

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

May 14, 2021

The Honorable Mark Blasdel
President of the Senate
State Capitol
Helena, MT 59601

The Honorable Wylie Galt
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Blasdel and Speaker Galt:

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 165 "AN ACT GENERALLY REVISING LAWS RELATED TO SUBDIVISION SANITATION REVIEW; LIMITING THE REGULATION OF INDIVIDUAL SEWAGE FACILITY IMPACTS TO SURFACE WATER TO A DISTANCE OF 500 FEET OR LESS AWAY FROM STATE SURFACE WATERS; REVISING SUBDIVISION EXEMPTIONS; AND AMENDING SECTIONS 76-3-504, 76-3-622, 76-4-102, 76-4-104, 76-4-108, 76-4-115, AND 76-4-125, MCA."

This bill attempts to address serious concerns with the current state of subdivision review at the Department of Environmental Quality. I share these concerns. I have heard from many stakeholders that the current regulatory process for subdivision review has been described as a "dumpster fire."

This bill, however, attempts to address some subdivision review issues that currently exist without consideration of how those changes affect other regulatory requirements. Subdivision regulations address a host of interconnected issues that are more appropriately included in a comprehensive review that builds a strong foundation for permanent reform.

Further, the bill raises concerns over property rights with a provision that further confuses the existing statute and could allow a well isolation zone or drainfield mixing zone to encroach or encumber a neighboring property without the knowledge or consent of that property owner. One of the purposes of subdivision review is to ensure that the development of individual lots does not negatively impact the development of others, and this provision works against that purpose.

Additionally, the Montana Association of Counties and the Montana League of Cities and Towns opposed this bill, noting that proposed amendments to improve the bill were rejected. Those amendments could have provided additional flexibility to address changing facts on the ground to

Speaker Galt
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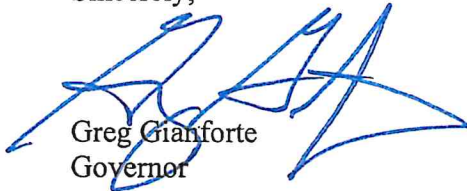
appropriately balance the issues facing review of a subdivision. I have considered these concerns in my decision.

The Department of Environmental Quality has already begun efforts to improve the subdivision review process, and I am committed to working with stakeholders to make much-needed improvements and achieve our shared goals.

Subdivision review touches on many important issues: affordable housing, environmental protection, and property rights, to name a few. I applaud the efforts of the legislature to achieve these goals, but this legislation may have unintended consequences and impacts to private property.

Because this bill could negatively impact private property rights, I veto SB 165.

Sincerely,



Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State