

SENATE BILL NO. 405

INTRODUCED BY REGAN

IN THE SENATE

February 9, 1981

Introduced and referred to  
Committee on State  
Administration.

Fiscal note requested.

February 14, 1981

Fiscal note returned.

February 18, 1981

Committee recommend bill  
do pass as amended.  
Report adopted.

February 19, 1981

Bill printed and placed on  
members' desks.

February 20, 1981

Second reading, do pass.

February 23, 1981

Correctly engrossed.

February 24, 1981

Third reading, passed.  
Ayes, 50; Noses, 0.  
Transmitted to House.

IN THE HOUSE

March 3, 1981

Introduced and referred to  
Committee on State Administration.

March 18, 1981

Committee recommend bill be  
concurred in. Report adopted.

March 21, 1981

Second reading, concurred in.

March 24, 1981

Third reading, concurred in.  
Ayes, 98; Noses, 1.

IN THE SENATE

March 25, 1981

Returned from House. Concurred  
in. Sent to enrolling.

Reported correctly enrolled.

1 January BILL NO. 405

2 INTRODUCED BY D

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE DUTIES  
5 OF THE DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE MONTANA  
6 SUBDIVISION AND PLATTING ACT AND ASSIGN CERTAIN OF THESE  
7 DUTIES TO THE BOARD OF PROFESSIONAL ENGINEERS AND LAND  
8 SURVEYORS; AMENDING SECTIONS 37-67-202, 76-3-403, 76-3-504,  
9 76-3-603, AND 76-4-129, MCA; AND REPEALING SECTION 76-3-502,  
10 MCA."

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

13           Section 1. Section 37-67-202, MCA, is amended to read:

14           "37-67-202. Rulemaking and subpoena power. (1) The

15        board shall have the power to adopt and amend all rules,

16        including rules of procedure, not inconsistent with the

17        constitution and laws of this state, which may be reasonably

18        necessary for the proper performance of its duties and the

19        regulation of the proceedings before it.

20 (2) The board shall by rule adopt the surveying and  
21 monumentation standards prescribed by 76-3-403.

22 ~~(27)(3)~~ In carrying into effect the provisions of this  
23 chapter, the board, under the hand of its chairman and the  
24 seal of the board, may subpoena witnesses and compel their  
25 attendance and also may require the production of books,

1 papers, documents, etc., in a case involving the revocation  
2 of registration or practicing or offering to practice  
3 without registration. Any member of the board may administer  
4 oaths or affirmations to witnesses appearing before the  
5 board. If any person shall refuse to obey any subpoena so  
6 issued or shall refuse to testify or produce any books,  
7 papers, or documents, the board may present its petition to  
8 the district court setting forth the facts, and thereupon  
9 such court shall, in a proper case, issue its subpoena to  
10 such person requiring his attendance before such authority  
11 and there to testify or to produce such books, papers, and  
12 documents as may be deemed necessary and pertinent by the  
13 board. Any person failing or refusing to obey the subpoena  
14 or order of the court may be proceeded against in the same  
15 manner as for refusal to obey any other subpoena or order of  
16 said court."

1 the course of construction."

2 Section 3. Section 76-3-504, MCA, is amended to read:

3 "76-3-504. Minimum requirements for subdivision

4 regulations. (1) Not later than December 31, 1973, the

5 department of community affairs, through its division of

6 planning, shall, in conformance with the Montana

7 Administrative Procedure Act, prescribe reasonable minimum

8 requirements for subdivision regulations adopted pursuant to

9 this chapter.

10 (2) The minimum requirements shall include detailed

11 criteria for the content of the environmental assessment

12 required by this chapter. In prescribing the minimum

13 contents of the subdivision regulations, the department of

14 community affairs, through its division of planning, shall

15 require the submission by the subdivider to the governing

16 body of an environmental assessment.

