

HOUSE BILL NO. 534

INTRODUCED BY C. SPRUNGER, L. JONES, S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ELIGIBLE WATER AND/OR SEWER DISTRICT MAY CONNECT TO A WATER OR WASTEWATER SYSTEM BEYOND ITS RATED CAPACITY IF AUTHORIZED BY AN APPROVED DEVELOPMENT PLAN; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 75-6-102, 75-6-104, 75-6-130, 76-3-103, 76-3-507, 76-4-102, 76-4-120, AND 76-8-101, MCA."

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

Section 1. Section 75-6-102, MCA, is amended to read:

"75-6-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Applicant" means a person who submits plans and specifications for approval pursuant to this part.

(2) "Board" means the board of environmental review provided for in 2-15-3502.

(3) "Certified source water protection area" means an area certified by the department that identifies the surface and subsurface area surrounding a source of water for a public water supply system through which contaminants may move toward and reach the source of supply.

(4) "Community water system" means a public water supply system that serves at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents.

(5) "Contamination" means impairment of the quality of state waters by sewage, industrial waste, or other waste creating a hazard to human health.

(6) "Cross-connection" means a connection between a public water supply system and another water supply system, either public or private, or a wastewater or sewerline or other potential source of contamination so that a flow of water into or contamination of the public water supply system from the other source of water or contamination is possible.

(7) "Department" means the department of environmental quality provided for in 2-15-3501.

(8) "Drainage" means rainfall, surface, and subsoil water.

(9) "Eligible county water and/or sewer district" means a county water district, a county sewer district, or a county water and sewer district that:

(a) is incorporated under 7-13-2203;

(b) is operated in compliance with the discharge permitting requirements of Title 75, chapter 5, and this chapter; and

(c) employs or retains a professional engineer.

~~(9)(10)~~ "Industrial waste" means any waste substance from the processes of business or industry or from the development of a natural resource, together with any sewage that may be present.

~~(10)(11)~~ "Maximum contaminant level" means the maximum permissible level of a contaminant in water that is delivered to a user of a public water supply system.

~~(11)(12)~~ "Other waste" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

~~(12)(13)~~ "Person" means an individual, firm, partnership, company, association, corporation, city, town, local government entity, federal agency, or any other governmental or private entity, whether organized for profit or not.

~~(13)(14)~~(a) "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that which is permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor or the discharge or introduction of a liquid, gaseous, solid, radioactive, or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife.

(b) A discharge that is authorized under the pollution discharge permit rules of the board is not pollution under this chapter.

~~(14)(15)~~ "Public sewage system" means a system of collection, transportation, treatment, or disposal of sewage that serves 15 or more families or 25 or more persons daily for any 60 or more days in a calendar year.

1 ~~(15)~~(16)"Public water supply system" means a system for the provision of water for human
2 consumption from a community well, water hauler for cisterns, water bottling plant, water dispenser, or other
3 water supply that has at least 15 service connections or that regularly serves at least 25 persons daily for any
4 60 or more days in a calendar year.

5 ~~(16)~~(17)"Reclaimed wastewater" means wastewater that is treated by a public sewage system for reuse
6 for private, public, or commercial purposes.

7 ~~(17)~~(18)"Safe Drinking Water Act" means 42 U.S.C. 300f and regulations set forth in 40 CFR, parts 141
8 and 142.

9 ~~(18)~~(19)"Sewage" means water-carried waste products from residences, public buildings, institutions,
10 or other buildings, including discharge from human beings, together with ground water infiltration and surface
11 water present.

12 ~~(19)~~(20)"Source water protection program" means a program administered by the department to certify
13 source water protection delineation and assessment reports and source water protection plans and to review
14 source water protection ordinances.

15 ~~(20)~~(21)"State waters" means a body of water, irrigation system, or drainage system, either surface or
16 underground.

17 ~~(21)~~(22)"Transient noncommunity water system" means a public water supply system that is not a
18 community water system and that does not regularly serve at least 25 of the same persons for at least 6
19 months a year."

20
21 **Section 2.** Section 75-6-104, MCA, is amended to read:

22 **"75-6-104. Duties of department.** (1) The department has general supervision over all state waters
23 that are directly or indirectly being used by a person for a public water supply system, for domestic purposes, or
24 as a source of ice.

