HOUSE BILL NO. 722

INTRODUCED BY COBB

IN THE HOUSE

- FEBRUARY 12, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
- FEBRUARY 16, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED, REPORT ADOPTED.
- FEBRUARY 17, 1987 PRINTING REPORT.
- FEBRUARY 18, 1987 SECOND READING, DO PASS AS AMENDED.
- FEBRUARY 19, 1987 ENGROSSING REPORT.
- FEBRUARY 20, 1987 THIRD READING, PASSED. AYES, 88; NOES, 3.

TRANSMITTED TO SENATE.

ON LOCAL GOVERNMENT.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

INTRODUCED AND REFERRED TO COMMITTEE

- IN THE SENATE
- FEBRUARY 21, 1987
- MARCH 13, 1987
- MARCH 18, 1987
- MARCH 20, 1987 THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 21, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

LC 0175/01

Have BILL NO. 722 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSPECTION OF 4 5 PUBLIC WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS FOR SUBDIVISIONS UNDER TITLE 76, CHAPTER 4; ALLOWING ADDITIONAL 6 7 LOT FEES FOR THE INSPECTIONS; AMENDING SECTIONS 76-4-105 AND 76-4-107, MCA; AND PROVIDING AN EFFECTIVE DATE." 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 76-4-105, MCA, is amended to read: "76-4-105. Lot fees -- general fund support. (1) The 12 department shall adopt rules setting forth fees, not to 13

exceed \$48 per parcel unless an inspection is required 14 15 pursuant to 76-4-107(2), for services rendered in the review of plats and subdivisions. The rules shall provide for a 16 schedule of fees to be paid by the applicant for plat or 17 subdivision review to the department for deposit in the 18 19 state general fund or, if applicable, to another reviewing 20 authority for deposit in the general fund of the reviewing authority's jurisdiction. The fees shall be used for review 21 of plats and subdivisions based on the complexity of the 22 subdivision, including but not limited to: 23

(b) the type of water system to serve the development;

24 (a) number of lots in the subdivision;

25

ntana Leoislative Council

(c) the type of sewage disposal to serve the
 development; and

3 (d) the degree of environmental research necessary to4 supplement the review procedure.

5 (2) The department shall adopt rules to determine the 6 distribution of fees between the local governing body and the state general fund as provided in 76-4-128. When a 7 8 subdivision is reviewed under the provisions of 76-4-124. the local governing body shall, within 20 days after 9 10 receiving preliminary plat approval under the Montana Subdivision and Platting Act, distribute the lot fees 11 12 according to the fee schedule adopted under this section.

13 (3) When a local department or board of health 14 conducts a review under the provisions of 76-4-104, it shall 15 submit to the department, along with its approval statement, 16 a fee of \$5 per reviewed lot, for purposes of offsetting 17 costs incurred in providing certification to a local 18 reviewing authority and other administrative costs.

19 (4) A fee as described in this section is not required 20 for the review of subdivisions in which divisions are made 21 for the purpose of relocating common boundary lines unless 22 the division will result in the installation of additional 23 water supply or sewage disposal facilities.

24 (5) Costs of implementing this part must be paid from25 the state general fund as provided by legislative

-2- INTRODUCED BILL H B - 72ス

LC 0175/01

LC 0175/01

LC 0175/01

1 appropriation."

2 Section 2. Section 76-4-107, MCA, is amended to read: 3 *76-4-107. Authority to inspect and monitor --4 certification. (1) In order to carry out the objectives of 5 this part, to monitor the installation of sewage disposal and water supply systems, and to prevent the occurrence of б 7 water pollution problems associated with subdivision 8 development, the reviewing authority whenever any water 9 supply or sewage disposal system is proposed or has been 10 constructed may:

11 (1)(a) enter upon any public or private property, at 12 reasonable times and after presentation of appropriate 13 credentials by an authorized representative of the reviewing 14 authority, to inspect such systems in order to assure that 15 the plans and specifications approved for the system have 16 been adhered to and that the provisions of this part, rules, 17 or orders are being satisfied;

18 (2)(b) require as a condition of approval that records 19 concerning the operation of a sewage disposal or water 20 supply system be maintained or that monitoring equipment or 21 wells be installed, used, and maintained for the collection 22 of data related to water quality.

