

NATURAL RESOURCES COMMITTEE MINUTES  
March 14, 1983

The House Natural Resources Committee convened on March 14, 1983, at 12:30 p.m., in Room 224K of the State Capitol, with Chairman Harper presiding and all members present except Reps. Brown and Quilici, who were excused. Chairman Harper opened the meeting to a hearing on SB 140.

SENATE BILL 140

SENATOR PETE STORY, District 17, chief sponsor, said this bill deals with subdivisions. He said when the state first got into the subdivision area there was a great deal of activity in the field and the local governments did not have the expertise to handle it. He said today there is reduced activity in the subdivision field and some local governments could well handle being the final review authority. He said if the local authorities did this they would speed up the process and cut down duplication as the local government bodies now make the review and then send the paperwork to the department in Helena, where it is reviewed again. This would also help the local governments as they would keep all the fee instead of splitting with the state department. He said the original bill was "mugged" in the Senate Natural Resources Committee and he had to back down 99 percent on some of his original intentions. Now the local governments will be the final review authority only if they are certified by the Health Department of the state as having qualified personnel to do it and if they want to do it.

JOHN HOLLOW, Montana Homebuilders, said they had been one of the "muggers" for a couple of reasons. One of them was they felt there should be uniform standards throughout the state. They also wanted to be sure the local government was qualified before taking over the final review authority and so they wished to have them certified by the Department of Health. Mr. Hollow said the committee might wish to add in the statement of intent that the Department of Health can also decertify. He said the certification could be gradually made for larger and more complex subdivisions as the local government gained the expertise and became capable of handling them. He said the bill would help to eliminate duplication and speed up the review process. He said he felt it was a good bill in its present form.

H.S. HANSON, Design Engineers, said there should be standard regulations and, if properly certified, the local governments should be able to do the review of the plans and specifications. He said they do not accept the premise that only Helena has the wisdom to do this properly. He said the idea that this could cause a loss of federal funds is only a supposition at this point. This bill also gives the local government a chance to opt out of the review of any complicated subdivision so they have an out if they feel there might be undue political pressure.

TERRY CARMODY, Montana Association of Realtors, said they support the bill as they feel it is a good piece of legislation. He said it would help avoid duplication.

MIKE STEPHEN, Montana Association of Counties, said they like the permissive choice this gives to local government.

#### Opponents

ELIZABETH J. KNIGHT, President, Montana Environmental Health Association, spoke as an opponent and a copy of her testimony is Exhibit 1 of the minutes.

STEVE PILCHER, Department of Health and Environmental Science, spoke next opposing and a copy of his testimony is Exhibit 2.

CHARLES LANDMAN, Montana Environmental Information Center, spoke next opposing and a copy of the fact sheet he presented to the members is Exhibit 3 of the minutes.

BOB DECKER, Lewis and Clark County Commissioner, said they don't have a problem. He said they have had many subdivisions expand into the Helena valley and have had good work from the Department of Health. He said problems could exist elsewhere and he can respect that. He said he has a positive reaction to more local government control but he doesn't believe the bill does that. He said in the end they would have a hodge-podge of bureaucracy. He said for example 76-4-104 would allow any county that wishes to refuse local control and instead give it back to the state. He said Lewis and Clark reviewed all minor subdivisions until two years ago and then found the fee just wasn't sufficient so asked the state to do it. He said the state will still have to have their staff and engineers as any county can opt not to do the review. He said Lewis and Clark County will continue to use the state. He said as far as duplication the bill would do the opposite of what is claimed. He said if we are to accept local review we would have to hire engineers and sanitarians and involve the attorneys, and the state would still have the same staff, which would be a duplication. He said this should not be an option - either get in or get out as anything in between will result in a hodge-podge.

SENATOR STORY closed. He said the use of the term "mugger" was ill chosen and meant to be funny. He said he didn't have any problem with the amendment on decertification.

He said he didn't intend to take the Department of Health out of control of the sanitation and sewage but to have the local reviewing authority also look at it. He said if the language isn't clear on this point he would be amenable to amending it. He said he doesn't see the problems some of the opponents have suggested. He said since Helena's chief industry is taxing and regulating, they probably want to hang on to the industry to the greatest extent possible. He said he would like to remind Helena that the rest of the state does have brains and talents enough to review its own subdivisions and probably not cause problems that would cause plagues. He said the local governments would not need to have someone year round on their staffs to do the more complex types of subdivisions as these could be contracted out. He said they could find people with expertise in this area that could do the job for them in a careful, objective manner.

