Delivered to Governor. Signed by Governor.
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HOUSE BILL NO. 179

INTRODUCED BY

Donaldson

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 76-4-105 AND 76-4-128, MCA, TO INCREASE THE LOT FEES CHARGED FOR SERVICES RENDERED IN THE REVIEW OF SUBDIVISIONS; TO ALLOW MORE REIMBURSEMENT TO LOCAL GOVERNMENTS PERFORMING SUBDIVISION REVIEW FUNCTIONS."

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

Section 1. Section 76-4-105, MCA, is amended to read:

"76-4-105. Lot fees. (1) The department shall adopt reasonable rules setting forth fees, not to exceed ~~425~~ ~~140~~ per parcel, for services rendered in the review of plats and subdivisions. The rules shall provide for a schedule of fees to be paid by the applicant for plat or subdivision review to the department for deposit in the agency fund provided for in 17-2-102. The fees shall be used for review of plats and subdivisions based on the complexity of the subdivision, including but not limited to:

(a) number of lots in the subdivision;

(b) the type of water system to serve the development;

(c) the type of sewage disposal to serve the development; and

(d) the degree of environmental research necessary to

supplement the review procedure.

(2) The department shall adopt rules to determine the distribution of lot fees between the local governing body and the department as provided in 76-4-128. When a subdivision is reviewed under the master plan provisions of 76-4-124, the local governing body shall, within 20 days after receiving an application under the Montana Subdivision and Platting Act, distribute the lot fees as determined by this subsection.

(3) A fee as described in this section is not required for the review of subdivisions in which divisions are made for the purpose of relocating common boundary lines unless the division will result in the installation of additional water supply or sewage disposal facilities."

Section 2. Section 76-4-123, MCA, is amended to read:

"76-4-128. Delegation of department review to local government. (1) The department shall delegate to a local government the authority to review a subdivision under this part when the subdivision involves five or fewer parcels and the local government has qualified personnel to adequately review the water supply and sewage and solid waste disposal facilities proposed for the subdivision.

(2) When a local government has conducted a review of a subdivision containing five or fewer parcels pursuant to this section, it shall advise the department of its

1 recommendation for approval or disapproval of the
2 subdivision. The department shall, within 10 days after
3 receiving the recommendation of the local government, make a
4 final decision on the subdivision.

5 (3) In delegating authority pursuant to this section,
6 the department shall enter into an agreement with the local
7 government wherein the department shall agree to transfer
8 not less than ~~\$10~~ \$20 of the fee per parcel collected
9 pursuant to 76-4-105 to the local government for the review
10 of subdivisions containing five or fewer parcels."

11 Section 3. Saving clause. This act does not affect
12 rights and duties that matured, penalties that were
13 incurred, or proceedings that were begun before the
14 effective date of this act.

15 Section 4. Nonseverability. It is the intent of the
16 legislature that each part of this act is essentially
17 dependent upon every other part; and if one part is held
18 unconstitutional or invalid, all other parts are invalid.

-End-

STATE OF MONTANA

REQUEST NO. 103-81

FISCAL NOTE

Form BD-15

In compliance with a written request received 1/16/, 19 81, there is hereby submitted a Fiscal Note for HB 179 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 amend sections 76-4-105 and 76-4-128, MCA, to increase the lot fees charged for services rendered in the review of subdivisions; to allow more reimbursement to local governments performing subdivision review functions.

ASSUMPTIONS

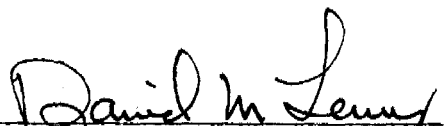
1. Approximately the same number of subdivisions will need processing as planned under the current law.
2. The operational costs of the bureau will remain at the same level.
3. The increase in revenue will be passed through to the local health agencies.
4. The staffing of the bureau is extended as if all 9 FTE's will be funded. However, due to a limitation on funding, only 6 position will be hired.

