

HOUSE BILL NO. 768

INTRODUCED BY BRADLEY, MARKS, MILES, KITSELMAN

IN THE HOUSE

February 11, 1985	Introduced and referred to Committee on Local Government. Fiscal Note requested.
February 13, 1985	Rereferred to Committee on Natural Resources.
February 16, 1985	Fiscal Note returned.
February 25, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass. Considered correctly engrossed.
February 27, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 5, 1985	Introduced and referred to Committee on Local Government.
March 21, 1985	Committee recommend bill be concurrred in. Report adopted.
March 23, 1985	Second reading, concurrred in as amended.

March 26, 1985

Third reading, concurred in.
Ayes, 50; Noes, 0.

Returned to House with
amendments.

IN THE HOUSE

March 27, 1985

Received from Senate.

April 8, 1985

Second reading, pass
consideration.

April 9, 1985

Second reading, amendments
concurred in.

On motion, rules suspended and
bill placed on third reading
this day.

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 768
2 INTRODUCED BY Bendley, Miller, Ribelmann

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING APARTMENTS
5 AND OTHER PORTIONS OF BUILDINGS THAT ARE RENTED OR LEASED
6 FROM REVIEW AS SUBDIVISIONS; EXEMPTING SUBDIVISIONS,
7 INCLUDING CONDOMINIUMS, THAT WILL BE SERVED BY MUNICIPAL
8 WATER AND SEWAGE FACILITIES IN CLASS 1 AND CLASS 2
9 MUNICIPALITIES FROM DEPARTMENT REVIEW; AMENDING SECTIONS
10 76-4-103, 76-4-105, 76-4-122 THROUGH 76-4-124, AND 76-4-127,
11 MCA."
12

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

14 Section 1. Section 76-4-103, MCA, is amended to read:
15 "76-4-103. What constitutes subdivision. A subdivision
16 shall comprise only those parcels of less than 20 acres
17 which have been created by a division of land, and the plat
18 thereof shall show all such parcels, whether contiguous or
19 not. The rental or lease of one or more parts of a building,
20 structure, or other improvement, whether existing or newly
21 constructed, is not a subdivision, as that term is defined
22 in this part, and is not subject to the requirements of this
23 part."

24 Section 2. Section 76-4-105, MCA, is amended to read:
25 "76-4-105. Lot fees. (1) The department shall adopt

1 reasonable rules setting forth fees, not to exceed \$48 per
2 parcel, for services rendered in the review of plats and
3 subdivisions. The rules shall provide for a schedule of fees
4 to be paid by the applicant for plat or subdivision review
5 to the department for deposit in the state special revenue
6 fund provided for in 17-2-102. The fees shall be used for
7 review of plats and subdivisions based on the complexity of
8 the subdivision, including but not limited to:

- 9 (a) number of lots in the subdivision;
- 10 (b) the type of water system to serve the development;
- 11 (c) the type of sewage disposal to serve the
12 development; and
- 13 (d) the degree of environmental research necessary to
14 supplement the review procedure.

15 (2) The department shall adopt rules to determine the
16 distribution of lot fees between the local governing body
17 and the department as provided in 76-4-128. When a
18 subdivision is reviewed under the master-plan provisions of
19 76-4-124, the local governing body shall, within 20 days
20 after receiving an application under the Montana Subdivision
21 and Platting Act, distribute the lot fees as determined by
22 this subsection.

23 (3) A fee as described in this section is not required
24 for the review of subdivisions in which divisions are made
25 for the purpose of relocating common boundary lines unless



-2- INTRODUCED BILL
HB 768

1 the division will result in the installation of additional
2 water supply or sewage disposal facilities."

3 Section 3. Section 76-4-122, MCA, is amended to read:

4 "76-4-122. Filing or recording of noncomplying map or
5 plat prohibited. (1) The county clerk and recorder shall not
6 file or record any map or plat showing a subdivision unless
7 it complies with the provisions of this part.

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

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

18 (b) whenever department approval is not necessary, the
19 person wishing to file the plat has obtained a certificate
20 from the governing body that the subdivision is inside a
21 master planning area or a class 1 or class 2 municipality
22 and will be provided with municipal facilities for the
23 supply of water and disposal of sewage and solid waste."

24 Section 4. Section 76-4-123, MCA, is amended to read:

25 "76-4-123. Department review and approval required

1 outside master planning areas and class 1 and class 2
2 municipalities. Outside master planning areas adopted
3 pursuant to chapter 1 and class 1 and class 2 municipalities
4 as provided in 76-4-124, a person may not file a subdivision
5 plat with a county clerk and recorder, make disposition of a
6 lot within a subdivision, erect any facility for the supply
7 of water or disposal of sewage or solid waste, erect a
8 building or shelter in a subdivision which requires
9 facilities for the supply of water or disposal of sewage or
10 solid waste, or occupy a permanent building in a subdivision
11 until the department has indicated that the subdivision is
12 subject to no sanitary restriction."

