

1 SENATE BILL NO. 227
2 INTRODUCED BY F. MANDEVILLE, C. FRIEDEL, C. GLIMM, J. FITZPATRICK
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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ENVIRONMENTAL PROTECTION AND
5 SUBDIVISION REVIEW LAWS; REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO
6 DEVELOP A CURRICULUM AND EXAMINATION TO CERTIFY APPLICANTS; ALLOWING A CERTIFIED
7 APPLICANT TO REVIEW SUBDIVISION APPLICATIONS AND ASSUME LEGAL RESPONSIBILITY FOR THE
8 REVIEW; REQUIRING THE DEPARTMENT TO REVIEW APPLICATIONS SUBMITTED BY CERTIFIED
9 APPLICANTS; REMOVING LIMITS ON EXTENSIONS OR ALTERATIONS OF EXISTING PUBLIC WATER
10 AND SEWER SYSTEMS FOR LOCAL GOVERNMENT REVIEW; REMOVING THE REQUIREMENT FOR
11 LOCAL REVIEW AGENTS TO REVIEW FOR ADEQUATE STORMWATER DRAINAGE; PROVIDING
12 RULEMAKING AUTHORITY; AMENDING SECTIONS 75-6-121, 76-4-121, AND 76-4-127, MCA; AND
13 PROVIDING AN APPLICABILITY DATE."

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

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17 **NEW SECTION. Section 1. Certification of applicants to prequalify for review.** (1) The
18 department shall promulgate rules to allow for the certification of applicants, including the development of an
19 educational curriculum and examination to enable an applicant to act as a certified reviewing agent pursuant to
20 76-4-104(4), and shall conduct reviews of subdivision applications submitted by certified applicants under 76-4-
21 114.

22 (2) To become certified, an applicant:

23 (a) must be a registered sanitarian or licensed professional engineer with at least 5 years of
24 professional experience;

25 (b) must have submitted at least one application that was approved by the department prior to
26 applying for certification; and

27 (c) shall participate in all portions of the required curriculum and must successfully pass the

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

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Drafter: Toni Henneman, 406-444-3593

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1 (h) if water supply, sewage disposal, ~~or solid waste,~~ or storm water drainage facilities are not
2 municipally owned, certification from the facility owners that adequate facilities will be available; ~~and~~

3 (i) ~~certification that the certifying authority has or will review and approve plans to ensure~~
4 ~~adequate storm water drainage.~~

5 (3) If a certifying authority is unable to certify adequacy of one or more systems for the subdivision,
6 the reviewing authority shall review the subdivision for adequacy and approval of the remaining services."

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8 **NEW SECTION. Section 5. Implementation.** The department of environmental quality shall
9 implement the requirements of [section 1] within existing resources.

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11 **NEW SECTION. Section 6. Codification instruction.** [Section 1] is intended to be codified as an
12 integral part of Title 76, chapter 4, part 1, and the provisions of Title 76, chapter 4, part 1, apply to [section 1].

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14 **NEW SECTION. Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are
15 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
16 the part remains in effect in all valid applications that are severable from the invalid applications.

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18 **NEW SECTION. Section 8. Applicability.** [Sections 2 through 4] apply to reviews of applications
19 submitted and systems reviewed on or after [the effective date of this act].

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