

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 21, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on February 21 at 9:35 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: Robert R. Johnson, Association of Local Health Departments; Glen Drake, League of Cities and Towns; Steve Brown, Department of Health and Environmental Sciences; Ed Casne, Department of Health and Environmental Sciences.

Senate Bill 401. Senator Dunkle moved Senate Bill 401 be give a "Do Pass" recommendation. Senator Peterson seconded the motion. Motion carried unanimously.

CONSIDERATION OF SENATE BILL 310: Senator Roberts, District 11, Sponsor of Senate Bill 310, stated the bill deals with the authority of the State Department of Health and Environmental Sciences over subdivisions, primarily sewage review authority. Steve Brown, Department of Health and Environmental Sciences, stated this bill would have one state agency responsible for reviewing sewage disposal, solid waste disposal and water supplies. Mr. Brown proposed amendments (attached) to Senate Bill 310. Ed Casne, Department of Health and Environmental Sciences, testified in support of Senate Bill 310 (attached). Bob Johnson, Health Officer, Lewis & Clark County, testified in support of Senate Bill 310. Glen Drake, League of Cities and Towns, supports the bill as presented by Senator Roberts. Mr. Drake supports the local control of minor subdivisions.

Opponents. Glen Drake stated he did not know the effect of amendments proposed by the Department of Health and Environmental Sciences. Mr. Drake was opposed to the Department of Health and Environmental Sciences having control over solid waste disposal. Mr. Drake stated the definition of plat in Senate Bill 310 was different from the definition used in the subdivision act. Mr. Drake felt Senate Bill 310 was approaching the problem inadequately.

Senator Watt moved to strike section 3 of Senate Bill 310 in its entirety. Senator Dunkle seconded the motion

Motion carried unanimously. Senator Watt moved on page 10 line 7 to strike "system" and insert "facility". Senator Thiessen seconded the motion. Motion carried unanimously. Senator Story moved to amend page 12, line 4, following "fee" insert "per parcel". Senator Watt seconded the motion. Motion carried unanimously. Senator Watt moved to amend page 12, line 10 following "disapproval" strike "and the" insert "of the subdivision. The". Senator Peterson seconded the motion. Motion carried unanimously.

ADJOURN: The meeting adjourned at 10:57 A.M.


Senator George McCallum, Chairman

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LOCAL GOVERNMENT COMMITTEE

Date 2-21-77

[illegible]

SENATE Local Gov't COMMITTEE

BILL SB 310

VISITORS' REGISTER

DATE 2-21-72

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

PROPOSED AMENDMENTS TO S.B. 310

by
Dept. of Health & Environmental Sciences

S.B. 310 is hereby amended to read as follows:

1. On page 10, line 7, delete "system" and insert "Facility";
2. On page 12, line 4, ^{after} "\$10 of the fee" insert "per parcel";
3. On page 12, line 10, after "disapproval" delete "and the" and insert "of the subdivision pursuant to the provisions of this chapter and the rules adopted to implement this chapter. The";
4. On page 4, line 20, delete Section 3 in its entirety and renumber all subsequent sections accordingly.

Major points of SENATE BILL 310 as seen by the Subdivision Bureau, Environmental Sciences Division, Department of Health and Environmental Sciences

The present law goes a long way towards accomplishing the goals of the Subdivision Bureau, primarily assuring the purchaser of a lot in an approved subdivision a safe, dependable water supply, an approved disposal site for his garbage and an adequate non-polluting sewage disposal system. However, no law is perfect and we recommend that some changes be made.

1. Delegate review authority of minor subdivisions to select local health departments

Need -

- a. The number of subdivision applications are increasing at a rate that is overloading the staff of the Subdivision Bureau. The bureau currently receives about 9 subdivision applications each day. The bureau has 6 1/2 staff people involved in subdivision review.
- b. Delegation of review authority will slow the growth rate of the state work load and allow quicker review service.

Basis - We have been running a pilot program in seven counties for the past 9 months. Because of its success we have recently expanded it to include 18 counties.

Problem - Under current law the legality of the program is questionable.

2. Share review fee with local health departments

Need - Local health department review is a key factor in the success of a subdivision review program. Local health departments have given dedicated service to the subdivision program with no monetary reimbursement.

Problem - The revenue raised by the current fee schedule is used in its entirety to fund the Subdivision Bureau. A shift of this revenue to local government would require a reduction in the Subdivision Bureau Staff.

Solution - We are proposing to raise the ceiling on review fees to \$25.00 per parcel.

Fee Schedule - More than the entire fee increase will be passed on to local government. (See enclosed table.) All counties will receive monetary reimbursement. Select counties delegated review authority will receive most of the money.

ESTIMATED ANNUAL REVENUE FOR LOCAL GOVERNMENT \$31,500.

3. Streamline the review process

Need -

- a. Common complaint among developers is submitting the same information to each government agency on the various required forms.
- b. The time delay in getting a subdivision approved by the various government agencies involved.

Solution -

- a. Develop a standard application to be used by all government agencies.
- b. Concurrent subdivision review by local government and the department with better coordination and exchange of ideas between reviewing agencies.

4. Clarification of clerk and recorder's responsibilities

Problem - There is a difference of opinion among counties as to whether or not the clerk and recorder shall file certificates of survey without department approval.

Solution - We plan to clarify the law by adding the words "plat or certificate of survey" to Section 69-5003 (1) and (2).

5. Stronger enforcement provisions

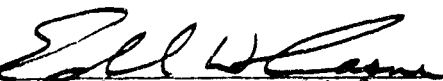
Problem - The enforcement section of the present law is very limited. The present penalty section provides only for imposition of a criminal penalty. Because of the county attorneys' heavy work load it has been exceedingly difficult to convince them to bring action to collect a criminal penalty.

Solution - Authorize the department to bring action for collection of civil penalties and injunctive relief.

6. Monitoring and inspection

Problem - Monitoring and inspection of the water supply and sewage disposal systems are mandatory to safeguard public health and environmental quality.

On behalf of the Department of Health and Environmental Sciences, I urge your support of Senate Bill 310.


Edward W. Casne, Chief
Subdivision Bureau
Environmental Sciences Division
Phone: 449-3946

SUBDIVISION BUREAU
ENVIRONMENTAL SCIENCES DIVISION
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

ESTIMATED ANNUAL REVENUE GENERATED BY SENATE BILL 310

Minor Subdivisions

Lots reviewed and approved by counties	<u>Review Fee \$25.00/lot</u>	<u>County</u>	<u>State</u>
1200 lots x \$20.00		24,000	
" " " 5.00			6,000

Lots reviewed and approved by state with minimum county involvement	<u>Review Fee \$25.00/lot</u>		
500 lots x \$5.00		2,500	
" " " 20.00			10,000

Lots connecting to municipal systems	<u>Average Review Fee \$10.00/lot</u>		
500 lots x \$10.00			5,000

Major Subdivisions

Lots with individual water and sewer	<u>Review Fee \$25.00/lot</u>		
1000 lots x \$5.00		5,000	
" " " 20.00			20,000

Municipal water and sewer	<u>Review Fee \$15.00/lot</u>		
2000 lots x \$15.00			30,000

One system public and other individual	<u>Review Fee \$10.00/lot</u>		
1500 lots x \$10.00			15,000
		<u>\$31,500</u>	<u>\$86,000</u>

REVENUE GENERATED UNDER CURRENT RATE STRUCTURE			
	-0-		<u>\$90,500</u>

Loss in State revenue			\$ 4,500
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STANDING COMMITTEE REPORT

February 21

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MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 401

Respectfully report as follows: That Senate Bill No. 401

DO PASS

P.A.