13 Section 5. Section 76-4-124, MCA, is amended to read:

14 "76-4-124. Type of review and approval required within
15 master planning areas and class 1 and class 2
16 municipalities. (1) Within master planning areas adopted
17 pursuant to chapter 1 or within a class 1 or class 2
18 municipality as defined in 7-1-4111, a subdivision,
19 including a development of condominiums, is not subject to
20 sanitary restrictions when the local governing body
21 certifies that municipal facilities for the supply of water
22 and disposal of sewage and solid waste will be provided for
23 the subdivision as provided in 76-4-127. In this case,
24 department approval is not necessary.

25 (2) To the extent that municipal facilities for the

1 supply of water or disposal of sewage or solid waste are not
2 to be provided for a subdivision as certified to by the
3 governing body, the person wishing to subdivide must obtain
4 department approval as provided in 76-4-122(2)(a)."

5 Section 6. Section 76-4-127, MCA, is amended to read:

6 "76-4-127. Notice of certification to department that
7 water and waste services will be provided by local
8 government. (1) When a subdivision is reviewed under the
9 master-plan provisions of 76-4-124, the local governing body
10 shall, within 20 days after receiving an application under
11 the Montana Subdivision and Platting Act, send notice of
12 certification to the department that a subdivision has been
13 submitted for approval and that municipal facilities for the
14 supply of water and disposal of sewage and solid waste will
15 be provided for the subdivision.

16 (2) The notice of certification shall include the
17 following:

- 18 (a) the name and address of the applicant;
- 19 (b) a copy of the preliminary plat or a final plat
20 where a preliminary plat is not necessary;
- 21 (c) the number of proposed parcels in the subdivision;
- 22 (d) a copy of any applicable zoning ordinances in
23 effect;
- 24 (e) how construction of the sewage disposal and water
25 supply systems or extensions will be financed;

1 (f) a copy of the master plan, when applicable, if one
2 has not yet been submitted to the department;

3 (g) the relative location of the subdivision to the
4 city or town; and

5 (h) certification that adequate municipal facilities
6 for the supply of water and disposal of sewage and solid
7 waste are available or will be provided within 1 year after
8 the notice of certification is issued."

9 NEW SECTION. Section 7. Extension of authority. Any
10 existing authority of the department of health and
11 environmental sciences to make rules on the subject of the
12 provisions of this act is extended to the provisions of this
13 act.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN399-85

Form BD-15

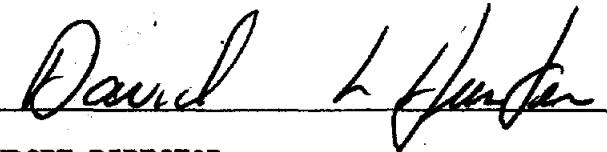
In compliance with a written request received February 11, 19 85, there is hereby submitted a Fiscal Note for H.B. 768 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 768 exempts apartments and other portions of buildings that are rented or leased from review as subdivisions; exempts subdivisions, including condominiums, that will be served by municipal water and sewage facilities in class 1 and class 2 municipalities from Department of Health review.

FISCAL IMPACT:

None



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 16, 1985

HB 768

RE-REFERRED AND
APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 768

INTRODUCED BY BRADLEY, MARKS, MILES, KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING APARTMENTS AND OTHER PORTIONS OF BUILDINGS THAT ARE RENTED OR LEASED FROM REVIEW AS SUBDIVISIONS; EXEMPTING SUBDIVISIONS, INCLUDING CONDOMINIUMS, THAT WILL BE SERVED BY MUNICIPAL WATER AND SEWAGE FACILITIES IN CLASS 1 AND CLASS 2 MUNICIPALITIES FROM DEPARTMENT REVIEW; AMENDING SECTIONS 76-4-102, 76-4-103, 76-4-105, 76-4-111, 76-4-122 THROUGH 76-4-124, AND 76-4-127, MCA."

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

SECTION 1. SECTION 76-4-102, MCA, IS AMENDED TO READ:

"76-4-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following words or phrases have the following meanings:

(1) "Board" means the board of health and environmental sciences.

(2) "Department" means department of health and environmental sciences.

(3) "Extension of public sewage disposal system" means a sewer line that connects two or more sewer service lines to a sewer main.

(4) "Extension of public water supply system" means a

water line that connects two or more water service lines to a water main.

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

(6) "Public water supply system" or "public sewage disposal system" means, respectively, a water supply or sewage disposal system that serves 10 or more families or 25 or more persons for at least 60 days out of the calendar year.