17 (3) The department shall provide for the review of

18 preliminary plats by those agencies of state and local

19 government and affected public utilities having a

20 substantial interest in a proposed subdivision. Such agency

or utility review shall not delay the governing body's

22 action on the plat beyond the time limit specified herein

23 and the failure of any agency to complete a review of a plat

24 shall not be a basis for rejection of the plat by the

25 governing body. The subdivision regulations adopted under

1 this chapter shall, at a minimum:

2 (1) require the subdivider to submit to the governing

3 body an environmental assessment as prescribed in 76-3-504;

4 (2) establish procedures consistent with this chapter

5 for the submission and review of subdivision plats;

6 (3) prescribe the form and contents of preliminary

7 plats and the documents to accompany final plats;

8 (4) provide for the identification of areas which

9 because of natural or man-caused hazards, are unsuitable for

10 subdivision development and prohibit subdivisions in these

11 areas unless the hazards can be eliminated or overcome by

12 approved construction techniques;

13 (5) prohibit subdivisions for building purposes in

14 areas located within the floodway of a flood of 100-year

15 frequency as defined by Title 76, Chapter 5, or determined

16 to be subject to flooding by the governing body;

17 (6) prescribe standards for:

18 (a) the design and arrangement of lots, streets, and

19 roads;

20 (b) grading and drainage;

21 (c) water supply and sewage and solid waste disposal

22 which, at a minimum, meet the regulations adopted by the

23 department of health and environmental sciences under

24 76-4-104;

25 (d) the location and installation of utilities;

1        (7) provide procedures for the administration of the  
 2 park and open space requirements of this chapter;  
 3        (8) provide for the review of preliminary plats by  
 4 affected public utilities and those agencies of local  
 5 state and federal government having a substantial interest  
 6 in a proposed subdivision; such utility or agency review may  
 7 not delay the governing body's action on the plat beyond the  
 8 time limits specified in this chapter, and the failure of  
 9 any agency to complete a review of a plat may not be a basis  
 10 for rejection of the plat by the governing body."

11        Section 4. Section 76-3-603, MCA, is amended to read:  
 12        "76-3-603. Contents of environmental assessment. Where  
 13 required, the environmental assessment shall accompany the  
 14 preliminary plat and shall include:

15        (1) a description of every body or stream of surface  
 16 water as may be affected by the proposed subdivision,  
 17 together with available groundwater information, and a  
 18 description of the topography, vegetation, and wildlife use  
 19 within the area of the proposed subdivision;

20        (2) maps and tables showing soil types in the several  
 21 parts of the proposed subdivision and their suitability for  
 22 any proposed developments in those several parts;

23        (3) a community impact report containing a statement  
 24 of anticipated needs of the proposed subdivision for local  
 25 services, including education and busing; roads and

1        maintenance; water, sewage, and solid waste facilities; and  
 2 fire and police protection;

3        (4) such additional relevant and reasonable  
 4 information as may be required by the department--through-its  
 5 division-of-planning governing body."

6        Section 5. Section 76-4-129, MCA, is amended to read:  
 7        "76-4-129. Joint application form and concurrent  
 8 review. (1) Within 90 days after July 1, 1977, the  
 9 department and-the-department--of--community--effeirs shall  
 10 prepare and distribute a joint application form that can be  
 11 used by an applicant to apply for approval of a subdivision  
 12 under the provisions of this part and the provisions of  
 13 chapter 3. When an application is received by either the  
 14 department or a local government, the department or local  
 15 government is responsible for forwarding the appropriate  
 16 parts of the application to the other entity.

17        (2) The review required by this part and the  
 18 provisions of chapter 3 shall occur concurrently."

19        Section 6. Repealer. Section 76-3-502, MCA, is  
 20 repealed.

-End-

STATE OF MONTANA

REQUEST NO. 332-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 405 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to eliminate the duties of the Department of Community Affairs under the Montana Subdivision and Platting Act and assign certain of these duties to the Board of Professional Engineers and Land Surveyors.

Assumptions

1. Assume .10 additional FTE (Grade 12) to administer subdivision and platting act.

Fiscal Impact FY 1982 FY 1983

Expenditure:

Personal Services	\$1,483	\$1,483
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This cost would be paid from the Board's earmarked account.

