HOUSE BILL NO. 563

INTRODUCED BY SWANSON, BARNHART, BROOKE, ENDY, MENAHAN, DOHERTY, BARTLETT, FAGG, WATERMAN BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

	IN THE HOUSE
FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 22, 1993	PRINTING REPORT.
MARCH 23, 1993	SECOND READING, DO PASS.
MARCH 24, 1993	THIRD READING, PASSED. AYES, 77; NOES, 23.
MARCH 25, 1993	ENGROSSING REPORT.
	TRANSMITTED TO SENATE.
	IN THE SENATE
MARCH 26, 1993	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
MARCH 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE
MARCH 26, 1993 APRIL 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING. COMMITTEE RECOMMEND BILL BE
APRIL 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 5, 1993 APRIL 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
APRIL 5, 1993 APRIL 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 27; NOES, 22.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 563

2 INTRODUCED, BY SHAMON

3 HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND INTO WHICH SUBDIVISION REVIEW FEES MUST BE DEPOSITED; AUTHORIZING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO SPEND MONEY FROM THE ACCOUNT TO PAY COSTS OF IMPLEMENTING THE SUBDIVISION REVIEW PROGRAM; AMENDING SECTION 76-4-105, MCA; AND PROVIDING AN

12 EFFECTIVE DATE AND AN APPLICABILITY DATE."

13 14

15

16

17

18

19

20

21

22

23

24

25

5

6

7

8

9

10

11

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 -- general-fund-support subdivision program funding. (1) The department shall adopt rules setting forth fees that do not exceed actual costs to the department in reviewing plats and subdivisions. The rules shall must provide for a schedule of fees to be paid by the applicant for plat or subdivision review to the department for deposit in the state general special revenue fund or, if applicable, to another reviewing authority for deposit in the general fund of the reviewing authority's jurisdiction. The fees shall must be used for review of plats and

Moneyne Legislative Counce

17

18

19

20

21

22

23

24

25

- 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;
- 5 (c) the type of sewage disposal to serve the development; and
- 7 (d) the degree of environmental research necessary to 8 supplement the review procedure.
- 9 (2) The department shall adopt rules to determine the 10 distribution of fees between to the local governing body and 11 the--state--general--fund, as provided in 76-4-128. When-a 12 subdivision-is-reviewed-under-the--provisions--of--76-4-124; 13 the--local--governing--body--shall;--within--20--days--after 14 receiving---preliminary--plat--approval--under--the--Montana 15 Subdivision--and--Platting--Acty--distribute--the--lot--fees 16 according-to-the-fee-schedule-adopted-under-this-section-
 - (3) When-a-local-department-or-board-of-health-conducts a-review-under-the-provisions-of-76-4-1047-it--shall--submit to--the-departmenty-along-with-its-approval-statementy-a-fee of-95-per-reviewed-loty-for--purposes--of--offsetting--costs incurred--in--providing--certification--to-a-local-reviewing authority-and-other-administrative-costs-
 - (4) 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.
- 3 (4) Pees collected by the department under this section
 4 must be deposited in the account in the state special
 5 revenue fund provided for in [section 2].
- (5) Costs Except for distribution of fees to local qovernments as provided in 76-4-128, costs of implementing this part must--be--paid may be advanced from the state 8 9 general fund as provided by legislative appropriation. 10 Program costs for implementation of this part that exceed 11 the legislative appropriation from the general fund and fees 12 that are distributed to local governments must be paid from 13 the state special revenue account established in [section 2]. Within 60 days after the end of each fiscal year, either 14 15 the amount of the legislative appropriation for that fiscal 16 year or the account balance in the special revenue fund, 17 whichever is less, must be transferred to the general fund."
 - NEW SECTION. Section 2. Special revenue account —deposit and disbursement of lot fees. (1) All lot fees collected under 76-4-105 must be deposited in an account in the state special revenue fund for implementation of the subdivision review program as provided in this part.

