

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

1 system; and

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

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

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

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

8 (ii) the connections are authorized;

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

10 (iv) an appropriate water right exists for the connection.
11

12 **NEW SECTION. Section 3. Proposed subdivision connection to municipal water or sewer**

13 **system.** A municipal water or sewer system shall supply water and sewer services to a subdivision proposed
14 for review under Title 76, chapter 3 or 4, if:

15 (1) the proposed subdivision requests the connection;

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

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

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

21 and

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

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

24 (ii) the connections are authorized;

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

26 (iv) an appropriate water right exists for the connection.
27

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

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

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

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

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