

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.

IN THE SENATE

FEBRUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

MARCH 13, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 18, 1987 SECOND READING, CONCURRED IN.

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.

1 House BILL NO. 722
2 INTRODUCED BY Coll

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSPECTION OF
5 PUBLIC WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS FOR
6 SUBDIVISIONS UNDER TITLE 76, CHAPTER 4; ALLOWING ADDITIONAL
7 LOT FEES FOR THE INSPECTIONS; AMENDING SECTIONS 76-4-105 AND
8 76-4-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

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:

12 "76-4-105. Lot fees -- general fund support. (1) The
13 department shall adopt rules setting forth fees, not to
14 exceed \$48 per parcel unless an inspection is required
15 pursuant to 76-4-107(2), for services rendered in the review
16 of plats and subdivisions. The rules shall provide for a
17 schedule of fees to be paid by the applicant for plat or
18 subdivision review to the department for deposit in the
19 state general fund or, if applicable, to another reviewing
20 authority for deposit in the general fund of the reviewing
21 authority's jurisdiction. The fees shall be used for review
22 of plats and subdivisions based on the complexity of the
23 subdivision, including but not limited to:

- 24 (a) number of lots in the subdivision;
- 25 (b) the type of water system to serve the development;

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

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

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



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
6 and water supply systems, and to prevent the occurrence of
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.

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

1 or public sewage disposal system approved under this part to
2 validate that the system is being or has been constructed
3 according to the approved specifications.

4 (b) Alternatively, the reviewing authority shall
5 require certification from a registered professional
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
14 effective July 1, 1987.

-End-

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).

David L. Hunter DATE 2/18/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

John Cobb DATE _____
JOHN COBB, PRIMARY SPONSOR
Fiscal Note for HB722, as introduced.
HB 722

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 722
 2 INTRODUCED BY COBB
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSPECTION
 5 CERTIFICATION OF PUBLIC WATER SUPPLY AND SEWAGE DISPOSAL
 6 SYSTEMS FOR SUBDIVISIONS UNDER TITLE 76, CHAPTER 4; ALLOWING
 7 ~~ADDITIONAL LOT FEES FOR THE INSPECTIONS;~~ AMENDING SECTIONS
 8 ~~76-4-105~~ AND 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 1. Section 76-4-105, MCA, is amended to read:
 13 "76-4-105. Lot fees -- general fund support. (1) The
 14 department shall adopt rules setting forth fees, not to
 15 exceed \$48 per parcel unless an inspection is required
 16 pursuant to 76-4-107(2), for services rendered in the review
 17 of plats and subdivisions. The rules shall provide for a
 18 schedule of fees to be paid by the applicant for plat or
 19 subdivision review to the department for deposit in the
 20 state general fund or, if applicable, to another reviewing
 21 authority for deposit in the general fund of the reviewing
 22 authority's jurisdiction. The fees shall be used for review
 23 of plats and subdivisions based on the complexity of the
 24 subdivision, including but not limited to:

25 (a) number of lots in the subdivision;

1 (b) the type of water system to serve the development;
 2 (c) the type of sewage disposal to serve the
 3 development; and
 4 (d) the degree of environmental research necessary to
 5 supplement the review procedure.
 6 (2) The department shall adopt rules to determine the
 7 distribution of fees between the local governing body and
 8 the state general fund as provided in 76-4-128. When a
 9 subdivision is reviewed under the provisions of 76-4-124,
 10 the local governing body shall, within 20 days after
 11 receiving preliminary plat approval under the Montana
 12 Subdivision and Platting Act, distribute the lot fees
 13 according to the fee schedule adopted under this section.
 14 (3) When a local department or board of health
 15 conducts a review under the provisions of 76-4-104, it shall
 16 submit to the department, along with its approval statement,
 17 a fee of \$5 per reviewed lot, for purposes of offsetting
 18 costs incurred in providing certification to a local
 19 reviewing authority and other administrative costs.
 20 (4) A fee as described in this section is not required
 21 for the review of subdivisions in which divisions are made
 22 for the purpose of relocating common boundary lines unless
 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



1 ~~the--state--general--fund---as---provided---by---legislative~~
 2 ~~appropriation."~~

3 Section 1. Section 76-4-107, MCA, is amended to read:
 4 "76-4-107. Authority to inspect and monitor --
 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 ~~{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) (a) The reviewing authority shall make at least~~
 25 ~~one inspection immediately prior to or immediately after~~

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 ~~{b}~~--Alternatively,--the THE reviewing authority shall
 6 require certification from a registered professional
 7 engineer that the system has been constructed according to
 8 approved specifications."

9 NEW SECTION. Section 2. Extension of authority. Any
 10 existing authority of the department of health and
 11 environmental sciences to make rules on the subject of the
 12 provisions of this act is extended to the provisions of this
 13 act.

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

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 24 subdivision, including but not limited to:
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 5 supplement the review procedure;
 6 (2) The department shall adopt rules to determine the
 7 distribution of fees between the local governing body and
 8 the state general fund as provided in 76-4-120. When a
 9 subdivision is reviewed under the provisions of 76-4-124,
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