

Amendment - 1st Reading/2nd House-blue - Requested by: Forrest Mandeville - (S) Local Government

- 2025

69th Legislature 2025

Drafter: Maddie Krezowski,

HB0681.002.001

HOUSE BILL NO. 681

INTRODUCED BY J. FITZPATRICK, K. WALSH, R. MINER, G. OBLANDER, J. DARLING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LOCAL AND STATE REGULATION OF SUBDIVISIONS AND DETERMINATIONS OF WATER AVAILABILITY; REVISING SUBDIVISION REVIEW CRITERIA INVOLVING THE AVAILABILITY OF WATER; CLARIFYING THE DEFINITION OF "WATER RIGHT"; REVISING PROCESSES FOR ISSUANCE OF A CERTIFICATE OF WATER RIGHT FOR AN APPROPRIATION OF GROUNDWATER THAT IS EXEMPT FROM PERMITTING REQUIREMENTS; AMENDING SECTIONS 76-3-501, 76-3-604, 76-3-608, 76-3-622, 76-4-104, 85-2-102, AND 85-2-306, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 76-3-501, MCA, is amended to read:

"76-3-501. Local subdivision regulations. (1) The governing body of every county, city, and town shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for:

- (a) the orderly development of their jurisdictional areas;
- (b) the coordination of roads within subdivided land with other roads, both existing and planned;
- (c) the dedication of land for roadways and for public utility easements;
- (d) the improvement of roads;
- (e) the provision of adequate open spaces for travel, light, air, and recreation;
- (f) the provision of adequate transportation, water, and drainage;
- (g) subject to the provisions of 76-3-511, the regulation of sanitary facilities;
- (h) the avoidance or minimization of congestion; and
- (i) the avoidance of subdivisions that would involve unnecessary environmental degradation and danger of injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and

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1 (9) Pursuant to 85-20-1902, the provisions of this section do not apply within the exterior
2 boundaries of the Flathead Indian reservation."
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4 NEW SECTION. **Section 8. Effective date.** [This act] is effective January 1, 2026.
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6 NEW SECTION. **Section 9. Applicability.** [This act] applies to subdivisions that are reviewed
7 pursuant to Title 76, chapter 3, on or after [the effective date of this act].
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- END -