

1 HOUSE BILL NO. 859
2 INTRODUCED BY J. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REQUIREMENTS FOR A COMMUNITY OR PUBLIC
5 WATER SYSTEM BUSINESS PLAN; DIRECTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO
6 REPEAL OR AMEND ADMINISTRATIVE RULES OR CIRCULARS; PROVIDING AN APPROPRIATION; AND
7 PROVIDING AN EFFECTIVE DATE."

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

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11 NEW SECTION. Section 1. Business plan for community or public water system. (1) To fulfill the
12 requirements of submitting a business plan, a developer of a community or public water system shall submit the
13 following information to the department:

14 (a) the name, address, and any other contact information for the owner of the community or public
15 water system;

16 (b) the name, address, and any other contact information for the certified operator designated to
17 oversee the operation of the community or public water system;

18 (c) a brief description of the legal structure of the entity that owns the community or public water
19 system;

20 (d) documentation that the certified operator has the authority to set rates and collect sufficient
21 funds to operate and maintain the community or public water system, including the costs for sampling and
22 testing for water quality, power, and operating supplies; and

23 (e) documentation that the entity that owns the community or public water system has the capacity
24 to reorganize in the event of bankruptcy.

25 (2) Providing documentation of a relevant homeowners' association's covenants or bylaws is
26 sufficient information to meet the requirements of subsections (1)(d) and (1)(e).

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28 NEW SECTION. Section 2. Department to revise rules and circulars. The department of

1 environmental quality shall repeal or amend any administrative rule or circular that is in conflict with [section 1].

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3 NEW SECTION. Section 3. Appropriation. There is appropriated \$10,000 from the general fund to
4 the department of environmental quality for the fiscal year beginning July 1, 2023, to implement [this act].

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6 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
7 integral part of Title 75, chapter 6, part 1, and the provisions of Title 75, chapter 6, part 1, apply to [section 1].

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9 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.

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