25 (2) The department shall, subject to the provisions of 75-6-116 and as provided in 75-6-131, adopt
26 rules and standards concerning:

27 (a) maximum contaminant levels for waters that are or will be used for a public water supply
28 system;

- 1 (b) fees, as described in 75-6-108, for services rendered by the department;
- 2 (c) monitoring, recordkeeping, and reporting by persons who own or operate public water supply
- 3 systems;
- 4 (d) requiring public notice to all users of a public water supply system when a person has been
- 5 granted a variance or exemption or is in violation of this part or a rule or order issued pursuant to this part;
- 6 (e) the siting, construction, operation, and modification of a public water supply system or public
- 7 sewage system, including requirements to remedy:
- 8 (i) defects in the design, operation, or maintenance of a public water supply system or public
- 9 sewage system in order to prevent or correct introduction of contamination into water used for a public water
- 10 supply system, for domestic purposes, or as a source of ice;
- 11 (ii) fecal contamination in water used by a public water supply system; or
- 12 (iii) failure or malfunction of the sources, treatment, storage, or distribution portion of a public water
- 13 supply system in order to prevent or correct introduction of contamination into water used for a public water
- 14 supply system, for domestic purposes, or as a source of ice;
- 15 (f) the review of the technical, managerial, and financial capacity of a proposed public water
- 16 supply system or public sewage system, as necessary to ensure the capability of the system to meet the
- 17 requirements of this part;
- 18 (g) the collection and analysis of samples of water used for drinking or domestic purposes;
- 19 (h) the issuance of variances and exemptions as authorized by the federal Safe Drinking Water Act
- 20 and this part;
- 21 (i) administrative enforcement procedures and administrative penalties authorized under this part;
- 22 (j) standards and requirements for the review and approval of programs that may be voluntarily
- 23 submitted by suppliers of public water supply systems to prevent water supply contamination from a cross-
- 24 connection, including provisions to exempt cross-connections from the standards and requirements if all
- 25 connected systems are department-approved public water supply systems;
- 26 (k) (i) allowable uses of reclaimed wastewater and classification of those uses;
- 27 (ii) treatment, monitoring, recordkeeping, and reporting standards and requirements tailored to
- 28 each classification that must be met by the public sewage system to protect the uses of the reclaimed

1 wastewater and any receiving water;

2 (iii) prohibition of reclaimed wastewater uses that are not allowable under subsection (2)(k)(i) or for
3 which the reclaimed wastewater has not been treated in compliance with rules adopted under subsection
4 (2)(k)(ii); and

5 (iv) a requirement that an applicant who proposes to use reclaimed wastewater pursuant to this
6 subsection (2)(k) has obtained any necessary authorizations required under Title 85 from the department of
7 natural resources and conservation; and

8 (l) any other requirement necessary for the protection of public health as described in this part.

9 (3) Department rules must provide for the following:

10 (a) except as provided in 75-6-131, a water supply or water distribution facility reviewed and
11 approved by the department is not subject to changes in department design and construction criteria for a
12 period of 36 months after written approval of the facility is issued by the department;

13 (b) except for facilities subject to permit requirements under Title 75, chapter 5, part 4, and except
14 as provided under rules adopted pursuant to 75-6-131, a system of water supply, drainage, wastewater, or
15 sewage reviewed and approved under this section is not subject to changes in department design or
16 construction criteria for a period of 36 months after written approval is issued by the department;

17 (c) plans and specifications for a portion of a facility or system subject to a 36-month limit on
18 criteria changes pursuant to subsections (3)(a) and (3)(b) but not constructed within the 36-month timeframe
19 must be resubmitted for department review and approval before construction of that portion of the facility;

20 (d) the provisions of this subsection (3) may not limit an applicant's ability to alter a proposed
21 project that is otherwise in conformance with applicable laws, rules, standards, and criteria; and

22 (e) department approval of development plans for a municipal system or an eligible county water
23 and/or sewer district that allows additional connections above the approved rated capacity of a water or
24 wastewater system pursuant to 75-6-130.

25 (4) The department or the board may issue orders necessary to fully implement the provisions of
26 this part.