19

20

21 22

23

24

25

- (2) Funds in the account established in subsection (1) may be used only:
 - (a) to pay department costs of implementation of the

- l subdivision review program as provided in this part; and
- 2 (b) to reimburse the general fund as provided in
- 3 76-4-105(5).
- 4 NEW SECTION. Section 3. Codification instruction.
- 5 [Section 2] is intended to be codified as an integral part
- 6 of Title 76, chapter 4, part 1, and the provisions of Title
- 7 76, chapter 4, part 1, apply to [section 2].
- 8 NEW SECTION. Section 4. Applicability. [This act]
- 9 applies to all lot fees received by the department of health
- 10 and environmental sciences on or after July 1, 1993.
- 11 NEW SECTION. Section 5. Effective date. [This act] is
- 12 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0563, as introduced.

<u>DESCRIPTION OF PROPOSED LEGISLATION</u>: An act establishing an account in the state special revenue fund into which subdivision review fees must be deposited; authorizing the Department of Health and Environmental Sciences to spend money from the account to pay costs of implementing the subdivision review program.

ASSUMPTIONS:

- Current fee processing and budget accounting practices would not need to change as a result of creation of the special revenue fund.
- There would be no fiscal impact to the department if this bill passes.
- 3. Executive budget recommends \$160,000 per year in the Subdivision Program for FY94 and FY95. Within 60 days after the end of each fiscal year, \$0 to \$160,000, or the account balance, must be transferred to the General Fund from this State Special Revenue Account, depending upon the amount of activity in subdivision review.

FISCAL IMPACT:

IIDCHE IMICI.		FY94		FY95					
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference			
Operations	160,000	160,000	0	160,000	160,000	0			
Funding:	•								
General Fund*	160,000	0	(160,000)	160,000	0	(160,000)			
State Special Rev	* 0	160,000	160,000	0	160,000	160,000			
Net_Impact:									
General Fund*			(160,000)			(160,000)			
State Special Rev	*		160,000			160,000			

* From \$0 to \$160,000, or the account balance, must be transferred to the General Fund from this State Special Revenue Account within 60 days of the end of each fiscal year depending upon the amount of activity in subdivision reviews.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The creation of the special revenue account should reduce reliance upon the General Fund appropriation for operation of the program.

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

MILY SWANSON, PRIMARY SPONSOR

Fiscal Note for HB0563, as introduced

HB563

10 11

12

13

14 15

16 17

18

19

20

21

23

25

APPROVED BY COMMITTEE ON APPROPRIATIONS

1	HOUSE BILL NO. 563
2	INTRODUCED BY SWANSON, BARNHART, BROOKE, ENDY, MENAHAN,
3	DOHERTY, BARTLETT, FAGG, WATERMAN
4	BY REQUEST OF THE DEPARTMENT OF
5	HEALTH AND ENVIRONMENTAL SCIENCES
6	
7	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ACCOUNT
8	IN THE STATE SPECIAL REVENUE FUND INTO WHICH SUBDIVISION
9	REVIEW FEES MUST BE DEPOSITED; AUTHORIZING THE DEPARTMENT OF
10	HEALTH AND ENVIRONMENTAL SCIENCES TO SPEND MONEY FROM THE
11	ACCOUNT TO PAY COSTS OF IMPLEMENTING THE SUBDIVISION REVIEW
12	PROGRAM; AMENDING SECTION 76-4-105, MCA; AND PROVIDING AN
13	EFFECTIVE DATE AND AN APPLICABILITY DATE."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 76-4-105, MCA, is amended to read:
17	"76-4-105. Lot fees general-fund-support <u>subdivision</u>
18	program funding. (1) The department shall adopt rules
19	setting forth fees that do not exceed actual costs to the
20	department in reviewing plats and subdivisions. The rules
21	shall must provide for a schedule of fees to be paid by the
22	applicant for plat or subdivision review to the department
23	for deposit in the state general special revenue fund or, if
24	applicable, to another reviewing authority for deposit in
25	the general fund of the reviewing authority's jurisdiction.

