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House BILL NO. 292
Daniel Fuchs

INTRODUCED BY
Meyer

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A REVIEWING AUTHORITY TO PREPARE A WRITTEN STATEMENT AS TO THE CONDITIONS SURROUNDING A SUBDIVISION APPROVAL OR CERTIFICATION DENIAL OR CONDITION IMPOSITION RELATED TO SANITARY RESTRICTIONS; AND AMENDING SECTION 76-4-104, MCA."

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

Section 1. Section 76-4-104, MCA, is amended to read:

"76-4-104. Rules for administration and enforcement. (1) The department shall adopt reasonable rules, including adoption of sanitary standards, necessary for administration and enforcement of this part.

(2) The rules and standards ~~shall~~ must provide the basis for approving subdivision plats for various types of water, sewage facilities, and solid waste disposal, both public and private, and ~~shall~~ must be related to size of lots; contour of land; porosity of soil; ground water level; distance from lakes, streams, and wells; type and construction of private water and sewage facilities; and other factors affecting public health and the quality of water for uses relating to agriculture, industry, recreation, and wildlife.

(3) The rules ~~shall~~ must provide for the review of the following divisions of land by a local department or board of health, as described in Title 50, chapter 2, part 1, if the local department or board of health employs a registered sanitarian or a registered professional engineer and if the department certifies under subsection (4) that the local department or board is competent to review these divisions of land:

(a) divisions of land containing five or fewer parcels, whenever each parcel will contain individual onsite water and sewage disposal facilities; and

(b) divisions of land proposed to connect to existing municipal water and ~~waste-water~~ wastewater systems previously approved by the department, if no extension of the systems is required.

(4) The department shall also adopt standards and procedures for certification and maintaining certification to ensure that a local department or board of health is competent to review the divisions of land described in subsection (3).

(5) The department shall review those divisions of land described in subsection (3) if:



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INTRODUCED BILL

1 (a) a proposed division of land lies within more than one jurisdictional area and the respective
2 governing bodies are in disagreement concerning approval of or conditions to be imposed on the proposed
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6 (a) ~~the furnishing to~~ providing the reviewing authority ~~of~~ with a copy of the plat and other
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8 (i) total development area;

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11 dependability will be available to ensure an adequate supply of water for the type of subdivision proposed;

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25 submission of the preliminary or final plan or plat.

26 (7) If the reviewing authority is a local department or board of health, it shall, upon approval of a
27 division of land under this part, notify the department of the approval and submit to the department a copy
28 of the approval statement.

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12 NEW SECTION. Section 2. Review requirements -- written statement. In addition to the
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22 [section 2].

23 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0292, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring a reviewing authority to prepare a written statement as to the conditions surrounding a subdivision approval or certification denial or condition imposition related to sanitary restrictions.

ASSUMPTIONS:

1. The Executive Budget present law base serves as the starting point from which to calculate any fiscal impact due to this proposed legislation.
2. An application may be denied, in accordance with current Department of Health and Environmental Sciences (DHES) procedure, based upon receipt of incomplete information or failure of the applicant to provide complete information upon request by the department. A statement to that effect would be sufficient reason and evidence as required by proposed 76-4-104(9), MCA.
3. Subdivision application denials currently include reasons for the denial of certification. Current department practices are sufficient to satisfy this provision of the proposed legislation.
4. Conditions included in approval statements on certification are not currently, normally justified in the approval documents because they are the result of concerns raised and addressed during the review process. The department would provide additional documentation, evidence and justification of conditions in the approval documents, reiterating what was addressed during the review process.
5. Approximately 35% of all subdivision applications (i.e., 490 applications per year over the past 3 years) are reviewed by local departments of health under contract with DHES. The remaining 910 subdivisions (i.e., about 65% of all subdivision applications) would be reviewed by DHES.
6. One hour of additional technical staff time will be spent on each subdivision approval statement to add documentation, evidence and justification. (See assumption 4 above.) A total of 910 additional hours of technical staff time will be needed to carry out these provisions.
7. The average cost for professional technical contract staff in the Subdivision Program is \$20 per hour, for a total cost of \$18,200 per year in contracted services (910 hours from assumption 5 above, times \$20 per hour). The current revenue from subdivision fees is sufficient for this purpose.
8. Information regarding appeals could be included in the documents as standard language.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Operating Increase	18,200	18,200
<u>Funding:</u>		
State Special Revenue (02)	18,200	18,200

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties currently review approximately 490 applications per year. Using the same assumptions as noted above, county health departments would be required to spend an additional 490 hours per year to provide the necessary documentation in their approval statements for subdivisions reviewed under contract with DHES.

Dave Lewis 1-26-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 DANIEL C. FUCHS, PRIMARY SPONSOR DATE
 Fiscal Note for HB0292, as introduced

HB 292

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T. M. ...
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INTRODUCED BY

*1/1/2012**House* BILL NO. *292*
Daniel Fuhs

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