

HOUSE JOINT RESOLUTION NO. 20

INTRODUCED BY MARKS, DONALDSON,
STOBIE, HANNAH

IN THE HOUSE

February 5, 1983	Introduced and referred to Committee on Natural Resources.
February 19, 1983	Committee recommend bill do pass as amended. Report adopted.
February 21, 1983	Bill printed and placed on members' desks.
February 22, 1983	Second reading, do pass.
February 23, 1983	Considered correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 10, 1983	Committee recommend bill be concurred in. Report adopted.
March 11, 1983	Second reading, concurred in.
March 14, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 14, 1983	Returned to House.
----------------	--------------------

March 15, 1983

Sent to enrolling.

Reported correctly
enrolled.

1 House JOINT RESOLUTION NO. 20
2 INTRODUCED BY Mark Donaldson
3 Hanna

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE
6 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO REVIEW
7 THE RULES ADOPTED UNDER THE MONTANA SUBDIVISION AND PLATTING
8 ACT; REQUIRING THE DEPARTMENT TO AMEND OR REPEAL THOSE RULES
9 WHICH ARE NOT CONSISTENT WITH THE PURPOSES OF THAT ACT;
10 REQUIRING THE DEPARTMENT TO ADOPT RULES TO MINIMIZE THE COST
11 OF REVIEW OF SUBDIVISION PROPOSALS; AND REQUIRING THE REVIEW
12 OF RULES TO BE COMPLETED BY JULY 1, 1983.

13
14 WHEREAS, the Subdivision Bureau of the Department of
15 Health and Environmental Sciences has been eliminated,
16 resulting in a reduced number of development lots reviewed;
17 and

18 WHEREAS, the subdivision review function has been
19 placed under the supervision of the Water Quality Bureau;
20 and

21 WHEREAS, in a memorandum written December 27, 1982, by
22 the Water Quality Bureau, it was stated that the rules
23 implementing sanitation provisions in the Montana
24 Subdivision and Platting Act are confusing and difficult to
25 administer; and

1 WHEREAS, it is the expressed desire of the Water
2 Quality Bureau to review the existing rules at the
3 adjournment of the 48th Legislature; and

4 WHEREAS, some of the existing rules are believed to be
5 duplicative and burdensome and many of the local governing
6 bodies reviewing subdivision proposals do not possess the
7 expert personnel or procedures or the desire to properly
8 analyze or use the information contained in a subdivision
9 proposal; and

10 WHEREAS, excessive review and administrative processes
11 result in unnecessary costs to the public; and

12 WHEREAS, existing rules go beyond the scope and intent
13 of the Montana Subdivision and Platting Act.

14
15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
16 OF REPRESENTATIVES OF THE STATE OF MONTANA:

17 That the Department of Health and Environmental
18 Sciences is directed to review its rules to determine
19 whether they are consistent with the principles and goals of
20 sanitation in the Montana Subdivision and Platting Act; to
21 amend or repeal those that are not; and to conduct that
22 review, amendment, and repeal process in accordance with the
23 Montana Administrative Procedure Act, involving hearings and
24 the participation of the public.

25 BE IT FURTHER RESOLVED, that:

- 1 (1) the adoption of new and amended rules be limited
2 to those rules falling within the purpose of the Act to
3 promote health and safety;
- 4 (2) rules must be adopted which minimize the time,
5 documentation, and cost involved in the review process while
6 preserving and protecting the public health and safety;
- 7 (3) the purpose of the review of the rules must be to
8 ease the burden on all parties involved in the review
9 process; and
- 10 (4) the review, amendment, repeal, and adoption of the
11 rules must begin on passage of this resolution and must be
12 completed by July 1, 1983.

-End-

Approved by Committee
on Natural Resources

HOUSE JOINT RESOLUTION NO. 20

INTRODUCED BY MARKS, DONALDSON,

STOBIE, HANNAH

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING REQUESTING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO REVIEW THE RULES ADOPTED UNDER THE MONTANA SUBDIVISION--AND PLATTING--ACT SANITATION IN SUBDIVISIONS LAW; REQUESTING REQUESTING THE DEPARTMENT TO AMEND OR REPEAL THOSE RULES WHICH ARE NOT CONSISTENT WITH THE PURPOSES OF THAT ACT; REQUESTING REQUESTING THE DEPARTMENT TO ADOPT RULES TO MINIMIZE THE COST OF REVIEW OF SUBDIVISION PROPOSALS; AND REQUESTING REQUESTING THE REVIEW OF RULES TO BE COMPLETED BY JULY 1, 1983 1984.