27 (5) The department shall:

28 (a) on its own initiative or complaint to the department, to the mayor or health officer of a

1 municipality, or to the managing board or officer of a public institution, make an investigation of alleged pollution
2 of a water supply system and, if required, prohibit the continuance of the pollution by ordering removal of the
3 cause of pollution;

4 (b) have waters examined to determine their quality and the possibility that they may endanger
5 public health;

6 (c) consult and advise authorities of cities and towns and persons having or about to construct
7 systems for water supply, drainage, wastewater, and sewage as to the most appropriate source of water supply
8 and the best method of ensuring its quality;

9 (d) advise persons as to the best method of treating and disposing of their drainage, sewage, or
10 wastewater with reference to the existing and future needs of other persons and to prevent pollution;

11 (e) consult with persons engaged in or intending to engage in manufacturing or other business
12 whose drainage or sewage may tend to pollute waters as to the best method of preventing pollution;

13 (f) collect fees, as described in 75-6-108, for services and deposit the fees collected in the public
14 drinking water special revenue fund established in 75-6-115;

15 (g) establish and maintain experiment stations and conduct experiments to study the best methods
16 of treating water, drainage, wastewater, and sewage to prevent pollution, including investigation of methods
17 used in other states;

18 (h) enter on premises at reasonable times to determine sources of pollution or danger to water
19 supply systems and whether rules and standards of the department are being obeyed;

20 (i) enforce and administer the provisions of this part;

21 (j) establish a plan for the provision of safe drinking water under emergency circumstances;

22 (k) maintain an inventory of public water supply systems and establish a program for conducting
23 sanitary surveys;

24 (l) enter into agreements with local boards of health whenever appropriate for the performance of
25 surveys and inspections under the provisions of this part; and

26 (m) review in the form of a written response within 60 days to an applicant seeking approval for use
27 of reclaimed wastewater for snowmaking subject to subsection (2)(k) that:

28 (i) approves, approves with conditions, or denies the application pursuant to the provisions of this

1 part; and

2 (ii) (A) describes additional information that must be submitted prior to department approval under
3 subsection (5)(m)(i); or

4 (B) describes any additional requirements that the applicant must satisfy prior to department
5 approval under subsection (5)(m)(i), such as a permit to discharge under Title 75, chapter 5, part 4, or an
6 authorization under Title 85 from the department of natural resources and conservation."

7

8 **Section 3.** Section 75-6-130, MCA, is amended to read:

9 **"75-6-130. Development plans -- department requirements -- rulemaking.** (1) Unless authorized
10 by a development plan approved by the department of environmental quality under this section, a public water
11 or wastewater supply system may not certify or authorize additional connections to its water or wastewater
12 system that would exceed its approved rated capacity.

13 (2) The department shall approve a municipal or eligible county water and/or sewer district
14 development plan to allow additional connections to a public water or wastewater supply system if the
15 municipality or eligible county water and/or sewer district demonstrates that:

16 (a) the additional connections will not exceed the approved rated capacity of the system;

17 (b) the additional connections will not create a risk to public health or the environment;

18 (c) the plan will not cause a violation of any provision of or rule adopted under this part or Title 75,
19 chapter 5 or 6, or any condition or requirement of an approval or order issued pursuant to this part or Title 75,
20 chapter 5 or 6; and

21 (d) the additional connections will not cause the municipality or eligible county water and/or sewer
22 district to exceed the flow rate, volume, or place of use of its water right as defined under 85-2-102.

23 (3) A municipality or eligible county water and/or sewer district with a development plan approved
24 under this section shall submit an annual report detailing its compliance with the approved plan to the
25 department.

26 (4) A development plan approved under this section may be used by the department to approve
27 connections that would exceed the system's approved rated capacity only if the connection would serve a
28 subdivision subject to review under Title 76, chapter 3, and the governing body has required department

1 certification before final plat approval in accordance with 76-3-507(5).

2 (5) The department may revoke or require modification of an approved development plan if:

3 (a) the conditions of development have fundamentally changed;

4 (b) the municipality or eligible county water and/or sewer district has violated the requirements of
5 this section or a condition of an approved development plan; or

6 (c) the department otherwise determines that the conditions of subsection (2) have not been or will
7 not be satisfied.

8 (6) A municipality or eligible county water and/or sewer district that violates this section or a
9 condition of an approved development plan is subject to penalties under 75-6-114.

10 (7) The department may adopt rules to implement this section.

11 (8) Nothing in this section requires a municipality or eligible county water and/or sewer district to
12 submit a development plan for review unless the municipality or eligible county water and/or sewer district
13 intends to approve connections beyond the ~~municipal~~-system's rated capacity.

