

HOUSE BILL NO. 118

INTRODUCED BY HARPER, DONALDSON

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 6, 1983	Introduced and referred to Committee on Natural Resources.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass as amended.
February 19, 1983	Correctly engrossed.
February 21, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 18, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in. Ayes, 43; Noes, 7.

## IN THE HOUSE

March 23, 1983

Returned to House with amendments.

March 30, 1983

Second reading, amendments not concurred in.

On motion, Conference Committee requested and appointed.

April 16, 1983

Conference Committee dissolved.

On motion, Free Conference Committee requested and appointed.

April 20, 1983

Free Conference Committee reported.

Second reading, Free Conference Committee report adopted.

Third reading, Free Conference Committee report adopted.

April 21, 1983

Free Conference Committee report adopted by Senate.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 118  
2 INTRODUCED BY Hayes Donaldson  
3 BY REQUEST OF THE DEPARTMENT OF HEALTH  
4 AND ENVIRONMENTAL SCIENCES  
5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM  
7 PER LOT FEE CHARGEABLE FOR SUBDIVISION REVIEW; AMENDING  
8 SECTION 76-4-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
9 DATE."  
10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12 Section 1. Section 76-4-105, MCA, is amended to read:  
13 "76-4-105. Lot fees. (1) The department shall adopt  
14 reasonable rules setting forth fees, not to exceed \$30 ~~150~~  
15 per parcel, for services rendered in the review of plats and  
16 subdivisions. The rules shall provide for a schedule of fees  
17 to be paid by the applicant for plat or subdivision review  
18 to the department for deposit in the agency fund provided  
19 for in 17-2-102. The fees shall be used for review of plats  
20 and subdivisions based on the complexity of the subdivision,  
21 including but not limited to:  
22 (a) number of lots in the subdivision;  
23 (b) the type of water system to serve the development;  
24 (c) the type of sewage disposal to serve the  
25 development; and

1 (d) the degree of environmental research necessary to  
2 supplement the review procedure.  
3 (2) The department shall adopt rules to determine the  
4 distribution of lot fees between the local governing body  
5 and the department as provided in 76-4-128. When a  
6 subdivision is reviewed under the master plan provisions of  
7 76-4-124, the local governing body shall, within 20 days  
8 after receiving an application under the Montana Subdivision  
9 and Platting Act, distribute the lot fees as determined by  
10 this subsection.  
11 (3) A fee as described in this section is not required  
12 for the review of subdivisions in which divisions are made  
13 for the purpose of relocating common boundary lines unless  
14 the division will result in the installation of additional  
15 water supply or sewage disposal facilities."  
16 NEW SECTION. Section 2. Saving clause. This act does  
17 not affect rights and duties that matured, penalties that  
18 were incurred, or proceedings that were begun before the  
19 effective date of this act.  
20 NEW SECTION. Section 3. Effective date. This act is  
21 effective on passage and approval.

-End-

INTRODUCED BILL

-2-

HB - 118

## STATE OF MONTANA

REQUEST NO. 069-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 8, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 118 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:

House Bill 118 is a proposal to increase the maximum allowable review fee for services rendered in the review of plats and subdivisions from the current \$30 per parcel to \$50 per parcel.

ASSUMPTIONS:

- 1) The number of parcels to be reviewed has decreased in recent years to what DHES feels is a current low at which level it should stabilize.
- 2) The projected number of parcels to be reviewed are:

Minor Lots	-	2017
Major Lots	-	2539
Trailer Lots	-	323
Total Lots		<u>4879</u>

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>	<u>Total Biennium</u>
Review fees from 4879 lots			
Under Current Law - \$30/parcel	\$146,370	\$146,370	\$292,740
Review fees from 4879 lots			
Under Proposed Law - \$50/parcel	<u>243,950</u> <u>\$ 97,580</u>	<u>243,950</u> <u>\$ 97,580</u>	<u>487,900</u> <u>\$195,160</u>

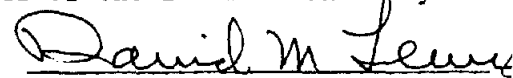
LOCAL IMPACT:

Local health agencies who assist in the review of these lots will be reimbursed at a proportionately higher rate. The exact amount will be determined by rule revision.

LONG RANGE IMPACT:

The additional revenue will allow the state to meet its responsibilities under the Sanitation in Subdivision Act. Without the additional fees, the program will have to request continuing general fund support or the requirements of the law substantially reduced or eliminated.

