

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

Senate Bill Number 140

Legislative Action:

Introduced By: Allison Young
Authored By: Allison Young

House Committee: _____
House: _____
Senate Committee: _____
Senate: _____
Governor: _____

Delegation: Bozeman High School

Referred to Committee: Senate Education Committee

1 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING IMPACT FEE LAWS BY
2 INCLUDING CAPITAL FACILITIES RELATED TO K-12 PUBLIC EDUCATION
3 AMONG THE PUBLIC FACILITES FOR WHICH AN IMPACT FEE MAY BE
4 IMPOSED; AMENDING SECTIONS 7-6-1601, 20-9-508, 76-3-510, AND 76-3-601,
5 MCA; AND REPEALING SECTION 20-9-615, MCA."

6

7 BE IT ENACTED BY THE 2007 YMCA MONTANA YOUTH LEGISLATURE:

8

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

10 **"7-6-1601. Definitions.** As used in this part, the following definitions apply:

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

14 (b) The term does not include consumable supplies.

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

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

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

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

29 (b) The term does not include:

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

32 (ii) a connection charge;

33 (iii) any other fee authorized by law, including but not limited to user fees, special
34 improvement district assessments, fees authorized under Title 7 for county,
35 municipal, and consolidated government sewer and water districts and systems, and
36 costs of ongoing maintenance; or

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

40 (6) "Proportionate share" means that portion of the cost of capital system
41 improvements that reasonably relates to the service demands and needs of the
42 project. A proportionate share must take into account the limitations provided in 7-
43 6-1602.

44 (7) "Public facilities" means:

- 45 (a) a water supply production, treatment, storage, or distribution facility;
- 46 (b) a wastewater collection, treatment, or disposal facility;
- 47 (c) a transportation facility, including roads, streets, bridges, rights-of-way, traffic
- 48 signals, and landscaping;
- 49 (d) a storm water collection, retention, detention, treatment, or disposal facility or
- 50 a flood control facility;
- 51 (e) a police, emergency medical rescue, or fire protection facility; ~~and~~
- 52 (f) capital facilities related to K-12 public education; and
- 53 ~~(f)~~ (g) other facilities for which documentation is prepared as provided in 7-6-
- 54 1602 that have been approved as part of an impact fee ordinance or resolution by:
- 55 (i) a two-thirds majority of the governing body of an incorporated city, town, or
- 56 consolidated local government; or
- 57 (ii) a unanimous vote of the board of county commissioners of a county
- 58 government.”

59

60 **Section 2.** Section 20-9-508, MCA, is amended to read:

61 **“20-9-508. Building fund.** (1) The trustees of a district shall establish or credit the

62 building fund whenever the district:

63 (a) issues and sells bonds under the school district bonding provisions of this title

64 for purposes other than refunding bonds of the district;

65 (b) receives federal money for the express purpose of building, enlarging, or

66 remodeling a school building or other building of the district;

67 (c) sells property of the district in accordance with the law authorizing the sale;

68 (d) earns interest from the investment of building fund money under the

69 provisions of 20-9-213(4), except that interest earned from the investment of bond

70 money under the provisions of 20-9-435 must be credited to a fund in accordance

71 with that section; or

72 (e) receives any other money, ~~including payments made by a developer under the~~
73 ~~provisions of 20-9-615~~, for the express purpose of building, enlarging, or remodeling
74 a school building or other building of the district.

75 (2) The financial administration of the building fund must be in accordance with
76 the financial administration provisions of this title for a nonbudgeted fund and must
77 provide for a separate accounting of the money realized by each bond issue or by
78 each construction project financed by a federal grant of money. Any other money
79 deposited to the credit of this fund must be expended for building, enlargement,
80 remodeling, or repairing of buildings of the district at the discretion of the trustees.

81 (3) Money credited to the building fund under the provisions of subsection (1)(a)
82 must be expended for the express purpose or purposes authorized by the bond
83 proposition approved at the election authorizing the issuance of the bonds. Any
84 money realized by the sale of bonds and remaining to the credit of the building fund
85 after the full accomplishment of the purpose for which the bonds were sold must be
86 transferred to the debt service fund to be used for the redemption of the bonds.

87 (4) Money credited to the building fund under the provisions of subsection (1)(b)
88 must be expended for the express purpose or purposes authorized by the federal
89 government in granting the money.”

90

91 **Section 3.** Section 76-3-510, MCA, is amended to read:

92 **“76-3-510. Payment for extension of capital facilities.** A local government may
93 require a subdivider to pay or guarantee payment for part or all of the costs of
94 extending capital facilities related to public health and safety, including but not
95 limited to public roads, sewer lines, water supply lines, and storm drains to a
96 subdivision. The costs must reasonably reflect the expected impacts directly
97 attributable to the subdivision. A local government may ~~not~~ require a subdivider to

98 pay or guarantee payment for part or all of the costs of constructing or extending
99 capital facilities related to education.”

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101 NEW SECTION. **Section 4. Repealer.** Section 20-9-615, MCA, is repealed.

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