

HOUSE BILL NO. 770

Introduced: 02/12/83

Referred to Committee on Natural Resources: 02/12/83

Hearing: 02/18/83

Report: 02/18/83, Do pass, As Amended

2nd Reading: 02/22/83, Do Pass

3rd Reading: 02/23/83, Do Pass

Transmitted to Senate: 02/23/83

Referred to Committee on Agriculture, Livestock, & Irrigation:  
3/1/83

Hearing: 03/16/83

Report: 03/21/83, Be Concurred In, As Amended

2nd Reading: 03/23/83, Be Concurred in, As Amended

3rd Reading: 03/25/83

Returned to House With Amendments: 03/25/83

2nd Reading: 03/31/83, Be Not Concurred In

Conference Committee Appointed: 03/31/83

Conference Committee Reported: 4/15/83

Died in Conference Committee

1 *House* BILL NO. *770*  
 2 INTRODUCED BY *Steve Jean Hansen DOZ. Becken*  
 3 *Kedra Waldron*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN  
 5 CONDOMINIUMS FROM THE MONTANA SUBDIVISION AND PLATTING ACT;  
 6 TO INCLUDE ALL CONDOMINIUMS UNDER THE SANITATION IN  
 7 SUBDIVISIONS ACT; AMENDING SECTIONS 76-3-203, 76-3-301,  
 8 76-4-111, AND 76-4-122, MCA."  
 9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Section 76-3-203, MCA, is amended to read:  
 12 "76-3-203. Exemption for certain condominiums.  
 13 ~~Condominiums constructed on land divided in compliance with~~  
 14 ~~this chapter are exempt from (1) Except as provided in~~  
 15 ~~subsections (2) through (4), condominiums are subject to the~~  
 16 ~~provisions of this chapter.~~  
 17 (2) ~~A conversion of one or more existing structures~~  
 18 ~~under single ownership into condominiums that is filed~~  
 19 ~~pursuant to Title 70, chapter 23, is not subject to the~~  
 20 ~~requirements of this chapter, if the conversion into~~  
 21 ~~condominiums conforms to applicable local zoning~~  
 22 ~~regulations.~~  
 23 (3) ~~The rent or lease of one or more parts of a single~~  
 24 ~~building, structure, or other improvement as a condominium~~  
 25 ~~situated on one or more parcels of land is not a division of~~

1 ~~land as that term is defined in this chapter, and is not~~  
 2 ~~subject to the requirements of this chapter.~~  
 3 (4) ~~Condominiums constructed on land divided in~~  
 4 ~~compliance with this chapter are not subject to additional~~  
 5 ~~review under this chapter."~~  
 6 Section 2. Section 76-3-301, MCA, is amended to read:  
 7 "76-3-301. General restriction on transfer of title to  
 8 subdivided lands. (1) Except as provided in 76-3-303, every  
 9 final subdivision plat must be filed for record with the  
 10 county clerk and recorder before title to the subdivided  
 11 land can be sold or transferred in any manner. The clerk and  
 12 recorder of the county shall refuse to accept any plat for  
 13 record that fails to have the approval of 76-3-611(1) in  
 14 proper form.  
 15 (2) The clerk and recorder shall notify the governing  
 16 body or its designated agent of any land division described  
 17 in 76-3-207(1).  
 18 (3) ~~The clerk and recorder shall refuse to accept a~~  
 19 ~~declaration made under the provisions of Title 70, chapter~~  
 20 ~~23, or a document of transfer of one or more parts of a~~  
 21 ~~structure or structures unless it complies with the~~  
 22 ~~provisions of this chapter.~~  
 23 (3)(4) If transfers not in accordance with this  
 24 chapter are made, the county attorney shall commence action  
 25 to enjoin further sales or transfers and compel compliance

with all provisions of this chapter. The cost of such action shall be imposed against the party not prevailing."