Questions were asked by the committee.

Chairman Harper reminded Senator Story that taxing and regulating are only two of the functions present here and they are conducted pursuant to the laws passed in this city.

Rep. Nordtvedt asked Mr. Pilcher how they come to take a position opposing the bill. He asked who is opposing? the director? the majority of the employees? Mr. Pilcher said the director and the people associated with the program. He said the bill has been thoroughly studied and these people gave their concurrence and support to the department's testimony. Rep. Nordtvedt asked what would happen if some employee in the agency supported this bill. Would he be able to come and give a minority report? Mr. Pilcher said any individual on his own behalf instead of on the behalf of the agency can discuss it with the director and then take annual leave and appear on his own.

Rep. McBride asked if a local governing body without a competent staff can opt for the state to review their subdivisions completely. Senator story said if the county does not take any affirmative action the state will continue to do the subdivision review. He said the chief effect of the bill is to extend to major subdivisions what the law says for minor subdivisions.

Rep. McBride asked about the possibility of losing federal funding. Senator Story said this is the first he has heard about it so couldn't respond to it.

Rep. Jensen asked if we were getting away from the merits of the bill. He asked about the mention of contracting, if they would provide services rather than hire full time staff. Mr. Hanson responded that the disadvantage of his people doing the work is they then couldn't do the design. He said there would be more money in the subdivision design work than in the review. He suggested adding on page 11, line 4, after "unit" the words "or a consultant." He said this would open it up for the county commissioners so they could contract for outside expertise. Chairman Harper asked if this would cause a county to be certified as competent. Mr. Hanson said the consultant and his engineers would have to be approved by the Department of Health.

Rep. Curtiss asked Senator Story if there were objections raised in the Senate concerning the lack of fees. Senator Story said there are other bills that address fees so he had left the fee structure out of this bill.

Chairman Harper closed the hearing on this bill and opened the hearing on SB 406.

#### SENATE BILL 406

SENATOR DELWYN GAGE, District 7, chief sponsor, said this bill also deals with subdivisions. It would exempt the Department of Health in its review of subdivisions from the Montana Environmental Policy Act and provide that the Department instead would rely on the environmental assessment submitted under the Montana Subdivision and Platting Act. He said as the law is presently there is a duplication of requirements. He said his thought if this bill is enacted is that the department may come back and require whatever additional information they may need if the information is not on the original environmental assessment. He said the subdivision people would to the best of their ability try to anticipate and make sure all information was in the statement. He said this would save the costs of having to go back and make a duplicate statement.

TERRY CARMODY, Montana Association of Realtors, said he had some amendments to propose. A copy of these is Exhibit 4. He said he fully supports the bill as amended. He said the title would also need to be amended. Mr. Carmody said the developer must prepare an EIS to get the subdivision filed and then the Department of Health requires him to go back to square one. This would say the department will use the information originally presented.

H.S. HANSON, Montana Technical Council, said they support the bill with Mr. Carmody's amendments attached.

CHARLES LANDMAN, Montana Environmental Information Center, spoke in opposition, although he said it is a much better bill with the amendments. A copy of his fact sheet is Exhibit 5 of the minutes. He had an example of a preliminary environmental review and showed that it was only 13 pages long. He said it was very little in relation to an EIS statement. He said they are not mirror images. It enables the department to look for other factors if they think they are needed. He said it is important for the department to have an independent review. He said not all subdivisions require these, for of 12,000 subdivisions only 150 had PERs and 10 had EISs so most subdivisions go right on without one. He said they are usually needed if the subdivision has more than 50 lots or is in a place that has critical wildlife or unstable soil conditions.

STEVE PILCHER, Department of Health and Environmental Sciences, said he doesn't want to testify as an opponent but they do have a concern. He said they have no problem with the bill as far as it requests them to recognize the work done as long as they can request any additional information needed. He said quite often the information is inadequate for their review purposes.

SENATOR GAGE closed. He said the bill is a vehicle for doing what we can to improve the assessment statements and get the subdivisions started.

Questions were asked by the committee.

Chairman Harper closed the hearing on this bill and opened the meeting to an executive session.

#### EXECUTIVE SESSION

SENATE BILL 140 Rep. Fagg moved BE NOT CONCURRED IN. The motion carried with Reps. Nordtvedt and Curtiss voting no and absent were Reps. Neuman, Brown, Iverson and Quillici.