*David M. Leens*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-12-81

Approved by Committee  
on State Administration

1 attendance-and-also-may-require--the--production--of--books,  
2 papers--documents--etc--in-a-case-involving-the-revocation  
3 of--registration--or--practicing--or--offering--to--practice  
4 without-registration--Any-member-of-the-board-may-administer  
5 oaths--or--affirmations--to--witnesses--appearing-before-the  
6 board--If-any-person-shall-refuse-to-obey--any--subpoena--so  
7 issued--or--shall--refuse--to--testify-or-produce-any-books,  
8 papers--or--documents--the-board-may-present-its-petition--to  
9 the--district--court--setting-forth-the-facts--and--thereupon  
10 such-court-shall--in-a-proper-case--issue--its--subpoena--to  
11 such--person--requiring-his-attendance-before-such-authority  
12 and--there-to-testify-or-to-produce-such-books--papers--and  
13 documents--as--may--be-deemed-necessary-and-pertinent-by-the  
14 board--Any-person-failing-or-refusing-to-obey--the--subpoena  
15 or--order--of-the-court-may-be-proceeded-against-in-the-same  
16 manner-as-for-refusal-to-obey-any-other-subpoena-or-order-of  
17 said-court."

18 Section-2--Section-76-3-483--is-amended-to--reads  
19 "76-3-483--Monumentation----the--department--of  
20 community-affairs board--of--professional-engineers--and--and  
21 surveyors shall--in--conformance--with--the--Montana  
22 Administrative-Procedure-Act--prescribe--uniform--standards  
23 for--monumentation--and--for--the--form--accuracy--and  
24 descriptive-content-of-records-of-survey--

25 f2)--it-shall-be-the-responsibility--of--the--governing

1 body--to-require-the-replacement-of-off-monuments-removed-in  
 2 the-course-of-construction."

3 Section 1. Section 76-3-504, MCA, is amended to read:  
 4 "76-3-504. Minimum requirements for subdivision  
 5 regulations. (1) Not later than December 31, 1973, the  
 6 department of community affairs through its division of  
 7 planning, shall, in conformance with the Montana  
 8 Administrative Procedure Act, prescribe reasonable minimum  
 9 requirements for subdivision regulations adopted pursuant to  
 10 this chapter.

11 (2) The minimum requirements shall include detailed  
 12 criteria for the content of the environmental assessment  
 13 required by this chapter in prescribing the minimum  
 14 contents of the subdivision regulations. The department of  
 15 community affairs through its division of planning, shall  
 16 require the submission by the subdivider to the governing  
 17 body of an environmental assessment.

18 (3) The department shall provide for the review of  
 19 preliminary plats by those agencies of state and local  
 20 government and affected public utilities having a  
 21 substantial interest in a proposed subdivision. Such agency  
 22 or utility review shall not delay the governing body's  
 23 action on the plat beyond the time limit specified herein  
 24 and the failure of any agency to complete a review of a plat  
 25 shall not be a basis for rejection of the plat by the

1 governing body. The subdivision regulations adopted under  
 2 this chapter shall, at a minimum:  
 3 (1) require the subdivider to submit to the governing  
 4 body an environmental assessment as prescribed in 76-3-603;  
 5 (2) establish procedures consistent with this chapter  
 6 for the submission and review of subdivision plats;  
 7 (3) prescribe the form and contents of preliminary  
 8 plats and the documents to accompany final plats;  
 9 (4) provide for the identification of areas which,  
 10 because of natural or man-caused hazards, are unsuitable for  
 11 subdivision development and prohibit subdivisions in these  
 12 areas unless the hazards can be eliminated or overcome by  
 13 approved construction techniques;  
 14 (5) prohibit subdivisions for building purposes in  
 15 areas located within the floodway of a flood of 100-year  
 16 frequency as defined by Title 76, chapter 5, or determined  
 17 to be subject to flooding by the governing body;  
 18 (6) prescribe standards for:  
 19 (a) the design and arrangement of lots, streets, and  
 20 roads;  
 21 (b) grading and drainage;  
 22 (c) water supply and sewage and solid waste disposal  
 23 which, at a minimum, meet the regulations adopted by the  
 24 department of health and environmental sciences under  
 25 76-4-1041.

1       (d) the location and installation of utilities;  
 2       (7) provide procedures for the administration of the  
 3       park and open space requirements of this chapter;  
 4       (8) provide for the review of preliminary plats by  
 5       affected public utilities and those agencies of local,  
 6       state, and federal government having a substantial interest  
 7       in a proposed subdivision; such utility or agency review may  
 8       not delay the governing body's action on the plat beyond the  
 9       time limits specified in this chapter, and the failure of  
 10       any agency to complete a review of a plat may not be a basis  
 11       for rejection of the plat by the governing body."