1	The fees	shall	must	be	use	d for	re	view	of	plats	and
2	subdivisi	ons ba	sed	on	the	comple	kity	of	the	subdivis	ion,
3	including	but no	t lim	ited	to:						

- (a) number of lots in the subdivision;
- (b) the type of water system to serve the development;
- 6 (c) the type of sewage disposal to serve the 7 development; and
- 8 (d) the degree of environmental research necessary to9 supplement the review procedure.
 - (2) The department shall adopt rules to determine the distribution of fees between to the local governing body and the--state--general--fund, as provided in 76-4-128. When-a subdivision-is-reviewed-under-the--provisions--of--76-4-1247 the--local--governing--body--shally--within--28--days--after receiving---preliminary--plat--approval--under-the--Montana Subdivision--and--Platting--Acty--distribute--the--lot--fees according-to-the-fee-schedule-adopted-under-this-section-
 - (3) When-a-local-department-or-board-of-health-conducts a-review-under-the-provisions-of-76-4-1047-it--shall--submit to--the-departmenty-along-with-its-approval-statementy-a-fee of-65-per-reviewed-loty-for--purposes--of--offsetting--costs incurred--in--providing--certification--to-a-local-reviewing authority-and-other-administrative-costs-
 - f47 A fee as described in this section is not required for the review of subdivisions in which divisions are made

HB 0563/02

for the purpose of relocating common boundary lines unless the division will result in the installation of additional water supply or sewage disposal facilities.

1

2

3

5

6

7

В

9

10

11

12

13

14

15 16

17

18

- (4) Fees collected by the department under this section must be deposited in the account in the state special revenue fund provided for in [section 2].
- qovernments-as-provided-in-76-4-1287-costs of--implementing this--part--must--be--paid may--be--advanced from-the-state general--fund--as--provided--by--legislative--appropriation-Program-costs-for-implementation-of-this--part--that--exceed the-legislative-appropriation-from-the-general-fund-and-fees that--are-distributed-to-local-governments-must-be-paid-from the-state-special-revenue-account--established--in--fsection 2)--Within-68-days-after-the-end-of-each-fiscal-year7-either the--amount-of-the-legislative-appropriation-for-that-fiscal
- NEW SECTION. Section 2. Special revenue account —
 deposit and disbursement of lot fees. (1) All lot fees
 collected under 76-4-105 must be deposited in an account in
 the state special revenue fund for implementation of the
 subdivision review program as provided in this part.

year-or-the-account-balance-in-the-special--revenue--fundy

whichever-is-lessy-must-be-transferred-to-the-general-fund;"

24 (2) Funds in the account established in subsection (1)
25 may be used only:

- to pay department costs of implementation of the subdivision review program as provided in this part; and
- 3 (b)--to--reimburse--the--general--fund--as--provided--in
 4 76-4-105+51.
- 5 NEW SECTION. Section 3. Codification instruction.
 - 6 [Section 2] is intended to be codified as an integral part
- 7 of Title 76, chapter 4, part 1, and the provisions of Title
- 8 76, chapter 4, part 1, apply to [section 2].
- 9 NEW SECTION. Section 4. Applicability. [This act]
- 10 applies to all lot fees received by the department of health
- 11 and environmental sciences on or after July 1, 1993.
- NEW SECTION. Section 5. Effective date. [This act] is
- 13 effective July 1, 1993.

-End-

-3- HB 563

-4- HB 563

HB 0563/02

24

25

1	HOUSE BILL NO. 563
2	INTRODUCED BY SWANSON, BARNHART, BROOKE, ENDY, MENAHAN,
3	DOHERTY, BARTLETT, PAGG, WATERMAN
4	BY REQUEST OF THE DEPARTMENT OF
5	HEALTH AND ENVIRONMENTAL SCIENCES
6	•
7	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ACCOUNT
8	IN THE STATE SPECIAL REVENUE FUND INTO WHICH SUBDIVISION
9	REVIEW FEES MUST BE DEPOSITED; AUTHORIZING THE DEPARTMENT OF
10	HEALTH AND ENVIRONMENTAL SCIENCES TO SPEND MONEY PROM THE
11	ACCOUNT TO PAY COSTS OF IMPLEMENTING THE SUBDIVISION REVIEW
12	PROGRAM; AMENDING SECTION 76-4-105, MCA; AND PROVIDING AN
13	EFFECTIVE DATE AND AN APPLICABILITY DATE."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 76-4-105, MCA, is amended to read:
17	*76-4-105. Lot fees general-fund-support subdivision
18	program funding. (1) The department shall adopt rules
19	setting forth fees that do not exceed actual costs to the
20	department in reviewing plats and subdivisions. The rules
21	shall must provide for a schedule of fees to be paid by the
22	applicant for plat or subdivision review to the department
	•

for deposit in the state general special revenue fund or, if

applicable, to another reviewing authority for deposit in

the general fund of the reviewing authority's jurisdiction.

