

HOUSE BILL NO. 107

INTRODUCED BY D. GALLIK

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE ANNUAL FEE LIMITATION FOR A PUBLIC WATER SUPPLY SYSTEM SERVICE CONNECTION; AMENDING SECTION 75-6-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-6-108, MCA, is amended to read:

"75-6-108. Board to prescribe fees -- opportunity for appeal. (1) The board shall by rule prescribe fees to be assessed annually by the department on owners of public water supply systems to recover department costs in providing services under this part. The annual fee for a public water supply system is ~~no more than \$2.25~~ may not exceed \$2.50 for each service connection to the public water supply system, ~~for the biennium beginning July 1, 1991, and ending June 30, 1993, and thereafter is no more than \$2 for each service connection to the public water supply system,~~ although the minimum fee for any system is ~~\$100~~ \$125, except that the fee for a transient noncommunity water system is ~~\$50~~ \$62.50.

(2) Public water supply systems in a municipality may raise the rates to recover costs associated with the fees prescribed in this section without the public hearing required in 69-7-111.

(3) The board shall by rule prescribe fees to be assessed by the department on persons who submit plans and specifications for construction, alteration, or extension of a public water supply system or public sewage system. The fees must be commensurate with the cost to the department of reviewing the plans and specifications.

(4) Fees collected pursuant to this section must be deposited in the public drinking water special revenue fund established in 75-6-115.

(5) (a) The department shall notify the owner of a public water supply system in writing of the amount of the fee to be assessed and the basis for the assessment. The owner may appeal the fee assessment in writing to the board within 20 days after receipt of the written notice.

(b) An appeal must be based on the allegation that the fee is erroneous or excessive. An appeal may not be based only on the fee schedule adopted by the board.

(c) If any part of the fee assessment is not appealed, it must be paid to the department upon receipt of the notice provided for in subsection (5)(a)."

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

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