12       Section 2. Section 76-3-603, MCA, is amended to read:  
 13       "76-3-603. Contents of environmental assessment. Where  
 14       required, the environmental assessment shall accompany the  
 15       preliminary plat and shall include:

16       (1) a description of every body or stream of surface  
 17       water as may be affected by the proposed subdivision,  
 18       together with available groundwater information, and a  
 19       description of the topography, vegetation, and wildlife use  
 20       within the area of the proposed subdivision;

21       (2) maps and tables showing soil types in the several  
 22       parts of the proposed subdivision and their suitability for  
 23       any proposed developments in those several parts;

24       (3) a community impact report containing a statement  
 25       of anticipated needs of the proposed subdivision for local

1       services, including education and busing; roads and  
 2       maintenance; water, sewage, and solid waste facilities; and  
 3       fire and police protection;  
 4       (4) such additional relevant and reasonable  
 5       information as may be required by the department--through--its  
 6       division-of-planning governing body."

7       Section 3. Section 76-4-129, MCA, is amended to read:  
 8       "76-4-129. Joint application form and concurrent  
 9       review. (1) Within 90 days after July 1, 1977, the  
 10       department and the department--of--community--affairs shall  
 11       prepare and distribute a joint application form that can be  
 12       used by an applicant to apply for approval of a subdivision  
 13       under the provisions of this part and the provisions of  
 14       chapter 3. When an application is received by either the  
 15       department or a local government, the department or local  
 16       government is responsible for forwarding the appropriate  
 17       parts of the application to the other entity.

18       (2) The review required by this part and the  
 19       provisions of chapter 3 shall occur concurrently."

20       Section 4. Repealer. Section SECTIONS 76-3-502 AND  
 21       76-3-508, MCA, is ARE repealed.

-End-

## SENATE BILL NO. 405

INTRODUCED BY REGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE CERTAIN DUTIES OF THE DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE MONTANA SUBDIVISION AND PLATTING ACT AND ASSIGN CERTAIN OF THESE DUTIES TO THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS TO ESTABLISH MINIMUM SUBDIVISION REGULATION REQUIREMENTS FOR LOCAL GOVERNMENTS; AMENDING SECTIONS 37-67-202, 76-3-403, 76-3-504, 76-3-603, AND 76-4-129, MCA; AND REPEALING SECTION SECTIONS 76-3-502 AND 76-3-508, MCA."

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

Section 1. Section 37-67-202, MCA, is amended to read:  
"37-67-202. Rulemaking and subpoena power. (1) The board shall have the power to adopt and amend all rules, including rules of procedure, not inconsistent with the constitution and laws of this state which may be reasonably necessary for the proper performance of its duties and the regulation of the proceedings before it.

(2) The board shall by rule adopt the surveying and monumentation standards prescribed by 76-3-403.

(3) In carrying into effect the provisions of this chapter, the board, under the hand of its chairman and the seal of the board, may subpoena witnesses and compel their

attendance and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board, if any person shall refuse to obey any subpoena so issued or shall refuse to testify or produce any books, papers or documents, the board may present its petition to the district court setting forth the facts and thereupon such court shall, in a proper case, issue its subpoena to such person requiring his attendance before such authority and there to testify or to produce such books, papers and documents as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of said court."

Section 2. Section 76-3-403, MCA, is amended to read:  
"76-3-403. Monumentation. (1) The department of community affairs board of professional engineers and land surveyors shall, in conformance with the Montana Administrative Procedure Act, prescribe uniform standards for monumentation and for the form, accuracy and descriptive content of records of surveys.

(2) It shall be the responsibility of the governing

1 body--to--require--the--replacement--of--all--monuments--removed--in  
 2 the--course--of--construction--"

3       Section 1. Section 76-3-504, MCA, is amended to read:  
 4       "76-3-504. Minimum requirements for subdivision  
 5 regulations. (1) Not later than December 31, 1973, the  
 6 department of community affairs through its division of  
 7 planning, shall, in conformance with the Montana  
 8 Administrative Procedure Act, prescribe reasonable minimum  
 9 requirements for subdivision regulations adopted pursuant to  
 10 this chapter.