(2) (a) The reviewing authority shall make at least
 one inspection immediately prior to or immediately after
 completion of construction of any public water supply system

1 or public sewage disposal system approved under this part to validate that the system is being or has been constructed 2 3 according to the approved specifications. (b) Alternatively, the reviewing authority shall 4 require certification from a registered professional 5 6 engineer that the system has been constructed according to 7 approved specifications." 8 NEW SECTION. Section 3. Extension of authority. Any 9 existing authority of the department of health and 10 environmental sciences to make rules on the subject of the 11 provisions of this act is extended to the provisions of this 12 act. 13 NEW SECTION. Section 4. Effective date. This act is effective July 1, 1987. 14

-End-

-3-

-4-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB722, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring inspection of public water supply and sewage disposal systems for subdivisions under title 76, chapter 4; allowing additional lot fees for the inspections; amending sections 76-4-105 and 76-4-107, MCA; and providing an effective date.

ASSUMPTIONS:

1. Department rules currently require inspection of public water supply and sewage disposal systems by a registered professional engineer as established in the proposed legislation. Therefore it is assumed that there will be no fiscal impact.

FISCAL IMPACT:

There is no fiscal impact due to the proposed legislation. Department rules require a certification by a professional engineer as specified in section (2)(2)(b).

DATE

DAVID L. HUNTER, BUDGET DIRECTOR Office of Budget and Program Planning

DATE JOHN COBB, PRAMARY SPONSOR HB722, as introduced. Fiscal Note For

50th Legislature

HB 0722/02

APPROVED BY COMM. On local government

1	HOUSE BILL NO. 722
2	INTRODUCED BY COBB
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSPECTION
5	CERTIFICATION OF PUBLIC WATER SUPPLY AND SEWAGE DISPOSAL
б	SYSTEMS FOR SUBDIVISIONS UNDER TITLE 76, CHAPTER 4; ALLOWING
7	ADDITIONAL-LOT-PEES-POR-THE-INSPECTIONS; AMENDING SECTIONS
8	76-4-105AND SECTION 76-4-107, MCA; AND PROVIDING AN
9	EFFECTIVE DATE."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section-1Section-76-4-105;-MCA;-is-amended-toread;
13	#76-4-105Botfeesgeneral-fund-support(1)-The
14	department-shall-adopt-rulessettingforthfees;notto
15	exceed\$48perparcel unlessaninspection-is-required
16	<u>pursuant-to-76-4-107(2)</u> ;-for-services-rendered-in-the-review
17	of-plats-and-subdivisionsThe-rulesshallprovidefora
18	scheduleoffeestobe-paid-by-the-applicant-for-plat-or
19	subdivision-review-to-thedepartmentfordepositinthe
20	stategeneralfund-or7-if-applicable7-to-another-reviewing
21	authority-for-deposit-in-the-general-fund-ofthereviewing
22	authority's-jurisdictionThe-fees-shall-be-used-for-review
23	ofplatsandsubdivisionsbased-on-the-complexity-of-the
24	subdivision7-including-but-not-limited-to:
25	ta)number-of-lots-in-the-subdivision;

1	<pre>(b)the-type-of-water-system-to-serve-the-development;</pre>
2	{c}thetypeofsewagedisposaltoservethe
3	development; and
4	(d)thedegree-of-environmental-research-necessary-to
5	supplement-the-review-procedure-
6	{?}The-department-shall-adopt-rules-to-determinethe
7	distributionoffeesbetween-the-local-governing-body-and
8	the-state-general-fundasprovidedin76-4-128Whena
9	subdivisionisreviewedunder-the-provisions-of-76-4-1247
10	thelocalgoverningbodyshall;within20daysafter
11	receivingpreliminaryplatapprovalundertheMontana
12	SubdivisionandPlattingAct7distributethelotfees
13	according-to-the-fee-schedule-adopted-under-this-section-
14	{3}Whenalocaldepartmentorboardofhealth
15	conducts-a-review-under-the-provisions-of-76-4-1047-it-shall
16	submit-to-the-department;-along-with-its-approval-statement;
17	a-fee-of-\$5-per-reviewed-lot;forpurposesofoffsetting
18	costsincurredinprovidingcertificationtoalocal
19	reviewing-authority-and-other-administrative-costs-
20	<pre>{4}A-fee-as-described-in-this-section-is-not-required</pre>
21	for-the-review-of-subdivisions-in-which-divisionsaremade
22	forthepurpose-of-relocating-common-boundary-lines-unless
23	the-division-will-result-in-the-installationofadditional
24	water-supply-or-sewage-disposal-facilities-
25	<pre>f5}Costsof-implementing-this-part-must-be-paid-from</pre>

