

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

May 11, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Ellsworth and Speaker Regier:

It is the established policy of the State of Montana to protect the quality and potability of water and domestic uses. *See* MCA 76-4-101. Furthermore, a central purpose of subdivision review is to ensure that the development of individual lots does not negatively impact the development of others. Private property protections are found throughout the Montana Code as well as in the State Constitution. Montana takes private property rights seriously.

In furtherance of these policy goals, current law directs the Montana Department of Environmental Quality (DEQ) to ensure that well isolation zones and drainfield mixing zones do not interfere with the purposes of the other. Well isolation zones protect the quality of the water produced by wells, and drainfield mixing zones are identified and located for the same purpose. Placing a well in a drainfield mixing zone would unreasonably increase the risk of contamination.

Senate Bill 275 would allow previously approved drainfield mixing zones and well isolation zones to encroach on proposed neighboring subdivision lots without the knowledge or consent of the neighboring property owner. This is an unacceptable restriction on the development of private property.

I will always seek to remove unnecessary regulatory burdens from permitting processes. The Red Tape Relief Task Force, which I established and which Lieutenant Governor Juras leads, and its resulting efforts during the 2023 legislative session speak to my commitment to making government more customer friendly and effective.

In fact, during consideration of Senate Bill 275, DEQ proposed amendments to the bill that would have allowed additional flexibility regarding the location of well isolation and drainfield mixing zones in the subdivision review process. Unfortunately, these proposed amendments were rejected.

As passed, Senate Bill 275 removes some essential protections for domestic water quality and the development of one's private property.

For these reasons, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 275: "AN ACT REVISING THE SANITATION IN SUBDIVISIONS ACT; REVISING THE DEFINITIONS OF PROPOSED DRAINFIELD MIXING ZONE AND PROPOSED WELL ISOLATION ZONE; AND AMENDING SECTION 76-4-102, MCA."

Sincerely,



Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State