14 (9) As used in this section, the following definitions apply:

15 (a) "Development plan" means a planning document that outlines the current rated capacity of a
16 water or wastewater system and the system's proposed capacity after upgrades, marked by milestones of
17 construction activity as a percentage of existing capacity, are made to the system and includes a timeline for
18 when the design, bidding, and construction of upgrades to an existing system will be completed.

19 (b) "Rated capacity" means the gross capacity of a water or wastewater system as required by the
20 design standards provided for in Title 75, chapter 6, wastewater discharge permit limits set in Title 75, chapter
21 5, and water right limits required in Title 85."

22
23 **Section 4.** Section 76-3-103, MCA, is amended to read:

24 **"76-3-103. Definitions.** As used in this chapter, unless the context or subject matter clearly requires
25 otherwise, the following definitions apply:

26 (1) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for
27 the purpose of disclosing facts pertaining to boundary locations.

28 (2) "Cluster development" means a subdivision with lots clustered in a group of five or more lots

1 that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs
2 for infrastructure through the use of concentrated public services and utilities, while allowing other lands to
3 remain undeveloped.

4 (3) "Dedication" means the deliberate appropriation of land by an owner for any general and public
5 use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the
6 public use to which the property has been devoted.

7 (4) "Division of land" means the segregation of one or more parcels of land from a larger tract held
8 in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly
9 filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to
10 this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous
11 division of land is not a division of land.

12 (5) "Eligible county water and/or sewer district" means a county water district, a county sewer
13 district, or a county water and sewer district that:

14 (a) is incorporated under 7-13-2203;

15 (b) is operated in compliance with Title 75, chapters 5 and 6; and

16 (c) employs or retains a professional engineer.

17 ~~(5)(6)~~ "Examining land surveyor" means a registered land surveyor appointed by the governing body
18 to review surveys and plats submitted for filing.

19 ~~(6)(7)~~ "Final plat" means the final drawing of the subdivision and dedication required by this chapter
20 to be prepared for filing for record with the county clerk and recorder and containing all elements and
21 requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

22 ~~(7)(8)~~ "Governing body" means a board of county commissioners or the governing authority of a city
23 or town organized pursuant to law.

24 ~~(8)(9)~~ "Immediate family" means a spouse, children by blood or adoption, and parents.

25 ~~(9)(10)~~ "Minor subdivision" means a subdivision that creates five or fewer lots from a tract of record.

26 ~~(10)(11)~~ "Phased development" means a subdivision application and preliminary plat that at the time of
27 submission consists of independently platted development phases that are scheduled for review on a schedule
28 proposed by the subdivider.

1 ~~(11)~~(12)"Planned unit development" means a land development project consisting of residential
2 clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land
3 uses built in a prearranged relationship to each other and having open space and community facilities in
4 common ownership or use.

5 ~~(12)~~(13)"Plat" means a graphical representation of a subdivision showing the division of land into lots,
6 parcels, blocks, streets, alleys, and other divisions and dedications.

7 ~~(13)~~(14)"Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the
8 layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a
9 governing body.

10 ~~(14)~~(15)"Public utility" has the meaning provided in 69-3-101, except that for the purposes of this
11 chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title
12 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems
13 established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

14 ~~(15)~~(16)"Subdivider" means a person who causes land to be subdivided or who proposes a subdivision
15 of land.

16 ~~(16)~~(17)"Subdivision" means a division of land or land so divided that it creates one or more parcels
17 containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States
18 government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise
19 transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its
20 size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or
21 mobile homes will be placed.

22 ~~(17)~~(18)(a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be
23 identified by legal description, independent of any other parcel of land, using documents on file in the records of
24 the county clerk and recorder's office.

25 (b) Each individual tract of record continues to be an individual parcel of land unless the owner of
26 the parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

27 (i) an instrument of conveyance in which the aggregated parcels have been assigned a legal
28 description that describes the resulting single parcel and in which the owner expressly declares the owner's

1 intention that the tracts be merged; or

2 (ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels

3 have been expunged and depicts the boundaries of the larger aggregate parcel.

4 (c) An instrument of conveyance does not merge parcels of land under subsection ~~(17)(b)(i)~~

5 (18)(b)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form

6 the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description

7 of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels."

8

9 **Section 5.** Section 76-3-507, MCA, is amended to read:

10 **"76-3-507. Provision for security requirements to ensure construction of public improvements.**

11 (1) Except as provided in subsections (2) and (4), the governing body shall require the subdivider to complete

12 required improvements within the proposed subdivision prior to the approval of the final plat.