WHEREAS, the Subdivision Bureau of the Department of Health and Environmental Sciences has been eliminated, resulting in a reduced number of development lots reviewed; and

WHEREAS, the subdivision review function has been placed under the supervision of the Water Quality Bureau; and

WHEREAS, in a memorandum written December 27, 1982, by the Water Quality Bureau, it was stated that the rules

implementing sanitation provisions in the Montana Subdivision--and--Platting--Act SANITATION IN SUBDIVISIONS LAW are confusing and difficult to administer; and

WHEREAS, it is the expressed desire of the Water Quality Bureau to review the existing rules at the adjournment of the 48th Legislature; and

WHEREAS, some of the existing rules are believed to be duplicative and burdensome and many of the local governing bodies reviewing subdivision proposals do not possess the expert personnel or procedures or the desire to properly analyze or use the information contained in a subdivision proposal; and

WHEREAS, excessive review and administrative processes result in unnecessary costs to the public; and

WHEREAS, existing rules go beyond the scope and intent of the Montana Subdivision--and--Platting--Act SANITATION IN SUBDIVISIONS LAW.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Health and Environmental Sciences is directed REQUESTED to review its rules to determine whether they are consistent with the principles and goals of sanitation in the Montana Subdivision--and--Platting--Act SANITATION IN SUBDIVISIONS LAW (TITLE 76,

1 CHAPTER 4, PART 11; to amend or repeal those that are not;
2 and to conduct that review, amendment, and repeal process in
3 accordance with the Montana Administrative Procedure Act,
4 involving hearings and the participation of the public.

5 BE IT FURTHER RESOLVED, that:

6 (1) the adoption of new and amended rules SHOULD be
7 limited to those rules falling within the purpose of the Act
8 to promote health and safety;

9 (2) rules must SHOULD be adopted which minimize the
10 time, documentation, and cost involved in the review process
11 while preserving and protecting the public health and
12 safety;

13 (3) the purpose of the review of the rules must SHOULD
14 be to ease the burden on all parties involved in the review
15 process; and

16 (4) the review, amendment, repeal, and adoption of the
17 rules must SHOULD begin on passage of this resolution and
18 must SHOULD be completed by July 1, 1983 1984.

-End-

1 HOUSE JOINT RESOLUTION NO. 20

2 INTRODUCED BY MARKS, DONALDSON,

3 STOBIE, HANNAH

4
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6 REPRESENTATIVES OF THE STATE OF MONTANA ~~DIRECTING~~ REQUESTING
7 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO
8 REVIEW THE RULES ADOPTED UNDER THE MONTANA ~~SUBDIVISION--AND~~
9 ~~PLATTING--ACT~~ SANITATION IN SUBDIVISIONS LAW; REQUESTING
10 REQUESTING THE DEPARTMENT TO AMEND OR REPEAL THOSE RULES
11 WHICH ARE NOT CONSISTENT WITH THE PURPOSES OF THAT ACT;
12 ~~REQUESTING~~ REQUESTING THE DEPARTMENT TO ADOPT RULES TO
13 MINIMIZE THE COST OF REVIEW OF SUBDIVISION PROPOSALS; AND
14 ~~REQUESTING~~ REQUESTING THE REVIEW OF RULES TO BE COMPLETED BY
15 JULY 1, ~~1983~~ 1984.
16

17 WHEREAS, the Subdivision Bureau of the Department of
18 Health and Environmental Sciences has been eliminated,
19 resulting in a reduced number of development lots reviewed;
20 and

21 WHEREAS, the subdivision review function has been
22 placed under the supervision of the Water Quality Bureau;
23 and

24 WHEREAS, in a memorandum written December 27, 1982, by
25 the Water Quality Bureau, it was stated that the rules

1 implementing sanitation provisions in the Montana
2 ~~Subdivision--and-Platting-Act~~ SANITATION IN SUBDIVISIONS LAW
3 are confusing and difficult to administer; and

4 WHEREAS, it is the expressed desire of the Water
5 Quality Bureau to review the existing rules at the
6 adjournment of the 48th Legislature; and

7 WHEREAS, some of the existing rules are believed to be
8 duplicative and burdensome and many of the local governing
9 bodies reviewing subdivision proposals do not possess the
10 expert personnel or procedures or the desire to properly
11 analyze or use the information contained in a subdivision
12 proposal; and

13 WHEREAS, excessive review and administrative processes
14 result in unnecessary costs to the public; and

15 WHEREAS, existing rules go beyond the scope and intent
16 of the Montana ~~Subdivision-and-Platting-Act~~ SANITATION IN
17 SUBDIVISIONS LAW.
18

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
20 OF REPRESENTATIVES OF THE STATE OF MONTANA:

21 That the Department of Health and Environmental
22 Sciences is directed REQUESTED to review its rules to
23 determine whether they are consistent with the principles
24 and goals of sanitation in the Montana ~~Subdivision--and~~
25 ~~Platting--Act~~ SANITATION IN SUBDIVISIONS LAW (TITLE 76,

1 CHAPTER 4, PART 1; to amend or repeal those that are not;
2 and to conduct that review, amendment, and repeal process in
3 accordance with the Montana Administrative Procedure Act,
4 involving hearings and the participation of the public.

