

SENATE BILL NO. 240

INTRODUCED BY J. SMALL, S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN SUBDIVISIONS FROM ENVIRONMENTAL REVIEW; REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADOPT RULES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Exemption from environmental review -- rulemaking. (1) Except as provided in subsection (2), the department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when reviewing applications under this part for subdivisions that:

- (a) are located 2 or more miles from high-quality waters, as defined in 75-5-103;
- (b) include 14 or fewer single-family residential subdivision lots;
- (c) include wastewater systems that meet nonsignificance criteria established in rule; and
- (d) demonstrate full compliance with the acquisition of necessary water rights and water availability.

(2) The exemption provided for in subsection (1) does not apply to subdivision applications that expand or are adjacent to projects exempted from the provisions of Title 75, chapter 1, parts 1 and 2, after [the effective date of this act].

(3) The department shall adopt rules to implement this section.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 4, part 1, and the provisions of Title 76, chapter 4, part 1, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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