1	The fees. shall
2	subdivisions bas
3	including but not
4	(a) number (
5	(b) the type
6	(c) the typ
7	development; and
8	(d) the de
9	supplement the re
10	(2) The dep
11	distribution of
12	thestategene
13	subdivision-is-r
14	thelocalgove
15	receivingprei
16	Subdivisionand
17	according-to-the
18	(3) When-a-
19	a-review-under-t
20	tothe-departme
21	of-\$5-per-review
22	incurredinpr

23

24

25

The fees shall must 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

- (d) the degree of environmental research necessary to supplement the review procedure.(2) The department shall adopt rules to determine the
- (2) The department shall adopt rules to determine the distribution of fees between to the local governing body and the--state--general--fund, as provided in 76-4-128. When-a subdivision-is-reviewed-under-the--provisions--of--76-4-1247 the--local--governing--body--shally--within--28--days--after receiving---preliminary--plat--approval---under--the--Montana Subdivision--and--Platting--Acty--distribute--the--lot--fees according-to-the-fee-schedule-adopted-under-this-sections
- (3) When-a-local-department-or-board-of-health-conducts a-review-under-the-provisions-of-76-4-104y-it--shall--submit to--the-departmenty-along-with-its-approval-statementy-a-fee of-\$5-per-reviewed-loty-for--purposes--of--offsetting--costs incurred--in--providing--certification--to-a-local-reviewing authority-and-other-administrative-costs-
- (4) 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.

1

2

7

9

10

11

12

13

14

15

16

17

18

19

20 21

22

23 24

25

must be deposited in the account in the state special revenue fund provided for in [section 2].

qovernments-as-provided-in-76-4-1287-costs of--implementing this--part--must--be--paid may--be--advanced from-the-state general--fund--as--provided--by--legislative--appropriation:

Program-costs-for-implementation-of-this--part--that--exceed the-legislative-appropriation-from-the-general-fund-and-fees that--are-distributed-to-local-governments-must-be-paid-from the-state-special-revenue-account--established--in--jsection 2]:-Within-68-days-after-the-end-of-each-fiscal-yeary-either the--amount-of-the-legislative-appropriation-for-that-fiscal year-or-the-account-balance-in--the--special--revenue--fundy whichever-is-lessy-must-be-transferred-to-the-general-fund-"

NEW SECTION. Section 2. Special revenue account — deposit and disbursement of lot fees. (1) All lot fees collected under 76-4-105 must be deposited in an account in the state special revenue fund for implementation of the subdivision review program as provided in this part.

(2) Funds in the account established in subsection (1)

May be used only:

to pay department costs of implementation of the subdivision review program as provided in this part;—and this part;—and this—to—reimburse—the—general—fund—as—provided—in 4 76-4-185(5).

5 NEW SECTION. Section 3. Codification instruction.
6 [Section 2] is intended to be codified as an integral part
7 of Title 76, chapter 4, part 1, and the provisions of Title
8 76, chapter 4, part 1, apply to [section 2].

9 NEW SECTION. Section 4. Applicability. {This act}
10 applies to all lot fees received by the department of health
11 and environmental sciences on or after July 1, 1993.

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1993.

