

1 HOUSE BILL NO. 477

2 INTRODUCED BY D. KASTEN, TASH, F. THOMAS, BECK, COLE, CRISMORE, G. FORRESTER, MCGEE,
3 TESTER, SLITER

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF AN APPLICANT'S PROPERTY OR
6 ASSETS IN THE CALCULATION OF FEES ASSESSED FOR THE PRODUCTION OF AN ENVIRONMENTAL
7 IMPACT STATEMENT; AMENDING SECTION 75-1-203, MCA; AND PROVIDING AN IMMEDIATE
8 EFFECTIVE DATE."

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

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

13 **"75-1-203. Fee schedule -- maximums.** (1) In prescribing fees to be assessed against applicants
14 for a lease, permit, contract, license, or certificate as specified in 75-1-202, an agency may adopt a fee
15 schedule ~~which~~ that may be adjusted depending upon the size and complexity of the proposed project. A
16 fee may not be assessed unless the application for a lease, permit, contract, license, or certificate will
17 result in the agency incurring expenses in excess of \$2,500 to compile an environmental impact
18 statement.

19 (2) The maximum fee that may be imposed by an agency may not exceed 2% of any estimated
20 cost up to \$1 million, plus 1% of any estimated cost over \$1 million and up to \$20 million, plus 1/2 of 1%
21 of any estimated cost over \$20 million and up to \$100 million, plus 1/4 of 1% of any estimated cost over
22 \$100 million and up to \$300 million, plus 1/8 of 1% of any estimated cost in excess of \$300 million.

23 (3) If an application consists of two or more facilities, the filing fee must be based on the total
24 estimated cost of the combined facilities. The estimated cost must be determined by the agency and the
25 applicant at the time the application is filed.

26 (4) Each agency shall review and revise its rules imposing fees as authorized by this part at least
27 every 2 years.

28 (5) In calculating fees under this section, the agency may not include in the estimated project cost
29 the project sponsor's property or other interests already owned by the project sponsor at the time the
30 application is submitted. Any fee assessed may be based only on the projected cost of acquiring all of the

1 information and data needed for the environmental impact statement."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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