-2- SECOND READING



HB 722

1

2

3

4

6

7

R

9

10 11

12

13

act.

ł	thestategeneralfundasprovidedbylegislative
2	appropriation."

3 Section 1. Section 76-4-107, MCA, is amended to read: "76-4-107. Authority to inspect and monitor --4 5 certification. (1) In order to carry out the objectives of this part, to monitor the installation of sewage disposal 6 7 and water supply systems, and to prevent the occurrence of 8 water pollution problems associated with subdivision 9 development, the reviewing authority whenever any water 10 supply or sewage disposal system is proposed or has been 11 constructed may:

12 (1)(a) enter upon any public or private property, at 13 reasonable times and after presentation of appropriate 14 credentials by an authorized representative of the reviewing 15 authority, to inspect such systems in order to assure that 16 the plans and specifications approved for the system have 17 been adhered to and that the provisions of this part, rules, 18 or orders are being satisfied;

19 (2)(b) require as a condition of approval that records 20 concerning the operation of a sewage disposal or water 21 supply system be maintained or that monitoring equipment or 22 wells be installed, used, and maintained for the collection 23 of data related to water guality.

(2) (a)-The-reviewing-authority-shall-make-at-least
 one--inspection--immediately-prior--to-or-immediately-after

14 <u>NEW SECTION.</u> Section 3. Effective date. This act is
15 effective July 1, 1987.

-End-

HB 0722/02

-4-

1 1 HOUSE BILL NO. 722 2 INTRODUCED BY COBB 2 3 3 de 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSPECTION 5 5 CERTIFICATION OF PUBLIC WATER SUPPLY AND SEWAGE DISPOSAL . 6 SYSTEMS FOR SUBDIVISIONS UNDER TITLE 76, CHAPTER 4: Abbowing 6 7 7 ADDITIONAL-GOT-FEES-FOR-THE-INSPECTIONS; AMENDING SECTIONS 8 8 76-4-105---AND SECTION 76-4-107, MCA; AND PROVIDING AN 9 9 EFFECTIVE DATE." 10 10 11 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section-1---Section-76-4-105;-MCA;-is-amended-to--read; 12 12 13 13 14 department-shall-adopt-rules--setting--forth--fees7--not--to 14 exceed---948--per--parcel unless--an--inspection-is-required 15 15 pursuant-to-76-4-107(2)7-for-services-rendered-in-the-review 16 16 17 17 of-plats-and-subdivisions--The-rules--shall--provide--for--a schedule--of--fees--to--be-paid-by-the-applicant-for-plat-or 18 18

19subdivision-review-to-the--department--for--deposit--in--the20state--general--fund-or-if-applicable--to-another-reviewing21authority-for-deposit-in-the-general-fund-of--the--reviewing22authority-s-jurisdiction--The-fees-shall-be-used-for-review23of--plats--and--subdivisions--based-on-the-complexity-of-the24subdivision-including-but-not-limited-to-

25 ta)--number-of-lots-in-the-subdivision;

Montana Legislative Council

(b)	the-type-of-water-sys	stem-to-serve-the-development;
te)	thetypeofsewage	edisposaltoservethe
levelopmen [.]	t7-and	
td)	thedegree-of-enviro	onmental-research-necessary-to
supplement	-the-review-procedure	2-