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

(8) "Sewer service line" means a sewer line that connects a single building or living unit to a public sewer system or extension of such a system.

(9) "Solid wastes" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, street cleanings, dead animals, yard



1 clippings, and solid market and solid industrial wastes.

2 ~~(7)~~(10) "Subdivision" means a division of land or land
3 so divided which creates one or more parcels containing less
4 than 20 acres, exclusive of public roadways, in order that
5 the title to or possession of the parcels may be sold,
6 rented, leased, or otherwise conveyed and includes any
7 resubdivision and any condominium or area, regardless of
8 size, which provides permanent multiple space for
9 recreational camping vehicles or mobile homes.

10 (11) "Water service line" means a water line that
11 connects a single building or living unit to a public water
12 system or extension of such a system."

13 Section 2. Section 76-4-103, MCA, is amended to read:

14 "76-4-103. What constitutes subdivision. A subdivision
15 shall comprise only those parcels of less than 20 acres
16 which have been created by a division of land, and the plat
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18 not. The rental or lease of one or more parts of a building,
19 structure, or other improvement, whether existing or newly
20 constructed, is not a subdivision, as that term is defined
21 in this part, and is not subject to the requirements of this
22 part."

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25 reasonable rules setting forth fees, not to exceed \$48 per

1 parcel, for services rendered in the review of plats and
2 subdivisions. The rules shall provide for a schedule of fees
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4 to the department for deposit in the state special revenue
5 fund provided for in 17-2-102. The fees shall be used for
6 review of plats and subdivisions based on the complexity of
7 the subdivision, including but not limited to:

8 (a) number of lots in the subdivision;

9 (b) the type of water system to serve the development;

10 (c) the type of sewage disposal to serve the
11 development; and

12 (d) the degree of environmental research necessary to
13 supplement the review procedure.

14 (2) The department shall adopt rules to determine the
15 distribution of lot fees between the local governing body
16 and the department as provided in 76-4-128. When a
17 subdivision is reviewed under the ~~master-plan~~ provisions of
18 76-4-124, the local governing body shall, within 20 days
19 after receiving an--application PRELIMINARY PLAT APPROVAL
20 under the Montana Subdivision and Platting Act, distribute
21 the lot fees as determined by this subsection.

22 (3) A fee as described in this section is not required
23 for the review of subdivisions in which divisions are made
24 for the purpose of relocating common boundary lines unless
25 the division will result in the installation of additional

1 water supply or sewage disposal facilities."

2 SECTION 4. SECTION 76-4-111, MCA, IS AMENDED TO READ:

3 "76-4-111. Exemption for certain condominiums. (1)
4 Condominiums constructed on land divided in compliance with
5 the Montana Subdivision and Platting Act and this part are
6 exempt from provisions of this part.

7 (2) Whenever a parcel of land has previously been
8 reviewed under either department requirements or local
9 health requirements and has received approval for a given
10 number of living units for rental or lease, the construction
11 of the same or a fewer number of condominium units on that
12 parcel is not subject to the provisions of this part,
13 provided that no new extension of a public water supply
14 system or a public sewage disposal system is required as
15 defined in this part."

16 Section 5. Section 76-4-122, MCA, is amended to read:

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18 plat prohibited. (1) The county clerk and recorder shall not
19 file or record any map or plat showing a subdivision unless
20 it complies with the provisions of this part.

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

24 (a) the person wishing to file the plat has obtained
25 approval of the local health officer having jurisdiction and

1 has filed the approval with the department, and the
2 department has indicated by stamp or certificate that it has
3 approved the plat and plans and specifications and that the
4 subdivision is subject to no sanitary restriction whenever
5 department approval is necessary; or

6 (b) whenever department approval is not necessary, the
7 person wishing to file the plat has obtained a certificate
8 from the governing body that the subdivision is inside a
9 master planning area or a class 1 or class 2 municipality
10 and will be provided with municipal facilities for the
11 supply of water and disposal of sewage and solid waste."

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6 municipality as defined in 7-1-4111, a subdivision,
7 including a development of condominiums, is not subject to
8 sanitary restrictions when the local governing body
9 certifies that municipal facilities for the supply of water
10 and disposal of sewage and solid waste will be provided for
11 the subdivision as provided in 76-4-127. In this case,
12 department approval is not necessary.

13 (2) To the extent that municipal facilities for the
14 supply of water or disposal of sewage or solid waste are not
15 to be provided for a subdivision as certified to by the
16 governing body, the person wishing to subdivide must obtain
17 department approval as provided in 76-4-122(2)(a)."