FISCAL IMPACT

Of the proposed \$120,000 additional revenue, approximately \$76,000 will be returned to the local health departments for their reviews during 1982. Of the proposed \$138,000 additional revenue in 1983, \$84,000 will be returned to the local health agencies. These funds are maintained in an earmarked revenue account and if an influx in reviews are necessary the additional 3 FTE's will be hired.

TECHNICAL NOTES

The proposed changes in the existing law only affect the utilization of the fees. Therefore, the Department of Health and Environmental Sciences has no concern regarding the technical makeup of the proposed law.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-81

Approved by Comm.
on Local Government

HOUSE BILL NO. 179

INTRODUCED BY DONALDSEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 76-4-105 AND 76-4-128, MCA, TO INCREASE THE LOT FEES CHARGED FOR SERVICES RENDERED IN THE REVIEW OF SUBDIVISIONS; TO ALLOW MORE REIMBURSEMENT TO LOCAL GOVERNMENTS PERFORMING SUBDIVISION REVIEW FUNCTIONS."

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

Section 1. Section 76-4-105, MCA, is amended to read:

"76-4-105. Lot fees. (1) The department shall adopt reasonable rules setting forth fees, not to exceed \$25 ~~\$40~~ \$30 per parcel, for services rendered in the review of plats and subdivisions. The rules shall provide for a schedule of fees to be paid by the applicant for plat or subdivision review to the department for deposit in the agency fund provided for in 17-2-102. The fees shall be used for review of plats and subdivisions based on the complexity of the subdivision, including but not limited to:

- (a) number of lots in the subdivision;
- (b) the type of water system to serve the development;
- (c) the type of sewage disposal to serve the development; and
- (d) the degree of environmental research necessary to

supplement the review procedure.

(2) The department shall adopt rules to determine the distribution of lot fees between the local governing body and the department as provided in 76-4-128. When a subdivision is reviewed under the master plan provisions of 76-4-124, the local governing body shall, within 20 days after receiving an application under the Montana Subdivision and Platting Act, distribute the lot fees as determined by this subsection.

(3) A fee as described in this section is not required for the review of subdivisions in which divisions are made for the purpose of relocating common boundary lines unless the division will result in the installation of additional water supply or sewage disposal facilities."

Section 2. Section 76-4-128, MCA, is amended to read:

"76-4-128. Delegation of department review to local government. (1) The department shall delegate to a local government the authority to review a subdivision under this part when the subdivision involves five or fewer parcels and the local government has qualified personnel to adequately review the water supply and sewage and solid waste disposal facilities proposed for the subdivision.

(2) When a local government has conducted a review of a subdivision containing five or fewer parcels pursuant to this section, it shall advise the department of its

1 recommendation for approval or disapproval of the
2 subdivision. The department shall, within 10 days after
3 receiving the recommendation of the local government, make a
4 final decision on the subdivision.

5 (3) In delegating authority pursuant to this section,
6 the department shall enter into an agreement with the local
7 government wherein the department shall agree to transfer
8 not less than ~~\$10~~ \$20 \$15 of the fee per parcel collected
9 pursuant to 76-4-105 to the local government for the review
10 of subdivisions containing five or fewer parcels."

11 Section 3. Saving clause. This act does not affect
12 rights and duties that matured, penalties that were
13 incurred, or proceedings that were begun before the
14 effective date of this act.

15 Section 4. Nonseverability. It is the intent of the
16 legislature that each part of this act is essentially
17 dependent upon every other part; and if one part is held
18 unconstitutional or invalid, all other parts are invalid.