11       (2) The minimum requirements shall include detailed  
 12 criteria for the content of the environmental assessment  
 13 required by this chapter, prescribing the minimum  
 14 contents of the subdivision regulations. The department of  
 15 community affairs through its division of planning shall  
 16 require the submission by the subdivider to the governing  
 17 body of an environmental assessment.

18       (3) The department shall provide for the review of  
 19 preliminary plats by those agencies of state and local  
 20 government and affected public utilities having a  
 21 substantial interest in a proposed subdivision. Such agency  
 22 or utility review shall not delay the governing body's  
 23 action on the plat beyond the time limit specified herein  
 24 and the failure of any agency to complete a review of a plat  
 25 shall not be a basis for rejection of the plat by the

1 governing body. The subdivision regulations adopted under  
 2 this chapter shall, at a minimum:  
 3       (1) require the subdivider to submit to the governing  
 4 body an environmental assessment as prescribed in 76-3-603;  
 5       (2) establish procedures consistent with this chapter  
 6 for the submission and review of subdivision plats;  
 7       (3) prescribe the form and contents of preliminary  
 8 plats and the documents to accompany final plats;  
 9       (4) provide for the identification of areas which,  
 10 because of natural or man-caused hazards, are unsuitable for  
 11 subdivision development and prohibit subdivisions in these  
 12 areas unless the hazards can be eliminated or overcome by  
 13 approved construction techniques;  
 14       (5) prohibit subdivisions for building purposes in  
 15 areas located within the floodway of a flood of 100-year  
 16 frequency as defined by Title 76, chapter 5, or determined  
 17 to be subject to flooding by the governing body;  
 18       (6) prescribe standards for:  
 19       (a) the design and arrangement of lots, streets, and  
 20 roads;  
 21       (b) grading and drainage;  
 22       (c) water supply and sewage and solid waste disposal  
 23 which, at a minimum, meet the regulations adopted by the  
 24 department of health and environmental sciences under  
 25 76-4-104;

1        (d) the location and installation of utilities;  
 2        (7) provide procedures for the administration of the  
 3        park and open space requirements of this chapter;  
 4        (8) provide for the review of preliminary plats by  
 5        affected public utilities and those agencies of local,  
 6        state, and federal government having a substantial interest  
 7        in a proposed subdivision; such utility or agency review may  
 8        not delay the governing body's action on the plat beyond the  
 9        time limits specified in this chapter, and the failure of  
 10       any agency to complete a review of a plat may not be a basis  
 11       for rejection of the plat by the governing body."

12       Section 2. Section 76-3-603, MCA, is amended to read:  
 13       "76-3-603. Contents of environmental assessment. Where  
 14       required, the environmental assessment shall accompany the  
 15       preliminary plat and shall include:

16       (1) a description of every body or stream of surface  
 17       water as may be affected by the proposed subdivision,  
 18       together with available groundwater information, and a  
 19       description of the topography, vegetation, and wildlife use  
 20       within the area of the proposed subdivision;

21       (2) maps and tables showing soil types in the several  
 22       parts of the proposed subdivision and their suitability for  
 23       any proposed developments in those several parts;

24       (3) a community impact report containing a statement  
 25       of anticipated needs of the proposed subdivision for local

1        services, including education and busing; roads and  
 2        maintenance; water, sewage, and solid waste facilities; and  
 3        fire and police protection;

4        (4) such additional relevant and reasonable  
 5        information as may be required by the department-through-its  
 6        division-of-planning governing body."

7        Section 3. Section 76-4-129, MCA, is amended to read:  
 8       "76-4-129. Joint application form and concurrent  
 9       review. (1) Within 90 days after July 1, 1977, the  
 10       department and-the-department--of--community--affairs shall  
 11       prepare and distribute a joint application form that can be  
 12       used by an applicant to apply for approval of a subdivision  
 13       under the provisions of this part and the provisions of  
 14       chapter 3. When an application is received by either the  
 15       department or a local government, the department or local  
 16       government is responsible for forwarding the appropriate  
 17       parts of the application to the other entity.

18       (2) The review required by this part and the  
 19       provisions of chapter 3 shall occur concurrently."