+2}--The-department-shall-adopt-rules-to-determine--the distribution--of--fees--between-the-local-governing-body-and the-state-general-fund--as--provided--in--76-4-128---When--a subdivision--is--reviewed--under-the-provisions-of-76-4-1247 the--local--governing--body--shall;--within--20--days--after receiving---preliminary--plat--approval--under--the--Montana Subdivision--and--Platting--Acty--distribute--the--lot--fees according-to-the-fee-schedule-adopted-under-this-section. t3)--When---a--local--department--or--board--of--health conducts-a-review-under-the-provisions-of-76-4-1047-it-shall submit-to-the-department;-along-with-its-approval-statement; a-fee-of-95-per-reviewed-loty--for--purposes--of--offsetting costs---incurred--in--providing--certification--to--a--local reviewing-authority-and-other-administrative-costs-19 f4}--A-fee-as-described-in-this-section-is-not-required 20 for-the-review-of-subdivisions-in-which-divisions--are--made 21 for--the--purpose-of-relocating-common-boundary-lines-unless 22 23 the-division-will-result-in-the-installation--of--additional 24 water-supply-or-sewage-disposal-facilities-

25 (5)--Costs--of-implementing-this-part-must-be-paid-from

-2-

HB 722 THIRD READING

HB 0722/03

HB 722

1 the--state--general--fund---as---provided---by---legislative 2 appropriation-" 3 Section 1. Section 76-4-107, MCA, is amended to read: monitor --4 "76-4-107, Authority to inspect and 5 certification. (1) In order to carry out the objectives of 6 this part, to monitor the installation of sewage disposal 7 and water supply systems, and to prevent the occurrence of 8 water pollution problems associated with subdivision 9 development, the reviewing authority whenever any water 10 supply or sewage disposal system is proposed or has been 11 constructed may:

12 (i)(a) enter upon any public or private property, at 13 reasonable times and after presentation of appropriate 14 credentials by an authorized representative of the reviewing 15 authority, to inspect such systems in order to assure that 16 the plans and specifications approved for the system have 17 been adhered to and that the provisions of this part, rules, 18 or orders are being satisfied;

19 (2)(b) require as a condition of approval that records 20 concerning the operation of a sewage disposal or water 21 supply system be maintained or that monitoring equipment or 22 wells be installed, used, and maintained for the collection 23 of data related to water quality.

 24
 (2)
 (a)-The-reviewing-authority-shall-make-at-least

 25
 one--inspection--immediately-prior--to-or-immediately-after

-3-

1 completion-of-construction-of-any-public-water-supply-system 2 or-public-sewage-disposal-system-approved-under-this-part-to 3 validate-that-the-system-is-being-or--has--been--constructed 4 according-to-the-approved-specifications-5 tb)--Alternatively--the THE reviewing authority shall 6 require certification from a registered professional engineer that the-system A PUBLIC WATER SUPPLY SYSTEM OR A 7 8 PUBLIC SEWAGE DISPOSAL SYSTEM has been constructed according 9 to approved specifications." 10 NEW SECTION. Section 2. Extension of authority. Any 11 existing authority of the department of health and 12 environmental sciences to make rules on the subject of the 13 provisions of this act is extended to the provisions of this 14 act.

15 <u>NEW SECTION.</u> Section 3. Effective date. This act is 16 effective July 1, 1987.