Section 3. Section 76-4-111, MCA, is amended to read:

"76-4-111. ~~Exemption---for---certain Applicability to~~  
condominiums. ~~Condominiums constructed on--land--divided--in~~  
~~compliance with the Montana Subdivision and Platting Act and~~  
~~this part are exempt from provisions of this part, including~~  
~~those to be constructed on parcels of land that are exempted~~  
~~from review under the provisions of Title 76, chapter 3, and~~  
~~including conversion of existing structures into~~  
~~condominiums, are subject to the requirements of this part."~~

Section 4. Section 76-4-122, MCA, is amended to read:

"76-4-122. Filing or recording of noncomplying map or plat prohibited. (1) The county clerk and recorder shall not file or record any map or plat showing a subdivision ~~or any~~  
~~declaration made under Title 70, chapter 23,~~ unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat for filing until one of the following conditions has been met:

(a) the person wishing to file the plat has obtained approval of the local health officer having jurisdiction and has filed the approval with the department, and the department has indicated by stamp or certificate that it has approved the plat and plans and specifications and that the

subdivision is subject to no sanitary restriction whenever department approval is necessary; or

(b) whenever department approval is not necessary, the person wishing to file the plat has obtained a certificate from the governing body that the subdivision is inside a master planning area and will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste."

-End-

Approved by Committee  
on Natural Resources

## HOUSE BILL NO. 770

INTRODUCED BY HANSEN, DOZIER, BACHINI, KADAS, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN  
CONDOMINIUMS FROM THE MONTANA SUBDIVISION AND PLATTING ACT;  
TO INCLUDE ALL CONDOMINIUMS UNDER THE SANITATION IN  
SUBDIVISIONS ACT; AMENDING SECTIONS 76-3-203, 76-3-301,  
76-4-111, AND 76-4-122, MCA."

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

Section 1. Section 76-3-203, MCA, is amended to read:

"76-3-203. Exemption for certain condominiums.  
~~Condominiums constructed on land divided in compliance with~~  
~~this chapter are exempt from (1) Except as provided in~~  
~~subsections (2) through (4), condominiums are subject to the~~  
provisions of this chapter.

~~(2) A conversion of one or more existing structures~~  
~~under single ownership into condominiums that is filed~~  
~~pursuant to Title 70, chapter 23, is not subject to the~~  
~~requirements of this chapter, if the conversion into~~  
~~condominiums conforms to applicable local zoning~~  
~~regulations.~~

~~(3) The rent or lease of one or more parts of a single~~  
~~building, structure, or other improvement as a condominium~~  
~~situated on one or more parcels of land is not a division of~~

~~land as that term is defined in this chapter, and is not~~  
~~subject to the requirements of this chapter.~~

~~(4) Condominiums constructed on land divided in~~  
~~compliance with this chapter are not subject to additional~~  
~~review under this chapter."~~

Section 2. Section 76-3-301, MCA, is amended to read:

"76-3-301. General restriction on transfer of title to  
subdivided lands. (1) Except as provided in 76-3-303, every  
final subdivision plat must be filed for record with the  
county clerk and recorder before title to the subdivided  
land can be sold or transferred in any manner. The clerk and  
recorder of the county shall refuse to accept any plat for  
record that fails to have the approval of 76-3-611(1) in  
proper form.

(2) The clerk and recorder shall notify the governing  
body or its designated agent of any land division described  
in 76-3-207(1).

~~(3) The clerk and recorder shall refuse to accept a~~  
~~declaration made under the provisions of Title 70, chapter~~  
~~23, or a document of transfer of one or more parts of a~~  
~~structure or structures unless it complies with the~~  
~~provisions of this chapter.~~

~~(3)(4)~~ If transfers not in accordance with this  
chapter are made, the county attorney shall commence action  
to enjoin further sales or transfers and compel compliance

with all provisions of this chapter. The cost of such action shall be imposed against the party not prevailing."

Section 3. Section 76-4-111, MCA, is amended to read:

"76-4-111. ~~Exemption---for---certain Applicability to~~  
condominiums. ~~Econdominiums (1) EXCEPT AS PROVIDED IN~~  
~~SUBSECTIONS (2) AND (3), CONDOMINIUMS constructed on land~~  
~~divided in compliance with the Montana Subdivision and~~  
~~Platting Act and this part are exempt from provisions of~~  
~~this part, including those to be constructed on parcels of~~  
~~land that are exempted from review under the provisions of~~  
~~Title 76, chapter 3, and including conversion of existing~~  
~~structures into condominiums, are subject to the~~  
~~requirements of this part.~~

