

HOUSE BILL 20

Introduced by Raney, et al.

7/07	Introduced
7/07	Referred to Appropriations
7/07	Fiscal Note Requested
7/08	First Reading
7/10	Hearing
7/10	Fiscal Note Received
7/10	Tabled in Committee

1 House BILL NO. 20
2 INTRODUCED BY Bob Roney, Reading
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING STATE
5 AGENCIES TO RECOVER THE FULL COST OF AN ENVIRONMENTAL REVIEW
6 UNDER THE MONTANA ENVIRONMENTAL POLICY ACT; AMENDING
7 SECTIONS 75-1-202 AND 75-1-203, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."
9

10 STATEMENT OF INTENT

11 A statement of intent is required for this bill in order
12 to provide state agencies guidance on assessing fees for
13 environmental review documents. Under the provisions of
14 75-1-202 and 75-1-203, an agency is required to assess an
15 applicant for the full cost, both direct and indirect, to
16 the agency of conducting an environmental review required
17 under Title 75, chapter 1, parts 1 through 3. An agency can
18 recover costs that include but are not limited to the
19 gathering and analyzing of data and information necessary to
20 compile an environmental review document, writing and
21 publication of the environmental review document, and public
22 involvement activities associated with environmental review.
23 For purposes of [this act], an environmental review document
24 includes an environmental impact statement, an environmental
25 assessment, a mitigated environmental assessment, or any

1 other form of environmental review required under Title 75,
2 chapter 1, parts 1 through 3.
3

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

5 **Section 1.** Section 75-1-202, MCA, is amended to read:

6 "75-1-202. Agency rules to prescribe fees. Each agency
7 of state government charged with the responsibility of
8 issuing a lease, permit, contract, license, or certificate
9 under any provision of state law may shall adopt rules
10 prescribing fees which shall be paid by a person,
11 corporation, partnership, firm, association, or other
12 private entity when an application for a lease, permit,
13 contract, license, or certificate will require an agency to
14 compile an environmental impact statement as prescribed by
15 75-1-201 or any other form of environmental review required
16 under parts 1 through 3 of this chapter. An agency must
17 determine within 30 days after a completed application is
18 filed whether it will be necessary to compile an
19 environmental impact statement or any other form of
20 environmental review required under parts 1 through 3 of
21 this chapter and to assess a fee as prescribed by this part.
22 The fee assessed under this part ~~shall~~ must be used only to
23 ~~gather data and information necessary to compile to conduct~~
24 ~~those activities necessary to complete~~ an environmental
25 impact statement as defined in parts 1 through 3 or any



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1 other form of environmental review required under parts 1
 2 through 3 of this chapter. No fee may be assessed if an
 3 agency intends only to file a negative declaration stating
 4 that the proposed project will not have a significant impact
 5 on the human environment."

6 **Section 2.** Section 75-1-203, MCA, is amended to read:

7 "75-1-203. Fee schedule --- maximums Fees -- rule review
 8 -- report. (1) In prescribing fees to be assessed against An
 9 agency shall assess applicants for a lease, permit,
 10 contract, license, or certificate as specified in 75-1-202,
 11 an agency may adopt a fee schedule which may be adjusted
 12 depending upon the size and complexity of the proposed
 13 project. No fee may be assessed unless the application for a
 14 lease, permit, contract, license, or certificate will result
 15 in the agency incurring expenses in excess of \$2,500 to
 16 compile an environmental impact statement. The fee must be
 17 based on the full cost, both direct and indirect, to the
 18 agency for an environmental review required under parts 1
 19 through 3 of this chapter.

20 (2) The maximum fee that may be imposed by an agency
 21 shall not exceed 2% of any estimated cost up to \$1 million,
 22 plus 1% of any estimated cost over \$1 million and up to \$20
 23 million, plus 1/2 of 1% of any estimated cost over \$20
 24 million and up to \$100 million, plus 1/4 of 1% of any
 25 estimated cost over \$100 million and up to \$300 million,

1 plus 1/8 of 1% of any estimated cost in excess of \$300
 2 million.
 3 (3) If an application consists of two or more
 4 facilities, the filing fee shall be based on the total
 5 estimated cost of the combined facilities. The estimated
 6 cost shall be determined by the agency and the applicant at
 7 the time the application is filed.

8 (4)(2) Each agency shall review and revise its rules
 9 imposing fees as authorized by this part at least every 2
 10 years. Furthermore, each agency shall, pursuant to 5-11-210,
 11 provide the legislature with a complete report on the fees
 12 collected prior to the time that a request for an
 13 appropriation is made to the legislature."

14 **NEW SECTION. Section 3.** **Effective date.** [This act] is
 15 effective on passage and approval.

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