

SENATE BILL NO. 225

INTRODUCED BY C. GLIMM

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING REFUNDS OF SUBDIVISION FEES FOR DEADLINE EXTENSIONS REQUESTED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 76-4-105, MCA; AND PROVIDING AN IMMEDIATE 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. Subdivision fees -- subdivision program funding. (1) The department shall adopt rules setting forth fees that do not exceed actual costs for reviewing plats and subdivisions, conducting inspections pursuant to 76-4-107, and conducting enforcement activities pursuant to 76-4-108. The rules must provide for a schedule of fees to be paid by the applicant to the department. The fees must be used for review of plats and subdivisions, conducting inspections pursuant to 76-4-107, and conducting enforcement activities pursuant to 76-4-108. The fees must be based on the complexity of the subdivision, including but not limited to:

- (a) the 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) For extensions requested by the department of the deadlines in 76-4-114, the department shall refund the applicant:

- (a) for the first extension, 25% of the fees;
(b) for the second extension, 50% of the fees; and
(c) for the third extension, the remaining fees paid.

(2)(3) The department shall adopt rules to determine the distribution of fees to the local reviewing authority for reviews conducted pursuant to 76-4-104, inspections conducted pursuant to 76-4-107, and

1 enforcement activities conducted pursuant to 76-4-108.

2 ~~(3)(4)~~ The local reviewing authority may establish a fee to review applications, conduct site visits, and
3 review applicable exemptions under this chapter. The fee must be paid directly to the local reviewing authority
4 and may not exceed the local reviewing authority's actual cost that is not otherwise reimbursed by the
5 department from fees adopted pursuant to this section."

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

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9 NEW SECTION. **Section 3. Applicability.** [This act] applies to applications filed on or after [the
10 effective date of this act].

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