-End-

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11 Section 1. Section 76-4-105, MCA, is amended to read:

12 "76-4-105. Lot fees. (1) The department shall adopt
13 reasonable rules setting forth fees, not to exceed ~~\$25~~ \$40
14 \$30 per parcel, for services rendered in the review of plats
15 and subdivisions. The rules shall provide for a schedule of
16 fees to be paid by the applicant for plat or subdivision
17 review to the department for deposit in the agency fund
18 provided for in 17-2-102. The fees shall be used for review
19 of plats and subdivisions based on the complexity of the
20 subdivision, including but not limited to:

21 (a) number of lots in the subdivision;

22 (b) the type of water system to serve the development;

23 (c) the type of sewage disposal to serve the
24 development; and

25 (d) the degree of environmental research necessary to

1 supplement the review procedure.

2 (2) The department shall adopt rules to determine the
3 distribution of lot fees between the local governing body
4 and the department as provided in 76-4-128. When a
5 subdivision is reviewed under the master plan provisions of
6 76-4-124, the local governing body shall, within 20 days
7 after receiving an application under the Montana Subdivision
8 and Platting Act, distribute the lot fees as determined by
9 this subsection.

10 (3) A fee as described in this section is not required
11 for the review of subdivisions in which divisions are made
12 for the purpose of relocating common boundary lines unless
13 the division will result in the installation of additional
14 water supply or sewage disposal facilities."

15 Section 2. Section 76-4-128, MCA, is amended to read:

16 "76-4-128. Delegation of department review to local
17 government. (1) The department shall delegate to a local
18 government the authority to review a subdivision under this
19 part when the subdivision involves five or fewer parcels and
20 the local government has qualified personnel to adequately
21 review the water supply and sewage and solid waste disposal
22 facilities proposed for the subdivision.

23 (2) When a local government has conducted a review of
24 a subdivision containing five or fewer parcels pursuant to
25 this section, it shall advise the department of its

1 recommendation for approval or disapproval of the
2 subdivision. The department shall, within 10 days after
3 receiving the recommendation of the local government, make a
4 final decision on the subdivision.

5 (3) In delegating authority pursuant to this section,
6 the department shall enter into an agreement with the local
7 government wherein the department shall agree to transfer
8 not less than ~~\$10~~ ~~\$20~~ \$15 of the fee per parcel collected
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-End-

April 10, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 179;
REFERENCE COPY, AS FOLLOWS:

1. Page 1, Line 14
Following: Line 13
Delete: \$30
Insert: \$35



TED SCHWINDEN
GOVERNOR

State of Montana
Office of the Governor
Helena 59620

April 10, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 179, "AN ACT TO AMEND SECTIONS 76-4-105 AND 76-4-128, MCA, TO INCREASE THE LOT FEES CHARGED FOR SERVICES RENDERED IN THE REVIEW OF SUBDIVISIONS; TO ALLOW MORE REIMBURSEMENT TO LOCAL GOVERNMENTS PERFORMING SUBDIVISION REVIEW FUNCTIONS," without my signature and recommend the attached amendment for the following reasons.

House Bill No. 179 as passed, authorizes the Department of Health and Environmental Sciences to adopt rules setting forth fees, not to exceed \$30 per parcel, for services rendered in the review of plats and subdivisions. This \$30 fee represents a \$5 increase over the present \$25 review fee.

House Bill No. 179 also requires the Department to transfer not less than \$15 per parcel of the fee collected, to the local government that has agreed to assist the Department in its subdivision review. This minimum transfer of at least \$15 to the local government represents a \$5 increase over the present \$10 reimbursement.

Senator Turnage and Representative Marks
April 10, 1981
Page Two

Therefore, under House Bill No. 179, the \$5 increase in the fee collected by the Department goes to the local government. There is no question that local governments assisting the Department in its review of smaller subdivisions need this increased level of reimbursement. In order to maintain the existing six FTE's in the subdivision Bureau of the Department, however, an additional \$5 increase in the per parcel review fee collected is necessary.

I am proposing an amendment which will increase the per parcel review fee collected from \$30 to \$35, and allowing this increase to remain with the Department. This increase will enable the Department to review subdivisions in a timely manner as required by law.

I urge your concurrence in this amendment.

Sincerely,



TED SCHWINDEN
Governor