20       Section 4. Repealer. Section SECTIONS 76-3-502 AND  
 21       76-3-508, MCA, is ARE repealed.

-End-

## SENATE BILL NO. 405

INTRODUCED BY REGAN

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE  
5 CERTAIN DUTIES OF THE DEPARTMENT OF COMMUNITY AFFAIRS UNDER  
6 THE MONTANA SUBDIVISION AND PLATTING ACT AND ASSIGN--CERTAIN  
7 OF--THESE--DUTIES--TO--THE--BOARD--OF--PROFESSIONAL--ENGINEERS--AND  
8 LAND--SURVEYORS TO ESTABLISH MINIMUM SUBDIVISION REGULATION  
9 REQUIREMENTS FOR LOCAL GOVERNMENTS; AMENDING SECTIONS  
10 37-67-202v, 76-3-403v, 76-3-504, 76-3-603, AND 76-4-129, MCA;  
11 AND REPEALING SECTION SECTIONS 76-3-502 AND 76-3-508, MCA."

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

14     Section-1---Section-37-67-202v-MCA-is-amended-to-read--  
15     "37-67-202v---Rulemaking-and-subpoena--power---(t)---The  
16 board--shall--have--the--power--to--adopt--and--amend--all--rules,  
17 including--rules--of--procedure,--not--inconsistent--with--the  
18 constitution--and--laws--of--the--state--which--may--be--reasonably  
19 necessary--for--the--proper--performance--of--its--duties--and--the  
20 regulation--of--the--proceedings--before--it--

21     (t)---The--board--shall--by--rule--adopt--the--surveying--and  
22 monumentation--standards--prescribed--by--76-3-403v.

23     (t)---In--carrying--into--effect--the--provisions--of--this  
24 chapter,--the--board,--under--the--hand--of--its--chairman--and--the  
25 seal--of--the--board,--may--subpoena--witnesses--and--compt--their

1     attendance--and--also--may--require--the--production--of--books,  
2     papers,--documents,--etc.,--in--a--case--involving--the--revocation  
3     of--registration--or--practicing--or--offering--to--practice  
4     without--registration--Any--member--of--the--board--may--administer  
5     oaths--or--affirmations--to--witnesses--appearing--before--the  
6     board,--if--any--person--shall--refuse--to--obey--any--subpoena--so  
7     issued--or--shall--refuse--to--testify--or--produce--any--books,  
8     papers,--or--documents,--the--board--may--present--its--petition--to  
9     the--district--court--setting--forth--the--facts--and--thereupon  
10    such--court--shall,--in--a--proper--case,--issue--its--subpoena--to  
11    such--person--requiring--his--attendance--before--such--authority  
12    and--there--to--testify--or--to--produce--such--books,--papers,--and  
13    documents--as--may--be--deemed--necessary--and--pertinent--by--the  
14    board--Any--person--failing--or--refusing--to--obey--the--subpoena  
15    or--order--of--the--court--may--be--proceeded--against--in--the--some  
16    manner--as--for--refusal--to--obey--any--other--subpoena--or--order--of  
17    said--court."

18     Section-2---Section-76-3-403v-MCA-is-amended-to--read--  
19     "76-3-403v---Monumentation---(t)---The--department--of  
20    community--affairs board--of--professional--engineers--and--land  
21 surveyors shall--in--conformance--with--the--Montana  
22 Administrative--Procedure--Act--prescribe--uniform--standards  
23 for--monumentation--and--for--the--form--accuracy--and  
24 descriptive--content--of--records--of--surveys  
25     (t)---it--shall--be--the--responsibility--of--the--governing

1 body--to--require--the--replacement--of--all--monuments--removed--in  
 2 the--course--of--constructions."

3       Section 1. Section 76-3-504, MCA, is amended to read:  
 4       "76-3-504. Minimum requirements for subdivision  
 5 regulations. (1) Not later than December 31, 1973, the  
 6 department of community affairs, through its division of  
 7 planning, shall, in conformance with the Montana  
 8 Administrative Procedure Act, prescribe reasonable minimum  
 9 requirements for subdivision regulations adopted pursuant to  
 10 this chapter."

