

HOUSE BILL NO. 280

INTRODUCED BY R. HAWK

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE VOTE REQUIREMENTS FOR IMPOSING IMPACT FEES FOR A FACILITY LOCATED IN A DISTRICT THAT CROSSES COUNTY BOUNDARIES; AMENDING SECTION 7-6-1601, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-6-1601, MCA, is amended to read:

"7-6-1601. Definitions. As used in this part, the following definitions apply:

(1) (a) "Capital improvements" means improvements, land, and equipment with a useful life of 10 years or more that increase or improve the service capacity of a public facility.

(b) The term does not include consumable supplies.

(2) "Connection charge" means the actual cost of connecting a property to a public utility system and is limited to the labor, materials, and overhead involved in making connections and installing meters.

(3) "Development" means construction, renovation, or installation of a building or structure, a change in use of a building or structure, or a change in the use of land when the construction, installation, or other action creates additional demand for public facilities.

(4) "Governmental entity" means a county, city, town, or consolidated government.

(5) (a) "Impact fee" means any charge imposed upon development by a governmental entity as part of the development approval process to fund the additional service capacity required by the development from which it is collected. An impact fee may include a fee for the administration of the impact fee not to exceed 5% of the total impact fee collected.

(b) The term does not include:

(i) a charge or fee to pay for administration, plan review, or inspection costs associated with a permit required for development;

(ii) a connection charge;

(iii) any other fee authorized by law, including but not limited to user fees, special improvement district assessments, fees authorized under Title 7 for county, municipal, and consolidated government sewer and water

1 districts and systems, and costs of ongoing maintenance; or

2 (iv) onsite or offsite improvements necessary for new development to meet the safety, level of service,
3 and other minimum development standards that have been adopted by the governmental entity.

4 (6) "Proportionate share" means that portion of the cost of capital system improvements that reasonably
5 relates to the service demands and needs of the project. A proportionate share must take into account the
6 limitations provided in 7-6-1602.

7 (7) "Public facilities" means:

8 (a) a water supply production, treatment, storage, or distribution facility;

9 (b) a wastewater collection, treatment, or disposal facility;

10 (c) a transportation facility, including roads, streets, bridges, rights-of-way, traffic signals, and
11 landscaping;

12 (d) a storm water collection, retention, detention, treatment, or disposal facility or a flood control facility;

13 (e) a police, emergency medical rescue, or fire protection facility; and

14 (f) other facilities for which documentation is prepared as provided in 7-6-1602 that have been approved
15 as part of an impact fee ordinance or resolution by:

16 (i) a two-thirds majority of the governing body of an incorporated city, town, or consolidated local
17 government; or

18 (ii) a unanimous vote of the board of county commissioners of a county government for facilities within
19 a county or a district within a county; or

20 (iii) a majority vote of the board of county commissioners of each affected county for a facility within a
21 district that crosses county boundaries."

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23 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2007.

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