-End-

11

12 13

14

15

16

17

18

19

20

21 22

23

24

25

1	HOUSE BILL NO. 563
2	INTRODUCED BY SWANSON, BARNBART, BROOKE, ENDY, MENAHAN,
3	DOHERTY, BARTLETT, FAGG, WATERMAN
4	BY REQUEST OF THE DEPARTMENT OF
5	HEALTH AND ENVIRONMENTAL SCIENCES
6	
7	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ACCOUNT
8	IN THE STATE SPECIAL REVENUE FUND INTO WHICH SUBDIVISION
9	REVIEW PEES MUST BE DEPOSITED; AUTHORIZING THE DEPARTMENT OF
10	HEALTH AND ENVIRONMENTAL SCIENCES TO SPEND MONEY FROM THE
11	ACCOUNT TO PAY COSTS OF IMPLEMENTING THE SUBDIVISION REVIEW
12	PROGRAM; AMENDING SECTION 76-4-105, MCA; AND PROVIDING AN
13	EFFECTIVE DATE AND AN APPLICABILITY DATE."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 76-4-105, MCA, is amended to read:
17	*76-4-105. Lot fees general-fund-support subdivision
18	program funding. (1) The department shall adopt rules
19	metting forth fees that do not exceed actual costs to the
20	department in reviewing plats and subdivisions. The rules
21	shall must provide for a schedule of fees to be paid by the
22	applicant for plat or subdivision review to the department
23	for deposit in the state general special revenue fund or, if

applicable, to another reviewing authority for deposit in

the general fund of the reviewing authority's jurisdiction.

1	The fees she	13.3 <u>m</u> 1	ast be	e used	for	revie	# 01	f plats	and
2	subdivisions	based	no f	the c	omplex	ity of	the	subdivi	ion,
3	including but	not :	limited	i to:					

- (a) number of lots in the subdivision;
- (b) the type of water system to serve the development;
- 6 (c) the type of sewage disposal to serve the development; and
- 8 (d) the degree of environmental research necessary to
 9 supplement the review procedure.
 - (2) The department shall adopt rules to determine the distribution of fees between to the local governing body and the--state--general--fund, as provided in 76-4-128. When-a subdivision-is-reviewed-under-the--provisions--of--76-4-1247 the--local--governing--body--shally--within--20--days--after receiving---preliminary--plat--approval--under--the--Montana Subdivision--and--Platting--Acty--distribute--the--lot--fees according-to-the-fee-schedule-adopted-under-this-sections
 - (3) When-a-local-department-or-board-of-health-conducts a-review-under-the-provisions-of-76-4-1047-it--shall--submit to--the-departmenty-along-with-its-approval-statementy-a-fee of-95-per-reviewed-loty-for--purposes--of--offsetting--costs incurred--in--providing--certification--to-a-local-reviewing authority-and-other-administrative-costs-
- 24 (4) A fee as described in this section is not required
 25 for the review of subdivisions in which divisions are made

HB 0563/02

for the purpose of relocating common boundary lines unless the division will result in the installation of additional water supply or sewage disposal facilities.

2

3

5

19 20

21

22

23 24

25

- (4) Fees collected by the department under this section must be deposited in the account in the state special revenue fund provided for in {section 2}.
- 7 (5)--Costs Except--for--distribution--of--fees-to-local 8 governments-as-provided-in-76-4-1287-costs of--implementing 9 this--part--must--be--paid may--be--advanced from-the-state 10 general--fund--as--provided--by--legislative--appropriation-11 Program-costs-for-implementation-of-this--part--that--exceed 12 the-legislative-appropriation-from-the-general-fund-and-fees 13 that--are-distributed-to-local-governments-must-be-paid-from 14 the-state-special-revenue-account--established--in--fsection 15 21--Within-60-days-after-the-end-of-each-fiscal-year,-either 16 the--amount-of-the-legislative-appropriation-for-that-fiscal 17 year-or-the-account-balance-in--the--special--revenue--fundy whichever-is-less;-must-be-transferred-to-the-general-fund;" 18
 - NEW SECTION. Section 2. Special revenue account —deposit and disbursement of lot fees. (1) All lot fees collected under 76-4-105 must be deposited in an account in the state special revenue fund for implementation of the subdivision review program as provided in this part.
 - (2) Funds in the account established in subsection (1)

 may be used only:

-3-

ta) to pay department costs of implementation of the subdivision review program as provided in this part;—and tb;—to—reimburse—the—general—fund—as—provided—in 4 76-4-185(5).

5 NEW SECTION. Section 3. Codification instruction.
6 [Section 2] is intended to be codified as an integral part
7 of Title 76, chapter 4, part 1, and the provisions of Title
8 76, chapter 4, part 1, apply to [section 2].

9 <u>NEW SECTION.</u> Section 4. Applicability. [This act]
10 applies to all lot fees received by the department of health
11 and environmental sciences on or after July 1, 1993.

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1993.

-End-