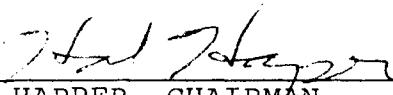
The Chairman recognized Debra Schmidt, Executive Director, Environmental Quality Council. Ms. Schmidt said in regard to this last bill, the EQC has been following the subdivision review process and many of the council members are interested in the concepts of Senator Story's bill. She said with HJR 20 they will be able to monitor and work on some of his ideas and possibly come back next session with some suggestions in this area.

SENATE BILL 406 Rep. Fagg moved BE NOT CONCURRED IN. Rep. Curtiss said delay has been a hardship on a lot of people. She said when the planning board meets they examine very minutely the public interest criteria. She said they have the tools they need. She felt the bill would help the situation. The motion carried with Reps. Nordtvedt, Curtiss, Acey voting no and absent were Reps. Neuman, Brown, Iverson and Quilici.

SENATE BILL 56 Rep. Jensen moved BE CONCURRED IN. The motion carried unanimously with those present and absent were Reps. Ream, Iverson, Neuman, Brown, Quilici and Fagg.

Meeting adjourned at 2 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
HAL HARPER, CHAIRMAN

Emelia A. Satre, Sec.

MEMORANDUM

TO: HOUSE NATURAL RESOURCES COMMITTEE MEMBERS

FROM: JOHN CARTER

RE: BILL SUMMARIES for SBs 140 and 406

DATE: March 14, 1983

SB 140 This bill seeks to give local governing bodies the authority to conduct  
Story a sanitary review of proposed subdivisions under the Sanitation in  
Subdivisions Act (SSA). Under the bill, if a governing body has been  
certified by the Department of Health and Environmental Sciences as  
being competent to review subdivisions, it may, in certain cases, elect  
to supplant the departments' review under the SSA.

SB 406 This bill seeks to amend the Montana Environmental Policy Act to  
Gage exempt the Department of Health and Environmental Sciences from com-  
pliance with the act when exercising its authority under the SSA.  
The bill provides that the department must instead rely on information  
contained in the environmental assessment required under the Subdivision  
and Platting Act when carrying out its mandates under the SSA.

# VISITOR'S REGISTER

HOUSE                      NATURAL RESOURCES                      COMMITTEE

BILL SB 140

DATE 3/14

SPONSOR      STORY

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## WRITTEN TESTIMONY OPPOSING SB 140

By: Elizabeth J. Knight, R.S.

Mr. Chairman and committee members, my name is Elizabeth Knight. I am currently employed as the Jefferson-Broadwater County Sanitarian and am president of the Montana Environmental Health Association.

Earlier this fall when the Subdivision Bureau was closed the Association polled local health departments that would be directly impacted by changes in the current system. We ended up with 52 of 56 counties responding. 77% of the respondents indicated they were strongly opposed to shifting all public health review of subdivisions and certificates of surveys to local government. A copy of the survey synopsis was sent to all legislators earlier this session.

From the survey results, it was concluded that a vast majority of counties, through their sanitarians and health officers, feel that the subdivision review process and final subdivision approval is a function of state government. The results showed that, with current funding and the lack of available technical expertise in the form of engineering and legal resources at the local level, local health departments would be unable to perform proper and adequate total subdivision review functions. It was also noted that a majority of respondents felt the Sanitations in Subdivision Act is accomplishing its goals. Most indicated there would be no method of insuring consistency in administration of the Act, without the State Department of

Health and Environmental Sciences being directly involved.

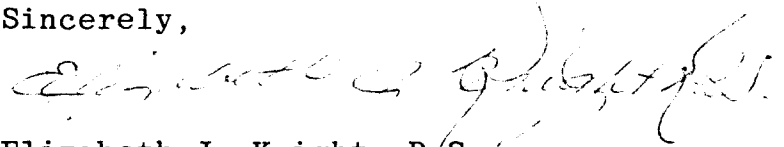
Realizing that local health departments are not the local governing body, the Association decided to poll the boards of county commissioners after the introduction of SB 140. A questionnaire was sent to all 56 commissions. Thirty-two boards responded to the questionnaire. Of the 32 respondents 26 indicated they were opposed to shifting all public health review of subdivisions and certificates of survey to the local level.

The majority of the respondents indicated they feel there is no method of insuring consistency of administration and interpretation without state involvement. They also indicated a definite lack of technical expertise necessary to complete the review, legal assistance, and finances necessary to provide such services on a local level. The majority indicated that if all legal responsibility for subdivision review were transferred to local control the commissioners and their legal staff would only minimally to moderately enforce the regulations.

