

HOUSE BILL 562

Introduced by Wyatt, et al.

2/03	Introduced
2/03	Referred to Local Government
2/06	Fiscal Note Requested
2/09	Hearing
2/13	Fiscal Note Received
2/14	Tabled in Committee
2/16	Fiscal Not Printed

1 House BILL NO. 562
 2 INTRODUCED BY Regatt 11/12/14 King Clarko Sh
 3 BY REQUEST OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL
 6 GOVERNMENTS TO REVIEW AND APPROVE EXTENSIONS OF WATER OR
 7 SEWER SYSTEMS WITH 50 OR FEWER CONNECTIONS IF THE LOCAL
 8 GOVERNMENT HAS QUALIFIED PERSONNEL TO DO THE REVIEW;
 9 PROVIDING THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 10 SCIENCES HAS 10 DAYS TO APPROVE OR DISAPPROVE A LOCAL
 11 GOVERNMENT REVIEW; AND AMENDING SECTION 76-4-128, MCA."

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 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 76-4-128, MCA, is amended to read:

15 "76-4-128. Delegation of department review to local
 16 government. (1) The department shall delegate to a local
 17 government the authority to review:

18 (a) a subdivision under this part when the subdivision
 19 involves five or fewer parcels and the local government has
 20 qualified personnel to adequately review the water supply
 21 and sewage and solid waste disposal facilities proposed for
 22 the subdivision;

23 (b) the necessary maps, plans, and specifications to
 24 alter or extend any system of water distribution or of
 25 sewer, drainage, wastewater, or sewage disposal under this

1 part if the project involves 50 or fewer connections and the
 2 local government has qualified personnel to adequately
 3 review the project.

4 (2) When a local government has conducted a review of a
 5 subdivision containing five or fewer parcels or a water or
 6 sewer project involving 50 or fewer connections pursuant to
 7 this section, it shall advise the department of its
 8 recommendation for approval or disapproval of the
 9 subdivision or project. The department shall, within 10 days
 10 after receiving the recommendation of the local government,
 11 make a final decision on the subdivision or project.

12 (3) In delegating authority pursuant to this section,
 13 the department shall enter into an agreement with the local
 14 government wherein the department shall agree to transfer
 15 not less than \$15 of the fee per parcel collected pursuant
 16 to 76-4-105 to the local government for the review of
 17 subdivisions containing five or fewer parcels or review of a
 18 water or sewer project involving 50 or fewer connections."

19 **NEW SECTION. Section 2.** Extension of authority. Any
 20 existing authority to make rules on the subject of the
 21 provisions of [this act] is extended to the provisions of
 22 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB562, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an Act entitled: "An act authorizing local governments to review and approve extensions of water or sewer systems with 50 or fewer connections if the local government has qualified personnel to do the review; providing that the Department of Health and Environmental Sciences has 10 days to approve or disapprove a local government review; and amending Section 76-4-128, MCA."

ASSUMPTIONS:

Since this bill would allow for local review of only one part of the information required for approval under the Sanitation in Subdivision Act there would be no reimbursement of fees to the local government.

Revenue: No fiscal impact.

Expenditures: No fiscal impact.

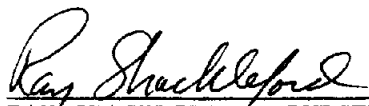
EFFECT ON COUNTY OR LOCAL REVENUE OR EXPENDITURE:

This bill could result in additional workload on those local governments that seek and receive delegation of review authority as provided in the bill. The impact cannot be estimated because we do not know how many projects would be reviewed under this provision.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

This bill would result in considerable confusion on the part of those persons attempting to comply with the Montana Sanitation in Subdivision Act. Section 76-4-128 is intended to allow review of selected subdivisions by local government, not local review of just one aspect of the subdivision submittal. As currently written, local government could be delegated review of plans and specifications for water and wastewater systems but the remainder of subdivision review and the issuance of a certificate of plat approval as required under this act would be the responsibility of DHES.

As currently written, the bill allows delegation of review of water and wastewater plans only for projects serving a subdivision, and not the entire subdivision. A confusing situation would be created where similar projects would be reviewed by different groups depending on whether or not a subdivision was involved. The bill does not recognize that these projects must be reviewed and approved by DHES under Title 75, Chapter 6, Part 1.



DATE 2/11/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 2/14/89

DIANA E. WYATT, PRIMARY SPONSOR

Fiscal Note for HB562, as introduced

HB 562