-End-

-4-

HB 722

1	HOUSE BILL NO. 722	1	{b}the-type-of-water-system-to-serve-the-development;
2	INTRODUCED BY COBB	2	{c}thetypeofsewagedisposaltoservethe
3		3	development;-and
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSPECTION	4	tdtthedegree-of-environmental-research-necessary-to
5	CERTIFICATION OF PUBLIC WATER SUPPLY AND SEWAGE DISPOSAL	5	supplement-the-review-procedure;
6	SYSTEMS FOR SUBDIVISIONS UNDER TITLE 76, CHAPTER 4; Abbowing	6	(2)The-department-shall-adopt-rules-to-determinethe
7	ABBITIONAL-LOT-PBBS-POR-THE-INSPECTIONS; AMENDING SECTIONS	7	distributionoffeesbetween-the-local-governing-body-and
8	76-4-105AND Section 76-4-107, MCA; AND PROVIDING AN	8	the-state-general-fundasprovidedin76-4-128;Whena
9	EFFECTIVE DATE."	9	subdivisionisreviewedunder-the-provisions-of-76-4-1247
10		10	thelocalgoverningbodyshall;within20daysafter
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	receivingpreliminaryplatapprovalundertheMontana
12	Section-1:Section-76-4-105;-MCA;-is-smended-toread:	12	SubdivisionandPlattingActydistributethelotfees
13	#76-4-105+Botfeesgeneral-fund-support	13	according-to-the-fee-schedule-adopted-under-this-section;
14	department-shall-adopt-rulessettingforthfeesnotto	14	{3}Whenslocaldepartmentotboardofhealth
15	exceed\$48perparcel <u>unless-aninspection-is-required</u>	15	conducts-a-review-under-the-provisions-of-76-4-1047-it-shall
16	<u>pursuant-to-76-4-107(2)</u> ;-for-scrvices-rendered-in-the-review	16	submit-to-the-departmenty-along-with-its-approval-statementy
17	of-plats and subdivisions. The rules shall provide for a	17	a-fee-of-\$5-per-reviewed-lot;forpurposesofoffsetting
18	scheduleoffeestobe-paid-by-the-applicant-for-plat-or	18	costsincurredinprovidingcertificationtoalocal
19	subdivision-review-to-thedepartmentfordepositinthe	19	reviewing-authority-and-other-administrative-costs-
20	stategeneralfund-or;-if-applicable;-to-another-reviewing	20	<pre>t4}A-fee-as-described-in-this-section-is-not-required</pre>
21	authority-for-deposit-in-the-general-fund-ofthereviewing	21	for-the-review-of-subdivisions-in-which-divisionsaremade
22	authority - s-jurisdiction The-fees-shall-be-used-for-review	22	forthepurpose-of-relocating-common-boundary-lines-unless
23	ofplatsandsubdivisionsbased-on-the-complexity-of-the	23	the-division-will-result-in-the-installationofadditional
24	subdivision;-including-but-not-limited-to;	24	water-supply-or-sewage-disposal-facilities.
25	ta)number-of-lots-in-the-subdivision7	25	<pre>+5}Costsof-implementing-this-part-must-be-paid-from</pre>



REFERENCE BILL

-2-

HB 722

1	thestategene	ralfund	asprovide	dbylegislativ	/e
2	appropriation-"			•	
3	Section 1.	Section	76-4-107, MCA,	is amended to read	1:

4 "76-4-107. Authority to inspect and monitor --5 certification. (1) In order to carry out the objectives of this part, to monitor the installation of sewage disposal 6 7 and water supply systems, and to prevent the occurrence of water pollution problems associated with subdivision 8 9 development, the reviewing authority whenever any water 10 supply or sewage disposal system is proposed or has been constructed may: 11

12 (1)(a) enter upon any public or private property, at 13 reasonable times and after presentation of appropriate 14 credentials by an authorized representative of the reviewing 15 authority, to inspect such systems in order to assure that 16 the plans and specifications approved for the system have 17 been adhered to and that the provisions of this part, rules, 18 or orders are being satisfied;

19 (2)(b) require as a condition of approval that records 20 concerning the operation of a sewage disposal or water 21 supply system be maintained or that monitoring equipment or 22 wells be installed, used, and maintained for the collection 23 of data related to water quality.

24 (2) faj-The-reviewing-authority-shall--make--at-least
 25 one--inspection--immediately--prior--to-or-immediately-after

- 3-

HB 722

16

effective July 1, 1987.

1	completion-of-construction-of-any-public-water-supply-system
2	or-public-sewage-disposal-system-approved-under-this-part-to
3	validate-that-the-system-is-being-orhasbeenconstructed
4	according-to-the-approved-specifications:
5	tbpAlternatively,the THE reviewing authority shall
6	require certification from a registered professional
7	engineer that the-system A PUBLIC WATER SUPPLY SYSTEM OR A
8	PUBLIC SEWAGE DISPOSAL SYSTEM has been constructed according
9	to approved specifications."
10	NEW SECTION. Section 2. Extension of authority. Any
11	existing authority of the department of health and
12	environmental sciences to make rules on the subject of the
13	provisions of this act is extended to the provisions of this
14	act.
15	NEW SECTION. Section 3. Effective date. This act is

-End-

-4-

HB 722