HOUSE BILL NO. 629

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE CONNECTION OF A PROPOSED SUBDIVISION TO A COUNTY OR MUNICIPAL WATER OR SEWER SYSTEM; PROVIDING THAT A COUNTY OR MUNICIPAL WATER OR SEWER SYSTEM SHALL ACCEPT A PROPOSED SUBDIVISION'S REQUEST FOR CONNECTION IN CERTAIN CIRCUMSTANCES; DIRECTING AN AMENDMENT TO ARM 17.36.123 TO PROVIDE THAT A PUBLIC WATER SUPPLY AND WASTEWATER SYSTEM ACCEPT A CONNECTION FROM A PROPOSED SUBDIVISION UNDER CERTAIN CIRCUMSTANCES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Department to amend rule.** (1) The department of environmental quality shall amend ARM 17.36.123 to provide that new water supply and sewage disposal facilities in a proposed subdivision must be provided by a connection to a public municipal or county water and/or sewer district water supply or public wastewater system if:

(a) the proposed subdivision requests the connection;

(b) a boundary of the subdivision is within 501 to 1,000 feet of any component of the public system; and

(c) the public system meets the requirements of ARM 17.36.123(2)(a) and (b).

NEW SECTION. **Section 2. Proposed subdivision connection to county water and/or sewer district system.** A county water and/or sewer district system shall supply water and sewer services to a subdivision proposed for review under Title 76, chapter 3 or 4, if:

(1) the proposed subdivision requests the connection;

(2) a boundary of the subdivision is within 501 to 1,000 feet of any component of the county

system; and

(3) the county system meets the following requirements, as established in administrative rule by the department of environmental quality:

(a) the system is approved by the department and is in compliance with Title 75, chapter 6, part 1; and

(b) the managing entity of the system certifies that:

(i) the system has adequate capacity to meet the needs of the proposed subdivision;

(ii) the connections are authorized;

(iii) the system is in compliance with applicable department regulations; and

(iv) an appropriate water right exists for the connection.

NEW SECTION. **Section 3. Proposed subdivision connection to municipal water or sewer system.** A municipal water or sewer system shall supply water and sewer services to a subdivision proposed for review under Title 76, chapter 3 or 4, if:

(1) the proposed subdivision requests the connection;

(2) a boundary of the subdivision is within 501 to 1,000 feet of any component of the municipal system; and

(3) the municipal system meets the following requirements, as established in administrative rule by the department of environmental quality:

(a) the system is approved by the department and is in compliance with Title 75, chapter 6, part 1; and

(b) the managing entity of the system certifies that:

(i) the system has adequate capacity to meet the needs of the proposed subdivision;

(ii) the connections are authorized;

(iii) the system is in compliance with applicable department regulations; and

(iv) an appropriate water right exists for the connection.

NEW SECTION. **Section 4. Codification instruction.** (1) [Section 2] is intended to be codified as an

integral part of Title 7, chapter 13, part 22, and the provisions of Title 7, chapter 13, part 22, apply to [section 2].

(2) [Section 3] is intended to be codified as an integral part of Title 7, chapter 13, part 43, and the provisions of Title 7, chapter 13, part 43, apply to [section 3].

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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