~~(2) CONVERSIONS OF EXISTING STRUCTURES INTO~~  
~~CONDOMINIUMS ARE NOT SUBJECT TO THIS PART WHERE THE~~  
~~CONVERTED UNITS ARE TO BE SERVED BY EXISTING MUNICIPAL WATER~~  
~~AND SEWER FACILITIES IN A FIRST- OR SECOND-CLASS CITY AS~~  
~~DEFINED IN 7-1-4111.~~

~~(3) WHERE THE WATER OR SEWAGE DISPOSAL SYSTEM IN AN~~  
~~EXISTING BUILDING TO BE CONVERTED INTO CONDOMINIUMS HAS~~  
~~ALREADY BEEN APPROVED UNDER EITHER DEPARTMENT REQUIREMENTS~~  
~~OR HAS BEEN APPROVED BY THE LOCAL HEALTH DEPARTMENT UNDER~~  
~~LOCAL REQUIREMENTS, SUCH WATER OR SEWAGE DISPOSAL SYSTEM IS~~  
~~NOT SUBJECT TO THIS PART."~~

Section 4. Section 76-4-122, MCA, is amended to read:

"76-4-122. Filing or recording of noncomplying map or plat prohibited. (1) The county clerk and recorder shall not file or record any map or plat showing a subdivision ~~or any~~  
~~declaration made under Title 70, chapter 23,~~ unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat for filing until one of the following conditions has been met:

(a) the person wishing to file the plat has obtained approval of the local health officer having jurisdiction and has filed the approval with the department, and the department has indicated by stamp or certificate that it has approved the plat and plans and specifications and that the subdivision is subject to no sanitary restriction whenever department approval is necessary; or

(b) whenever department approval is not necessary, the person wishing to file the plat has obtained a certificate from the governing body that the subdivision is inside a master planning area and will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste."

-End-

## HOUSE BILL NO. 770

INTRODUCED BY HANSEN, DOZIER, BACHINI, KADAS, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN CONDOMINIUMS FROM THE MONTANA SUBDIVISION AND PLATTING ACT; TO INCLUDE ALL CONDOMINIUMS UNDER THE SANITATION IN SUBDIVISIONS ACT; AMENDING SECTIONS 76-3-203, 76-3-301, 76-4-111, AND 76-4-122, MCA."

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

Section 1. Section 76-3-203, MCA, is amended to read:

"76-3-203. Exemption for certain condominiums.

~~Condominiums constructed on land divided in compliance with this chapter are exempt from (1) Except as provided in subsections (2) through (4), condominiums are subject to the provisions of this chapter.~~

~~(2) A conversion of one or more existing structures under single ownership into condominiums that is filed pursuant to Title 70, chapter 23, is not subject to the requirements of this chapter if the conversion into condominiums conforms to applicable local zoning regulations.~~

~~(3) The rent or lease of one or more parts of a single building, structure, or other improvement as a condominium situated on one or more parcels of land is not a division of~~

~~land as that term is defined in this chapter, and is not subject to the requirements of this chapter.~~

~~(4) Condominiums constructed on land divided in compliance with this chapter are not subject to additional review under this chapter."~~

Section 2. Section 76-3-301, MCA, is amended to read:

"76-3-301. General restriction on transfer of title to subdivided lands. (1) Except as provided in 76-3-303, every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner. The clerk and recorder of the county shall refuse to accept any plat for record that fails to have the approval of 76-3-611(1) in proper form.

(2) The clerk and recorder shall notify the governing body or its designated agent of any land division described in 76-3-207(1).

~~(3) The clerk and recorder shall refuse to accept a declaration made under the provisions of Title 70, chapter 23, or a document of transfer of one or more parts of a structure or structures unless it complies with the provisions of this chapter.~~

~~(3)(4) If transfers not in accordance with this chapter are made, the county attorney shall commence action to enjoin further sales or transfers and compel compliance~~

with all provisions of this chapter. The cost of such action shall be imposed against the party not prevailing."