Therefore, based on the survey results and conclusions, the Montana Environmental Health Association urges this committee to oppose SB 140 allowing for the voluntary transfer of total subdivision review and approval/denial functions under the Sanitation in Subdivision Act to local government entities. Further, it is strongly recommended that review fees per parcel be set at an adequate level to properly fund an adequate staff at the State level to provide final subdivision review and approval/denial functions, as well as properly offset the total review costs for minor subdivisions that may be incurred by local government and

local taxpayers.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth J. Knight".

Elizabeth J. Knight, R.S.  
President, Montana Environmental  
Health Association  
Jefferson-Broadwater County  
Sanitarian  
Box 622  
Boulder, MT 59632

WITNESS STATEMENT

Name STEVE PITCHER Committee On \_\_\_\_\_  
Address 241 Franklin Min. Rd. Helena Date 3/11/93  
Representing DHES Support \_\_\_\_\_  
Bill No. SB 140 Oppose ✓  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

*Written Comments provided*

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

## STATE OF MONTANA

March 14, 1983

HELENA, MONTANA 59620

TESTIMONY IN OPPOSITION TO SB 140

The Montana Department of Health and Environmental Sciences is opposed to SB140. While the delegation of programs to local units of government is always attractive it must only be done so after careful consideration. Senate Bill 140 was developed without input from anyone familiar with the program. As such, the original bill contained serious deficiencies. While some of the problems have been corrected by amendments, the same amendments have added new problems. In short, the bill would be an administrative nightmare for the Department with no source of revenue to fund these activities.

The bill proposes to transfer subdivision review to local governing bodies. We support the concept as evidenced by the fact that we currently contract with local units of government to conduct the bulk of the review on minor subdivisions and pay them \$25 of our current \$30 review fee. Likewise, we require local health department approval of all subdivisions before granting our approval.

An expansion of their role is worthy of consideration, but SB140 expands local involvement beyond their technical and administrative limits.

One of the loudest and most frequent complaints that I have received is that there has been inconsistency in interpretation of subdivision rules and requirements. If this is a problem with a 4-member review staff at the state level can you imagine the confusion with as many as 500 or more people making the same interpretation.

The transfer of review responsibility to local government bodies would eliminate review under the Montana Environmental Policy Act since it applies only to state agency actions. Since the bill would allow locals to review even major subdivisions, projects like Briarwood, Eagle Bend, Caroline Point and others would not be reviewed under MEPA.

The Senate added an amendment to the Public Water Supply Act which would turn over review of plans for alteration or extension of water supply, water distribution or sewer systems to any local government which also qualifies to do subdivision review. Since the focus of the bill is subdivision review and the purpose is to turn over subdivision review to locals, the amendment delegating Public Water Supply Act review to locals goes beyond the scope of the original bill. Article V, Section 11(1) of the Montana Constitution states a bill "shall not be so altered or amended in its passage through the legislature as to change its original purpose." Therefore, inclusion of this amendment relating to the Public Water Supply Act may in fact be unconstitutional. Such an amendment may also jeopardize our federal grant from the EPA for administration of the Safe Drinking Water program. It is doubtful that the legislature would replace the loss of \$300,000+ in federal grant with general funds.

This bill would preclude the Department from contracting with local governing bodies to assist in subdivision review if they did not wish to assume total review responsibility. As previously mentioned, this is an important part in our subdivision review program.

One of the greatest concerns we have with the bill is the tremendous administrative responsibility placed on our agency with no provisions for financial support. Subdivision review is supported by a fee submitted for each lot to be evaluated. The bill states that "all" fees shall be used for review of plats and subdivisions. If the review responsibility is transferred to locals, you have eliminated the DMES funding source, but left it with the following administrative responsibility:

1. Adopt rules and sanitary standards for subdivision review.
  2. Adopt procedures for certifying competency of local governing bodies to review subdivisions and public water system modifications.
  3. Hold hearings if subdivision approval is denied at the local level. Such hearings must be held pursuant to the Montana Administrative Procedures Act.
- How will we fund such services? The fiscal note for this bill is totally inadequate in view of the current bill as amended.

Instead of passing legislation that is not well thought out and complete, let us use the charge provided in HJR 20 which the committee passed to review not only the subdivision regulations, but also use the opportunity to identify those areas of the review that could in fact better be carried out at the local level. The results of that review could be submitted to the next legislative session

in the form of a bill that is well thought out and addresses the concerns raised today. It would seem to be a logical part of the charge of HJR 20 and would allow us to look at the total subdivision review picture.