13 (2) (a) In lieu of the completion of the construction of any public improvements prior to the approval

14 of a final plat, the governing body shall at the subdivider's option allow the subdivider to provide or cause to be

15 provided a bond or other reasonable security, in an amount and with surety and conditions satisfactory to the

16 governing body, providing for and securing the construction and installation of the improvements within a period

17 specified by the governing body and expressed in the bonds or other security. The governing body shall reduce

18 bond or security requirements commensurate with the completion of improvements.

19 (b) In lieu of requiring a bond or other means of security for the construction or installation of all the

20 required public improvements under subsection (2)(a), the governing body may approve an incremental

21 payment or guarantee plan. The improvements in a prior increment must be completed or the payment or

22 guarantee of payment for the costs of the improvements incurred in a prior increment must be satisfied before

23 development of future increments.

24 (3) Approval by the governing body of a final plat prior to the completion of required improvements

25 and without the provision of the security required under subsection (2) is not an act of a legislative body for the

26 purposes of 2-9-111.

27 (4) The governing body may require a percentage of improvements or specific types of

28 improvements necessary to protect public health and safety to be completed before allowing bonding or other

1 reasonable security under subsection (2)(a) for purposes of filing a final plat. The requirement is applicable to
2 approved preliminary plats.

3 (5) If capacity for the subdivision was approved under a development plan as provided for in 75-6-
4 130, the governing body shall require the subdivider to complete the water and sewer improvements within and
5 to the proposed subdivision prior to the approval of the final plat. The subdivider shall provide a letter from the
6 department that states that certification and as-builts for the subdivision have been received and that the
7 municipality or eligible county water and/or sewer district is in compliance with the applicable development
8 plan."

9
10 **Section 6.** Section 76-4-102, MCA, is amended to read:

11 **"76-4-102. Definitions.** As used in this part, unless the context clearly indicates otherwise, the
12 following definitions apply:

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

16 (2) "Adequate municipal facilities" means municipally, publicly, or privately owned facilities that
17 supply water, treat sewage, or dispose of solid waste for all or most properties within the boundaries of a
18 municipality and that are operating in compliance with Title 75, chapters 5 and 6, including development plans
19 approved by the department pursuant to 75-6-130.

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

21 (4) "Certifying authority" means a municipality or a county water and/or sewer district that meets
22 the eligibility requirements established by the department under 76-4-104(7).

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

24 (6) "Eligible county water and/or sewer district" means a county water district, a county sewer
25 district, or a county water and sewer district that:

26 (a) is incorporated under 7-13-2203;

27 (b) is operated in compliance with Title 75, chapters 5 and 6; and

28 (c) employs or retains a professional engineer.

1 ~~(6)~~(7) "Extension of a public sewage system" means a sewerline that connects two or more sewer
2 service lines to a sewer main.

3 ~~(7)~~(8) "Extension of a public water supply system" means a waterline that connects two or more water
4 service lines to a water main.

5 ~~(8)~~(9) "Facilities" means public or private facilities for the supply of water or disposal of sewage or
6 solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might
7 be transported or distributed.

8 ~~(9)~~(10) "Independent reviewer" means a registered sanitarian or registered professional engineer that
9 the department has certified to conduct a review under 76-4-104.

10 ~~(40)~~(11) "Individual water system" means any water system that serves one living unit or commercial
11 unit and that is not a public water supply system as defined in 75-6-102.

12 ~~(41)~~(12) "Mixing zone" has the meaning provided in 75-5-103.

13 ~~(42)~~(13)(a) "Proposed drainfield mixing zone" means a mixing zone submitted for approval under this
14 chapter after March 30, 2011.

15 (b) The term does not include drainfield mixing zones that existed or were approved under this
16 chapter prior to March 30, 2011.

17 ~~(43)~~(14)(a) "Proposed well isolation zone" means a well isolation zone submitted for approval under
18 this chapter after October 1, 2013.

19 (b) The term does not include well isolation zones that existed or were approved under this chapter
20 prior to October 1, 2013.

21 ~~(44)~~(15) "Public sewage system" or "public sewage disposal system" means a public sewage system as
22 defined in 75-6-102.

23 ~~(45)~~(16) "Public water supply system" has the meaning provided in 75-6-102.