11       (2) The minimum requirements shall include detailed  
 12 criteria for the content of the environmental assessment  
 13 required by this chapter. In prescribing the minimum  
 14 contents of the subdivision regulations, the department of  
 15 community affairs, through its division of planning, shall  
 16 require the submission by the subdivider to the governing  
 17 body of an environmental assessment.

18       (3) The department shall provide for the review of  
 19 preliminary plats by those agencies of state and local  
 20 government and affected public utilities having a  
 21 substantial interest in a proposed subdivision. Such agency  
 22 or utility review shall not delay the governing body's  
 23 action on the plat beyond the time limit specified herein,  
 24 and the failure of any agency to complete a review of a plat  
 25 shall not be a basis for rejection of the plat by the

1 governing body. The subdivision regulations adopted under  
 2 this chapter shall, at a minimum:

3       (1) require the subdivider to submit to the governing  
 4 body an environmental assessment as prescribed in 76-3-603;  
 5       (2) establish procedures consistent with this chapter  
 6 for the submission and review of subdivision plats;  
 7       (3) prescribe the form and contents of preliminary  
 8 plats and the documents to accompany final plats;  
 9       (4) provide for the identification of areas which,  
 10 because of natural or man-caused hazards, are unsuitable for  
 11 subdivision development and prohibit subdivisions in these  
 12 areas unless the hazards can be eliminated or overcome by  
 13 approved construction techniques;

14       (5) prohibit subdivisions for building purposes in  
 15 areas located within the floodway of a flood of 100-year  
 16 frequency as defined by Title 76, chapter 5, or determined  
 17 to be subject to flooding by the governing body;

18       (6) prescribe standards for:  
 19       (a) the design and arrangement of lots, streets, and  
 20 roads;  
 21       (b) grading and drainage;  
 22       (c) water supply and sewage and solid waste disposal  
 23 which, at a minimum, meet the regulations adopted by the  
 24 department of health and environmental sciences under  
 25 76-4-104.

1        (d) the location and installation of utilities;  
 2        (7) provide procedures for the administration of the  
 3        park and open space requirements of this chapter;  
 4        (8) provide for the review of preliminary plats by  
 5        affected public utilities and those agencies of local,  
 6        state, and federal government having a substantial interest  
 7        in a proposed subdivision; such utility or agency review may  
 8        not delay the governing body's action on the plat beyond the  
 9        time limits specified in this chapter, and the failure of  
 10       any agency to complete a review of a plat may not be a basis  
 11       for rejection of the plat by the governing body."

12       Section 2. Section 76-3-603, MCA, is amended to read:  
 13       "76-3-603. Contents of environmental assessment. Where  
 14       required, the environmental assessment shall accompany the  
 15       preliminary plat and shall include:

16       (1) a description of every body or stream of surface  
 17       water as may be affected by the proposed subdivision,  
 18       together with available groundwater information, and a  
 19       description of the topography, vegetation, and wildlife use  
 20       within the area of the proposed subdivision;

21       (2) maps and tables showing soil types in the several  
 22       parts of the proposed subdivision and their suitability for  
 23       any proposed developments in those several parts;

24       (3) a community impact report containing a statement  
 25       of anticipated needs of the proposed subdivision for local

1        services, including education and busing; roads and  
 2        maintenance; water, sewage, and solid waste facilities; and  
 3        fire and police protection;  
 4        (4) such additional relevant and reasonable  
 5        information as may be required by the department-through-its  
 6        division-of-planning governing body."

7        Section 3. Section 76-4-129, MCA, is amended to read:  
 8       "76-4-129. Joint application form and concurrent  
 9       review. (1) Within 90 days after July 1, 1977, the  
 10       department and-the-department--of--community--affairs shall  
 11       prepare and distribute a joint application form that can be  
 12       used by an applicant to apply for approval of a subdivision  
 13       under the provisions of this part and the provisions of  
 14       chapter 3. When an application is received by either the  
 15       department or a local government, the department or local  
 16       government is responsible for forwarding the appropriate  
 17       parts of the application to the other entity.

18       (2) The review required by this part and the  
 19       provisions of chapter 3 shall occur concurrently."

20       Section 4. Repealer. Section SECTIONS 76-3-502 AND  
 21       76-3-508, MCA, is ARE repealed.

-End-