FISCAL NOTE3:R/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-13-83

Approved by Committee  
on Natural Resources

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BY REQUEST OF THE DEPARTMENT OF HEALTH

AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM  
PER LOT FEE CHARGEABLE FOR SUBDIVISION REVIEW; AMENDING  
SECTION 76-4-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
DATE."

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 ~~\$30~~ ~~\$50~~  
~~\$45~~ 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."

NEW SECTION. Section 2. Saving clause. This act does  
not affect rights and duties that matured, penalties that  
were incurred, or proceedings that were begun before the  
effective date of this act.

NEW SECTION. Section 3. Effective date. This act is  
effective on passage and approval.

-End-

## 1 HOUSE BILL NO. 118

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4 AND ENVIRONMENTAL SCIENCES

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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM  
7 PER LOT FEE CHARGEABLE FOR SUBDIVISION REVIEW; AMENDING  
8 SECTION 76-4-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
9 DATE."

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

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

13 "76-4-105. Lot fees. (1) The department shall adopt  
14 reasonable rules setting forth fees, not to exceed \$30 ~~250~~  
15 ~~250~~ per parcel, for services rendered in the review of  
16 plats and subdivisions. The rules shall provide for a  
17 schedule of fees to be paid by the applicant for plat or  
18 subdivision review to the department for deposit in the  
19 agency fund provided for in 17-2-102. The fees shall be used  
20 for review of plats and subdivisions based on the complexity  
21 of the subdivision, including but not limited to:

22 (a) number of lots in the subdivision;

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

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

1 (d) the degree of environmental research necessary to  
2 supplement the review procedure.

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

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

16 ~~NEW SECTION.~~ Section 2. Saving clause. This act does  
17 not affect rights and duties that matured, penalties that  
18 were incurred, or proceedings that were begun before the  
19 effective date of this act.

20 ~~NEW SECTION.~~ Section 3. Effective date. This act is  
21 effective on passage and approval.

-End-

March 18, 1983

Senate Standing Committee Report  
(Agriculture, Livestock & Irrigation)

That House Bill No. 118 be amended as follows:

1. Page 1, line 15.

Strike: "\$50"

Insert: "\$35"

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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 ~~\$30~~ ~~\$50~~ ~~\$55~~ ~~\$28~~ ~~\$35~~ 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."

~~NEW SECTION.~~ Section 2. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

~~NEW SECTION.~~ Section 3. Effective date. This act is effective on passage and approval.

-End-



FREE CONFERENCE COMMITTEE  
HOUSE BILL NO. 118  
(Report No. 1, April 18, 1983)

MR. SPEAKER:

We, your Free Conference Committee on House Bill 118, met and considered:

House Bill No. 118; and  
Senate Committee on Agriculture, Livestock and Irrigation  
amendments to House Bill 118 of March 18, 1983.

We respectfully recommend the following:

That the Senate recede from its Committee on Agriculture, Livestock and Irrigation amendments of March 18, 1983;

That House Bill 118 be further amended as specified in the  
CLERICAL INSTRUCTIONS; and

That this Free Conference Committee report be adopted.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

1. Title, line 7.

Following ";"

Insert: "Providing for a loan and repayment;"

2. Page 1, line 15.

Strike: "\$35"

Insert: 48"

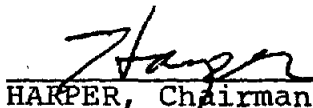
3. Page 2, line 20.

Following: line 19

Insert: "NEW SECTION. Section 3. General fund loan. There is authorized from the general fund to the Department of Health and Environmental Science a loan of up to \$50,000 to be used for continuing the function of subdivision review for fiscal year 1984. The loan must be repaid to the general fund no later than June 30, 1984."

Renumber: subsequent section.

FOR THE HOUSE

  
HARPER, Chairman

  
SHONTZ

  
DONALDSON

FOR THE SENATE

  
MCCALLUM, Chairman

  
HAMMOND

  
BOYLAN

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AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MAXIMUM PER LOT FEE CHARGEABLE FOR SUBDIVISION REVIEW; ~~PROVIDING FOR A LOAN AND REPAYMENT~~ AMENDING SECTION 76-4-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 ~~\$99~~ ~~\$50~~ ~~\$45~~ ~~\$20~~ ~~\$25~~ ~~\$40~~ 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;

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(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."

NEW SECTION. Section 2. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

NEW SECTION. Section 3. General fund loan. There is authorized from the general fund to the department of health and environmental sciences a loan up to \$50,000 to be used for continuing the function of subdivision review for fiscal year 1984. The loan must be repaid to the general fund no later than June 30, 1984.

1        NEW SECTION. Section 4. Effective date. This act is  
2        effective on passage and approval.

-End-