I ask that you carefully study the impacts of SB 140.

Thank you.

WITNESS STATEMENT

Name HS Hanson Committee On \_\_\_\_\_  
Address Helena Date 3/14/83  
Representing Mt Tech. Council Support ✓  
Bill No. SB-140 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. WE Support - as long as it is By STATE Reg.  
Local County doing their own Review -

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Charles Landman Committee On \_\_\_\_\_  
Address Helena Date \_\_\_\_\_  
Representing MEIC Support \_\_\_\_\_  
Bill No. SB 140 Oppose X \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

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Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

## FACTS ABOUT SB 140

Review of the water supply, sewage disposal, and solid waste disposal within a proposed subdivision is required by the Sanitation in Subdivisions Act in order to protect public health and water quality. This review protects the public's right to a "clean and healthful environment" guaranteed by the Montana Constitution. The existing statutes provide for efficient, objective, technically competent review. There are no compelling reasons to disrupt the present system--which has been used for over ten years and which works--and introduce procedures which may not protect public health and water quality.

1. Sanitary restrictions on a proposed subdivision should be lifted only after an objective, scientific determination that the water supply, sewage disposal, and solid waste disposal will not endanger public health or water quality.

- o The existing laws assure objectivity by requiring that sanitation decisions be made on the state level by a state agency.

- o SB 140 would jeopardize that objectivity by placing the decision in a local office which may be susceptible to political pressures. DHES would have no independent authority to review the decision of the local governing body.

2. In order to guarantee healthful sanitary conditions, there must be meaningful procedures for appeal, monitoring, review, and enforcement actions.

- o Under existing law, complaints may be made to DHES, which has the authority to monitor, review, and, if necessary, bring enforcement action when standards are violated.

- o SB 140 reduces that assurance by placing final authority for appeals, monitoring, and enforcement with the local governing body that made the initial decision. Appeal to DHES would be allowed only for a subdivider who was denied approval by the local government.

3. Sanitary review should be provided in the most efficient, economical manner possible consistent with considerations of public health and water quality.

- o The existing law provides one central reviewing authority so that costs to developers and the public will be as low as possible.

- o SB 140 may actually increase costs and promote inefficiency by allowing the creation of numerous reviewing offices around the state. This may increase costs to developers who must go through local sanitation review, and be removing revenues to DHES would increase costs for those who continue to rely on the state for sanitary review.

4. Sanitary review should be done by technically competent professionals who can provide consistent, expert review.

- o The existing law has been administered by trained professionals within the Department of Health and Environmental Sciences who have special knowledge of sanitation requirements and problems.

- o SB 140 would delegate sanitary review to county sanitarians, who, according to a recent survey, do not want that authority, do not feel that they have adequate technical expertise for sanitary review, and who are comfortable with the existing procedures and believe the goals of the Act are now being fulfilled.

We often hear the adage, "If it ain't broke, don't fix it." Considerations of public health, procedural efficiency, and technical competence--now assured by the existing laws--all urge continued DHES sanitary review. SB 140 should NOT PASS.

## VISITOR'S REGISTER

HOUSE      NATURAL RESOURCES      COMMITTEE

BILL SB 406

DATE 3/14

SPONSOR GAGE

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

PROPOSED AMENDMENTS TO SB 406

1. Page 4, line 8.  
Following: "chapter 4"  
Strike: "is exempt from the provisions of this chapter"  
Insert: "shall use the environmental assessment submitted by the subdivider under 76-3-603 as the basis for preparation of a report under this section. The department may request or otherwise obtain from the subdivider, local government, state agencies, and other sources such additional relevant information as necessary to fulfill the requirements of this chapter."
2. Page 7, lines 2 through 7.  
Following: "(4)"  
Strike: the remainder of line 2 through "76-3-603." on line 7
3. Page 7, line 24.  
Following: "(3)"  
Strike: the remainder of line 24 through line 3 on page 8  
Insert: "The environmental assessment prepared under 76-3-603, engineering plans and specifications, and hydrologic and geologic reports shall serve as the primary source of information upon which the department must base its review and decisions under this chapter. The department may request additional information for its review and decision to the extent that such relevant information is not adequately provided in the environmental assessment."