24 ~~(46)~~(17) "Regional authority" means any regional water authority, regional wastewater authority, or
25 regional water and wastewater authority organized pursuant to the provisions of Title 75, chapter 6, part 3.

26 ~~(47)~~(18) "Registered professional engineer" means a person licensed to practice as a professional
27 engineer under Title 37, chapter 67.

28 ~~(48)~~(19) "Registered sanitarian" means a person licensed to practice as a sanitarian under Title 37,

1 chapter 40.

2 ~~(19)~~(20)"Reviewing authority" means the department or a local department or board of health certified
3 to conduct a review under 76-4-104.

4 ~~(20)~~(21)"Sanitary restriction" means a prohibition against the erection of any dwelling, shelter, or
5 building requiring facilities for the supply of water or the disposition of sewage or solid waste or the construction
6 of water supply or sewage or solid waste disposal, facilities until the department has approved plans for those
7 facilities.

8 ~~(21)~~(22)"Sewage" has the meaning provided in 75-5-103.

9 ~~(22)~~(23)"Sewer service line" means a sewerline that connects a single building or living unit to a public
10 sewage system or to an extension of a public sewage system.

11 ~~(23)~~(24)"Solid waste" has the meaning provided in 75-10-103.

12 ~~(24)~~(25)"Subdivision" means a division of land or land so divided that creates one or more parcels
13 containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the
14 parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision, any condominium,
15 townhome, or townhouse, or any parcel, regardless of size, that provides two or more permanent spaces for
16 recreational camping vehicles or mobile homes.

17 ~~(25)~~(26)"Water service line" means a waterline that connects a single building or living unit to a public
18 water supply system or to an extension of a public water supply system.

19 ~~(26)~~(27)"Well isolation zone" means the area within a 100-foot radius of a water well or a smaller, site-
20 specific radius as approved by the department."

21

22 **Section 7.** Section 76-4-120, MCA, is amended to read:

23 **"76-4-120. Development plans -- exceptions.** (1) A reviewing authority may not approve a
24 subdivision under this chapter that is subject to a development plan approved under 75-6-130 unless the
25 subdivision is subject to the provisions of Title 76, chapter 3, and the governing body has required department
26 certification before final plat approval pursuant to 76-3-507(5).

27 (2) A certifying authority may not certify that a division under 76-4-125(1)(d) will be served by
28 adequate municipal or eligible county water and/or sewer district facilities pursuant to a development plan

1 approved under 75-6-130 unless the division is subject to the provisions of Title 76, chapter 3, and the
2 governing body has required department certification before final plat approval pursuant to 76-3-507(5)."

3
4 **Section 8.** Section 76-8-101, MCA, is amended to read:

5 **"76-8-101. Definitions.** As used in this part, the following definitions apply:

6 (1) "Building" means a structure or a unit of a structure with a roof supported by columns or walls
7 for the permanent or temporary housing or enclosure of persons or property or for the operation of a business.
8 Except as provided in ~~76-3-103(16)~~ 76-3-103(17), the term includes a recreational camping vehicle, mobile
9 home, or cell tower. The term does not include a condominium or townhome.

10 (2) "Department" means the department of environmental quality provided for in 2-15-3501.

11 (3) "Governing body" means the legislative authority for a city, town, county, or consolidated city-
12 county government.

13 (4) "Landowner" means an owner of a legal or equitable interest in real property. The term includes
14 an heir, successor, or assignee of the ownership interest.

15 (5) "Local reviewing authority" means a local department or board of health that is approved to
16 conduct reviews under Title 76, chapter 4.

17 (6) "Supermajority" means:

18 (a) an affirmative vote of at least two-thirds of the present and voting members of a city or town
19 council;

20 (b) a unanimous affirmative vote of the present and voting county commissioners in counties with
21 three county commissioners;

22 (c) an affirmative vote of at least four-fifths of the present and voting county commissioners in
23 counties with five commissioners;

24 (d) an affirmative vote of at least two-thirds of the present and voting county commissioners in
25 counties with more than five commissioners; or

26 (e) an affirmative vote of at least two-thirds of the present and voting members of the governing
27 body of a consolidated city-county government.

28 (7) "Tract" means an individual parcel of land that can be identified by legal description,

- 1 independent of any other parcel of land, using documents on file in the records of the county clerk and
- 2 recorder's office."

3 - END -