

1 House BILL NO. 408
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM REVIEW OF DEVELOPMENT PLANS A
5 PARCEL OF 1 ACRE OR MORE WITH AN EXISTING WELL AND SEPTIC SYSTEM; AND AMENDING
6 SECTION 76-4-125, MCA."

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

9
10 **Section 1.** Section 76-4-125, MCA, is amended to read:

11 **"76-4-125. Review of development plans -- land divisions excluded from review.** (1) Plans and
12 specifications of a subdivision, as defined in this part, ~~shall~~ must be submitted to the reviewing authority,
13 and the reviewing authority shall indicate by certificate that it has approved the plans and specifications
14 and that the subdivision is not subject to a sanitary restriction. The plan review by the reviewing authority
15 ~~shall~~ must be as follows:

16 (a) At any time after the developer has submitted an application under the Montana Subdivision
17 and Platting Act, the developer shall present to the reviewing authority a preliminary plan of the proposed
18 development, whatever information the developer feels necessary for its subsequent review, and
19 information required by the reviewing authority.

20 (b) The reviewing authority ~~must~~ shall give final action of the proposed plan within 60 days unless
21 an environmental impact statement is required, at which time this deadline may be increased to 120 days.

22 (2) A subdivision excluded from the provisions of chapter 3 ~~shall~~ must be submitted for review
23 according to the provisions of this part, except that the following divisions, unless ~~such~~ the exclusions are
24 used to evade the provisions of this part, are not subject to review:

- 25 (a) the exclusions cited in 76-3-201 and 76-3-204;
- 26 (b) divisions made for the purpose of acquiring additional land to become part of an approved
27 parcel, provided that ~~no~~ a dwelling or structure requiring water or sewage disposal ~~is to~~ may not be erected
28 on the additional acquired parcel and that the division does not fall within a previously platted or approved
29 subdivision; ~~and~~
- 30 (c) divisions made for purposes other than the construction of water supply or sewage and solid

1 waste disposal facilities as the department specifies by rule; and
2 (d) any parcel, 1 acre or larger, that has an existing well and septic system."
3 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0408, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

This bill exempts development plans for parcels of one or more acres which have an existing well and septic system from review.

ASSUMPTIONS:

1. Existing rules of the Department of Environmental Quality have less stringent criteria for parcels with existing well and septic systems. These criteria focus on the need for existing systems (which may be of any age and design) to protect public health and to prevent pollution of state waters.
2. The workload will not change significantly as a result of the pending rules or this bill.

FISCAL IMPACT:

There will be no fiscal impact.

Dave Lewis 2-5-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Cliff Prexler 2-6-97
CLIFF PREXLER, PRIMARY SPONSOR DATE

Fiscal Note for HB0408, as introduced

HB 408

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3 (D) SUBJECT TO THE PROVISIONS OF SUBSECTION (3), A REMAINDER OF AN ORIGINAL TRACT
4 CREATED BY SEGREGATING A PARCEL FROM THE TRACT FOR PURPOSES OF TRANSFER, IF:

5 (I) THE REMAINDER IS SERVED BY A PUBLIC OR MULTIFAMILY SEWAGE SYSTEM APPROVED
6 BEFORE JANUARY 1, 1997, PURSUANT TO LOCAL REGULATIONS OR THIS CHAPTER; OR

7 (II) THE REMAINDER IS 1 ACRE OR LARGER AND HAS AN INDIVIDUAL SEWAGE SYSTEM THAT
8 WAS CONSTRUCTED PRIOR TO APRIL 29, 1993, AND, IF REQUIRED WHEN INSTALLED, WAS APPROVED
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10 (3) CONSISTENT WITH THE APPLICABLE PROVISIONS OF 50-2-116(1)(I), A LOCAL HEALTH
11 OFFICER MAY REQUIRE THAT, PRIOR TO THE TRANSFER OF THE PARCEL TO BE SEGREGATED FROM
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