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SENATE BILL NO. 226

INTRODUCED BY F. MANDEVILLE, C. FRIEDEL, C. GLIMM, J. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR INDEPENDENT REVIEWING ENTITIES CERTIFIED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO CONDUCT SUBDIVISION REVIEWS; PROVIDING A DEFINITION; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 76-4-102, 76-4-104, 76-4-105, 76-4-106, 76-4-108, AND 76-4-114, MCA."

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

Section 1. Section 76-4-102, MCA, is amended to read:

"76-4-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Adequate county water and/or sewer district facilities" means facilities provided by a county water and/or sewer district incorporated under Title 7, chapter 13, that operate in compliance with Title 75, chapters 5 and 6.

(2) "Adequate municipal facilities" means municipally, publicly, or privately owned facilities that supply water, treat sewage, or dispose of solid waste for all or most properties within the boundaries of a municipality and that are operating in compliance with Title 75, chapters 5 and 6.

(3) "Board" means the board of environmental review.

(4) "Certifying authority" means a municipality or a county water and/or sewer district that meets the eligibility requirements established by the department under 76-4-104(6).

(5) "Department" means the department of environmental quality.

(6) "Extension of a public sewage system" means a sewerline that connects two or more sewer service lines to a sewer main.

(7) "Extension of a public water supply system" means a waterline that connects two or more water service lines to a water main.

Amendment - 2nd Reading-yellow - Requested by: Forrest Mandeville - (S) Committee of Whole

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0226.002.001

1 application after 30 days after the date of the denial letter, the reviewing authority shall complete review of the
2 resubmitted application within:

3 (A) 55 days after receipt of the resubmitted application if the reviewing authority is the department;
4 or

5 (B) 45 days after receipt of the resubmitted application if the reviewing authority is a local
6 department or a local board of health.

7 (iii) If the review of the resubmitted application is conducted by a local department, ~~or a local~~ board
8 of health, or an independent reviewing entity and the reviewing authority makes a recommendation to the
9 department for approval of the application, the department shall make a final decision on the application within
10 10 days after the ~~local~~ reviewing authority completes its review under subsection (3)(d)(i) or (3)(d)(ii).

11 (4) Except as provided in subsections (6) and (7), if the reviewing authority needs an extension of
12 a deadline in this section to complete its review or if an applicant requests an extension of a deadline, then the
13 reviewing authority shall notify the applicant of the extension prior to the end of the review deadline. An
14 extension under this subsection may not exceed 30 days; however, the reviewing authority may issue more
15 than one extension.

16 (5) The reviewing authority may extend a deadline in this section until the items required in 76-4-
17 115(2) are submitted. The reviewing authority shall notify the applicant of the extension before the end of the
18 review deadline. The reviewing authority shall make a final decision within 30 days of receipt of the items
19 required in 76-4-115(2).

20 (6) The department may extend a deadline under subsections (3)(c) and (3)(d) by 90 days if an
21 environmental assessment is required.

22 (7) The department may extend a deadline under subsections (3)(c) and (3)(d) by 120 days if an
23 environmental impact statement is required."
24

25 **NEW SECTION. Section 7. Implementation.** The department of environmental quality shall
26 implement the requirements of [this act] within existing resources.

27 - END -