5 BE IT FURTHER RESOLVED, that:

6 (1) the adoption of new and amended rules SHOULD be
7 limited to those rules falling within the purpose of the Act
8 to promote health and safety;

9 (2) rules ~~must~~ SHOULD be adopted which minimize the
10 time, documentation, and cost involved in the review process
11 while preserving and protecting the public health and
12 safety;

13 (3) the purpose of the review of the rules ~~must~~ SHOULD
14 be to ease the burden on all parties involved in the review
15 process; and

16 (4) the review, amendment, repeal, and adoption of the
17 rules ~~must~~ SHOULD begin on passage of this resolution and
18 ~~must~~ SHOULD be completed by July 1, ~~1983~~ 1984.

-End-

1 HOUSE JOINT RESOLUTION NO. 20

2 INTRODUCED BY MARKS, DONALDSON,

3 STOBIE, HANNAH

4
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6 REPRESENTATIVES OF THE STATE OF MONTANA ~~DIRECTING~~ REQUESTING
7 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO
8 REVIEW THE RULES ADOPTED UNDER THE MONTANA ~~SUBDIVISION--AND~~
9 ~~PLATTING--ACT~~ SANITATION IN SUBDIVISIONS LAW; REQUESTING
10 REQUESTING THE DEPARTMENT TO AMEND OR REPEAL THOSE RULES
11 WHICH ARE NOT CONSISTENT WITH THE PURPOSES OF THAT ACT;
12 REQUESTING REQUESTING THE DEPARTMENT TO ADOPT RULES TO
13 MINIMIZE THE COST OF REVIEW OF SUBDIVISION PROPOSALS; AND
14 REQUESTING REQUESTING THE REVIEW OF RULES TO BE COMPLETED BY
15 JULY 1, ~~1983~~ 1984.

16
17 WHEREAS, the Subdivision Bureau of the Department of
18 Health and Environmental Sciences has been eliminated,
19 resulting in a reduced number of development lots reviewed;
20 and

21 WHEREAS, the subdivision review function has been
22 placed under the supervision of the Water Quality Bureau;
23 and

24 WHEREAS, in a memorandum written December 27, 1982, by
25 the Water Quality Bureau, it was stated that the rules

1 implementing sanitation provisions in the Montana
2 ~~Subdivision--and-Platting-Act~~ SANITATION IN SUBDIVISIONS LAW
3 are confusing and difficult to administer; and

4 WHEREAS, it is the expressed desire of the Water
5 Quality Bureau to review the existing rules at the
6 adjournment of the 48th Legislature; and

7 WHEREAS, some of the existing rules are believed to be
8 duplicative and burdensome and many of the local governing
9 bodies reviewing subdivision proposals do not possess the
10 expert personnel or procedures or the desire to properly
11 analyze or use the information contained in a subdivision
12 proposal; and

13 WHEREAS, excessive review and administrative processes
14 result in unnecessary costs to the public; and

15 WHEREAS, existing rules go beyond the scope and intent
16 of the Montana ~~Subdivision-and-Platting-Act~~ SANITATION IN
17 SUBDIVISIONS LAW.

18
19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
20 OF REPRESENTATIVES OF THE STATE OF MONTANA:

21 That the Department of Health and Environmental
22 Sciences is ~~directed~~ REQUESTED to review its rules to
23 determine whether they are consistent with the principles
24 and goals of sanitation in the Montana ~~Subdivision--and~~
25 ~~Platting--Act~~ SANITATION IN SUBDIVISIONS LAW (TITLE 76)

1 ~~CHAPTER 4, PART 11~~; to amend or repeal those that are not;
2 and to conduct that review, amendment, and repeal process in
3 accordance with the Montana Administrative Procedure Act,
4 involving hearings and the participation of the public.

5 BE IT FURTHER RESOLVED, that:

6 (1) the adoption of new and amended rules ~~MUST~~ SHOULD be
7 limited to those rules falling within the purpose of the Act
8 to promote health and safety;

9 (2) rules ~~must~~ SHOULD be adopted which minimize the
10 time, documentation, and cost involved in the review process
11 while preserving and protecting the public health and
12 safety;

13 (3) the purpose of the review of the rules ~~must~~ SHOULD
14 be to ease the burden on all parties involved in the review
15 process; and

16 (4) the review, amendment, repeal, and adoption of the
17 rules ~~must~~ SHOULD begin on passage of this resolution and
18 ~~must~~ SHOULD be completed by July 1, ~~1983~~ 1984.

-End-