WITNESS STATEMENT

Name Charles Landman Committee On \_\_\_\_\_  
Address Helena Date \_\_\_\_\_  
Representing MEIC Support \_\_\_\_\_  
Bill No. SB 406 Oppose X \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

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4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

1. SB 406 (Gage, R.-Cut Bank) would exempt the Department of Health and Environmental Sciences (DHES), in its review of subdivisions under the Sanitation in Subdivisions Act, from the provisions of the Montana Environmental Policy Act (MEPA).

o SB 406 would entirely eliminate the ability of DHES to prepare a Preliminary Environmental Review (PER) or an Environmental Impact Statement (EIS) for any future subdivision. This overlooks the possibility that a proposed new subdivision, because of its size, location, or other factors, may have significant impacts that should be addressed in a PER or an EIS.

o This would eliminate the ability of DHES to prepare and distribute an objective, independent assessment of a proposed subdivision to the public for review and comment.

o This bill would set a precedent for elimination of other agencies or regulatory programs from the requirements of MEPA-- even though the program addresses major environmental and social impacts which are squarely within the scope of MEPA.

2. SB 406 would require DHES to rely on information submitted by the subdivider-- to the county under the Subdivision and Platting Act--for DHES sanitary review under the Sanitation in Subdivisions Act.

o This creates an obvious conflict that is not in the best interests of the people of Montana. DHES must have accurate, objective, scientific information in order to make decisions which guarantee that the health of area residents and the quality of water near a proposed subdivision will be protected. This guarantee of safety would be diluted because SB 406 would eliminate the ability of DHES to obtain or gather their own information, when necessary, for sanitary review. On the other hand, the subdivider will naturally present the development in the most favorable manner possible--his goal being to get the subdivision approved and lots sold. Restricting DHES entirely to information provided by the subdivider does not insure that public health and water quality will be protected.

3. The existing procedure does not cause undue delay, increased costs, or unnecessary duplication for subdivision review.

o Review under MEPA does not cause undue delay. DHES is required by statute to make a final decision on a proposed subdivision within 60 days. This statutory deadline is not increased for preparation of a PER. The deadline may be increased to 120 days if an EIS is required. (Since 1976, DHES has required only 10 EIS's--out of the thousands of subdivisions reviewed.)

o Review under MEPA does not increase costs. DHES does not charge the subdivider an additional fee for preparation of a PER. DHES is authorized to charge a fee when preparation of an EIS exceeds \$2500; in fact such a fee has never been charged.

o Review under MEPA is not unnecessary duplication. In actual practice, DHES uses the environmental assessment done for the county as the basis for the PER. The assessment is supplemented with information DHES obtains from other state and local agencies and individuals as necessary, and compiled and published as a PER when appropriate. This procedure guarantees that a complete, objective document will be available for DHES sanitary review and for distribution to the general public without duplicating work already done.

SB 406 represents a dramatic and unwarranted retreat from the state's commitment to protect public health and provide objective information to the public about developments which may have major environmental and social impacts. SB 406 should NOT PASS.

# STANDING COMMITTEE REPORT

March 14, 19 81

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **SENATE** Bill No. **140**

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**A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE REVIEW AND APPROVAL  
AUTHORITY TO LOCAL GOVERNING BODIES FOR SANITATION REQUIREMENTS IN  
SUBDIVISIONS PROPOSED IN THEIR JURISDICTIONAL AREAS: AMENDING SECTIONS  
76-3-504, 76-4-102, 76-4-104 THROUGH 76-4-108, 76-4-121 THROUGH 76-4-125,  
76-4-127, 76-4-129, AND 76-4-130, MCA; REPEALING SECTION 76-4-128, MCA;  
AND PROVIDING AN EFFECTIVE DATE."**

Respectfully report as follows: That **SENATE** Bill No. **140**

**BE NOT CONCURRED IN**

**XXXXX  
DU PASS**

# STANDING COMMITTEE REPORT

March 14, 1983

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **SENATE** Bill No. **406**

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color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES IN ITS REVIEW OF SUBDIVISIONS FROM THE MONTANA ENVIRONMENTAL POLICY ACT; TO PROVIDE THAT THE DEPARTMENT SHALL INSTEAD RELY ON THE ENVIRONMENTAL ASSESSMENT SUBMITTED UNDER THE MONTANA SUBDIVISION AND PLATTING ACT; AMENDING SECTIONS 75-1-201, 76-3-603, 76-4-104, AND 76-4-129, MCA."**

Respectfully report as follows: That **SENATE** Bill No. **406**

**BE NOT CONCURRED IN**

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