Section 3. Section 76-4-111, MCA, is amended to read:

"76-4-111. ~~Exemption--for-certain Applicability to~~  
condominiums. ~~Econdominiums (1) EXCEPT AS PROVIDED IN~~  
~~SUBSECTIONS (2) AND (3), CONDOMINIUMS constructed-on-land~~  
~~divided-in-compliance-with-the-Montana-Subdivision-and~~  
~~Plotting-Act-and-this-part-are-exempt-from-provisions-of~~  
~~this-part, including those to be constructed on parcels of~~  
~~land that are exempted from review under the provisions of~~  
~~Title 76, chapter 3, and including conversion of existing~~  
~~structures into condominiums, are subject to the~~  
~~requirements of this part.~~

~~(2) CONVERSIONS OF EXISTING STRUCTURES INTO~~  
~~CONDOMINIUMS ARE NOT SUBJECT TO THIS PART WHERE THE~~  
~~CONVERTED UNITS ARE TO BE SERVED BY EXISTING MUNICIPAL WATER~~  
~~AND SEWER FACILITIES IN A FIRST- OR SECOND-CLASS CITY AS~~  
~~DEFINED IN 7-1-411.~~

~~(3) WHERE THE WATER OR SEWAGE DISPOSAL SYSTEM IN AN~~  
~~EXISTING BUILDING TO BE CONVERTED INTO CONDOMINIUMS HAS~~  
~~ALREADY BEEN APPROVED UNDER EITHER DEPARTMENT REQUIREMENTS~~  
~~OR HAS BEEN APPROVED BY THE LOCAL HEALTH DEPARTMENT UNDER~~  
~~LOCAL REQUIREMENTS, SUCH WATER OR SEWAGE DISPOSAL SYSTEM IS~~  
~~NOT SUBJECT TO THIS PART."~~

Section 4. Section 76-4-122, MCA, is amended to read:

"76-4-122. Filing or recording of noncomplying map or plat prohibited. (1) The county clerk and recorder shall not file or record any map or plat showing a subdivision ~~or any~~  
~~declaration made under Title 70, chapter 23,~~ unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat for filing until one of the following conditions has been met:

(a) the person wishing to file the plat has obtained approval of the local health officer having jurisdiction and has filed the approval with the department, and the department has indicated by stamp or certificate that it has approved the plat and plans and specifications and that the subdivision is subject to no sanitary restriction whenever department approval is necessary; or

(b) whenever department approval is not necessary, the person wishing to file the plat has obtained a certificate from the governing body that the subdivision is inside a master planning area and will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste."

-End-

March 23, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 770 be amended as follows:

1. Page 3, line 15.

Following: "CONDOMINIUMS"

Insert: "and new construction of condominiums"

2. Page 3, line 16.

Strike: CONVERTED"

March 23, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 770 be amended as follows:

1. Page 1, line 22.

Following: "regulations"

Insert: ", or is a legal non-conforming use."

2. Page 1, line 23.

Following: "single"

Insert: "or multiple"

3. Page 3, line 18.

Strike: "."

Insert: ", or"



## HOUSE BILL NO. 770

INTRODUCED BY HANSEN, DOZIER, BACHINI, KADAS, WALORON

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN CONDOMINIUMS FROM THE MONTANA SUBDIVISION AND PLATTING ACT; TO INCLUDE ALL CONDOMINIUMS UNDER THE SANITATION IN SUBDIVISIONS ACT; AMENDING SECTIONS 76-3-203, 76-3-301, 76-4-111, AND 76-4-122, MCA."

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

Section 1. Section 76-3-203, MCA, is amended to read:

"76-3-203. Exemption for certain condominiums. ~~Condominiums constructed on land divided in compliance with this chapter are exempt from~~ (1) Except as provided in subsections (2) through (4), condominiums are subject to the provisions of this chapter.

(2) ~~A conversion of one or more existing structures under single ownership into condominiums that is filed pursuant to Title 70, chapter 23, is not subject to the requirements of this chapter. If the conversion into condominiums conforms to applicable local zoning regulations, OR IS A LEGAL NONCONFORMING USE.~~

(3) ~~The rent or lease of one or more parts of a single OR MULTIPLE building, structure, or other improvement as a condominium situated on one or more parcels of land is not a~~

~~division of land as that term is defined in this chapter, and is not subject to the requirements of this chapter.~~

~~(4) Condominiums constructed on land divided in compliance with this chapter are not subject to additional review under this chapter."~~

Section 2. Section 76-3-301, MCA, is amended to read:

"76-3-301. General restriction on transfer of title to subdivided lands. (1) Except as provided in 76-3-303, every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner. The clerk and recorder of the county shall refuse to accept any plat for record that fails to have the approval of 76-3-611(1) in proper form.

