

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

INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

FIRST READING.

APRIL 5, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 6, 1993

SECOND READING, CONCURRED IN.

APRIL 7, 1993

THIRD READING, CONCURRED IN.
AYES, 27; NOES, 22.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 8, 1993

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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House BILL NO. 563
INTRODUCED BY Swanson
By Request of the Department of
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 EFFECTIVE DATE AND AN APPLICABILITY 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 -- 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

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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 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 76-4-124,~~ the ~~local governing body shall, within 20 days after receiving preliminary plat approval under the Montana Subdivision and Platting Act, 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 76-4-104, it shall submit to the department, along with its approval statement, a fee of \$5 per reviewed lot, 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.

(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].

(5) Costs Except for distribution of fees to local governments as provided in 76-4-128, 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 [section 2]. Within 60 days after the end of each fiscal year, either the amount of the legislative appropriation for that fiscal year or the account balance in the special revenue fund, 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.

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

(a) to pay department costs of implementation of the

subdivision review program as provided in this part; and

(b) to reimburse the general fund as provided in 76-4-105(5).

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

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

NEW SECTION. Section 5. Effective date. [This act] is 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.

DESCRIPTION OF PROPOSED LEGISLATION: 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:

1. Current fee processing and budget accounting practices would not need to change as a result of creation of the special revenue fund.
2. 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:

	FY94			FY95		
<u>Expenditures:</u>	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Operations	160,000	160,000	0	160,000	160,000	0
<u>Funding:</u>						
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
<u>Net Impact:</u>						
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 2-16-93

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

Emily Swanson 2/17/93

EMILY SWANSON, PRIMARY SPONSOR DATE
Fiscal Note for HB0563, as introduced

HB563

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 563

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DOHERTY, BARTLETT, FAGG, WATERMAN
BY REQUEST OF THE DEPARTMENT OF
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
EFFECTIVE DATE AND AN APPLICABILITY 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 -- ~~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
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 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--76-4-124,
the--local--governing--body--shall--within--28--days--after
receiving--preliminary--plat--approval--under--the--Montana
Subdivision--and--Platting--Act,--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 76-4-104, it--shall--submit
to--the--department, along with its approval statement, a fee
of \$5 per reviewed lot, 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.

(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].

~~(5) Costs Except for distribution of fees to local governments 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 [section 2]. Within 60 days after the end of each fiscal year either the amount of the legislative appropriation for that fiscal year or the account balance in the special revenue fund, 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.

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

~~(a) to pay department costs of implementation of the subdivision review program as provided in this part; and~~
~~(b) to reimburse the general fund as provided in 76-4-105(5).~~

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

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

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

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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 -- 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 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 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--76-4-124, the--local--governing--body--shall--within--20--days--after receiving---preliminary--plat--approval--under--the--Montana Subdivision--and--Platting--Act,--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-76-4-104, it--shall--submit to--the-department--along-with-its-approval-statement,--a-fee of-\$5-per-reviewed-lot, 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.

(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].

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for deposit in the state general special revenue fund or, if
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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--76-4-124,~~
~~the--local--governing--body--shall--within--20--days--after~~
~~receiving--preliminary--plat--approval--under--the--Montana~~
~~Subdivision--and--Platting--Act--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-department--along-with-its-approval-statement--a-fee~~
~~of-\$5-per-reviewed-lot--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

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