(2) The clerk and recorder shall notify the governing body or its designated agent of any land division described in 76-3-207(1).

~~(3) The clerk and recorder shall refuse to accept a declaration made under the provisions of Title 70, chapter 23, or a document of transfer of one or more parts of a structure or structures unless it complies with the provisions of this chapter.~~

~~(3)(4)~~ If transfers not in accordance with this chapter are made, the county attorney shall commence action to enjoin further sales or transfers and compel compliance

1 with all provisions of this chapter. The cost of such  
2 action shall be imposed against the party not prevailing."

3 Section 3. Section 76-4-111, MCA, is amended to read:

4 "76-4-111. ~~Exemption--for--certain Applicability to~~  
5 ~~condominiums. Condominiums (1) EXCEPT AS PROVIDED IN~~  
6 ~~SUBSECTIONS (2) AND (3), CONDOMINIUMS constructed on land~~  
7 ~~divided in compliance with the Montana Subdivision and~~  
8 ~~Plotting Act and this part are exempt from provisions of~~  
9 ~~this part, including those to be constructed on parcels of~~  
10 ~~land that are exempted from review under the provisions of~~  
11 ~~Title 76, chapter 3, and including conversion of existing~~  
12 ~~structures into condominiums, are subject to the~~  
13 ~~requirements of this part.~~

14 (2) ~~CONVERSIONS OF EXISTING STRUCTURES INTO~~  
15 ~~CONDOMINIUMS AND NEW CONSTRUCTION OF CONDOMINIUMS ARE NOT~~  
16 ~~SUBJECT TO THIS PART WHERE THE CONVERTED UNITS ARE TO BE~~  
17 ~~SERVED BY EXISTING MUNICIPAL WATER AND SEWER FACILITIES IN A~~  
18 ~~FIRST- OR SECOND-CLASS CITY AS DEFINED IN 7-1-411.~~

19 (3) ~~WHERE THE WATER OR SEWAGE DISPOSAL SYSTEM IN AN~~  
20 ~~EXISTING BUILDING IS TO SERVE A PARCEL OF LAND TO BE~~  
21 ~~BUILT UPON OR CONVERTED INTO FOR CONDOMINIUMS HAS ALREADY~~  
22 ~~BEEN APPROVED UNDER EITHER DEPARTMENT REQUIREMENTS OR HAS~~  
23 ~~BEEN APPROVED BY THE LOCAL HEALTH DEPARTMENT UNDER LOCAL~~  
24 ~~REQUIREMENTS, SUCH WATER OR SEWAGE DISPOSAL SYSTEM IS NOT~~  
25 ~~SUBJECT TO THIS PART."~~

1 Section 4. Section 76-4-122, MCA, is amended to read:

2 "76-4-122. Filing or recording of noncomplying map or  
3 plat prohibited. (1) The county clerk and recorder shall not  
4 file or record any map or plat showing a subdivision or any  
5 declaration made under Title 70, chapter 23, unless it  
6 complies with the provisions of this part.

7 (2) A county clerk and recorder may not accept a  
8 subdivision plat for filing until one of the following  
9 conditions has been met:

10 (a) the person wishing to file the plat has obtained  
11 approval of the local health officer having jurisdiction and  
12 has filed the approval with the department, and the  
13 department has indicated by stamp or certificate that it has  
14 approved the plat and plans and specifications and that the  
15 subdivision is subject to no sanitary restriction whenever  
16 department approval is necessary; or

17 (b) whenever department approval is not necessary, the  
18 person wishing to file the plat has obtained a certificate  
19 from the governing body that the subdivision is inside a  
20 master planning area and will be provided with municipal  
21 facilities for the supply of water and disposal of sewage  
22 and solid waste."

-End-

March 21, 1983

SENATE STANDING COMMITTEE REPORT  
(Agriculture, Livestock & Irrigation)

That House Bill No. 770 be amended as follows:

1. Page 3, line 19.

Following: "SYSTEM"

Strike: "remainder of line 19 through "BE" on line 20

Insert: "to serve a parcel of land to be built upon or"

2. Page 3, line 20.

Following: "CONVERTED"

Strike: "INTO"

Insert: "for"