18 Section 8. Section 76-4-127, MCA, is amended to read:

19 "76-4-127. Notice of certification to department that
20 water and waste services will be provided by local
21 government. (1) When a subdivision is reviewed under the
22 master-plan provisions of 76-4-124, the local governing body
23 shall, within 20 days after receiving an--application
24 PRELIMINARY PLAT APPROVAL under the Montana Subdivision and
25 Platting Act, send notice of certification to the department

1 that a subdivision has been submitted for approval and that
2 municipal facilities for the supply of water and disposal of
3 sewage and solid waste will be provided for the subdivision.

4 (2) The notice of certification shall include the
5 following:

6 (a) the name and address of the applicant;

7 (b) a copy of the preliminary plat or a final plat
8 where a preliminary plat is not necessary;

9 (c) the number of proposed parcels in the subdivision;

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11 effect;

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13 supply systems or extensions will be financed;

14 (f) a copy of the master plan, when applicable, if one
15 has not yet been submitted to the department;

16 (g) the relative location of the subdivision to the
17 city or town; and

18 (h) certification that adequate municipal facilities
19 for the supply of water and disposal of sewage and solid
20 waste are available or will be provided within 1 year after
21 the notice of certification is issued."

22 NEW SECTION. SECTION 9. EXCLUSION FOR CERTAIN
23 SUBDIVISIONS. SUBDIVISIONS LOCATED WITHIN MASTER PLANNING
24 AREAS AND FIRST- OR SECOND-CLASS MUNICIPALITIES THAT WILL BE
25 PROVIDED WITH MUNICIPAL FACILITIES FOR THE SUPPLY OF WATER

1 AND DISPOSAL OF SEWAGE AND SOLID WASTE ARE NOT SUBJECT TO
2 THE PROVISIONS OF THIS PART; EXCEPT THAT, IF THE MUNICIPAL
3 FACILITIES FOR WATER SUPPLY OR SEWAGE DISPOSAL TO SERVE THE
4 SUBDIVISION CONSTITUTE EITHER AN EXTENSION OF A PUBLIC WATER
5 SUPPLY SYSTEM OR A PUBLIC SEWAGE DISPOSAL SYSTEM, THE
6 SUBDIVISION MUST BE REVIEWED IN ACCORDANCE WITH THE
7 PROVISIONS OF 76-4-105, 76-4-124, AND 76-4-127.

8 NEW SECTION. Section 10. Extension of authority. Any
9 existing authority of the department of health and
10 environmental sciences to make rules on the subject of the
11 provisions of this act is extended to the provisions of this
12 act.

13 NEW SECTION. SECTION 11. CODIFICATION INSTRUCTION.
14 SECTION 9 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF
15 TITLE 76, CHAPTER 4, PART 1, AND THE PROVISIONS OF TITLE 76,
16 CHAPTER 4, PART 1, APPLY TO SECTION 9.

-End-

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

(4)(6) "Public water supply system" or "public sewage disposal system" means, respectively, a water supply or sewage disposal system that serves 10 or more families or 25 or more persons for at least 60 days out of the calendar year.

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

(8) "Sewer service line" means a sewer line that connects a single building or living unit to a public sewer system or extension of such a system.

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3 so divided which creates one or more parcels containing less
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21 building or shelter in a subdivision which requires
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6 (a) the name and address of the applicant;

7 (b) a copy of the preliminary plat or a final plat
8 where a preliminary plat is not necessary;

9 (c) the number of proposed parcels in the subdivision;

10 (d) a copy of any applicable zoning ordinances in
11 effect;

12 (e) how construction of the sewage disposal and water
13 supply systems or extensions will be financed;

14 (f) a copy of the master plan, when applicable, if one
15 has not yet been submitted to the department;

16 (g) the relative location of the subdivision to the
17 city or town; and

18 (h) certification that adequate municipal facilities
19 for the supply of water and disposal of sewage and solid
20 waste are available or will be provided within 1 year after
21 the notice of certification is issued."

22 NEW SECTION. SECTION 9. EXCLUSION FOR CERTAIN
23 SUBDIVISIONS. SUBDIVISIONS LOCATED WITHIN MASTER PLANNING
24 AREAS AND FIRST- OR SECOND-CLASS MUNICIPALITIES THAT WILL BE
25 PROVIDED WITH MUNICIPAL FACILITIES FOR THE SUPPLY OF WATER

1 AND DISPOSAL OF SEWAGE AND SOLID WASTE ARE NOT SUBJECT TO
2 THE PROVISIONS OF THIS PART; EXCEPT THAT, IF THE MUNICIPAL
3 FACILITIES FOR WATER SUPPLY OR SEWAGE DISPOSAL TO SERVE THE
4 SUBDIVISION CONSTITUTE EITHER AN EXTENSION OF A PUBLIC WATER
5 SUPPLY SYSTEM OR A PUBLIC SEWAGE DISPOSAL SYSTEM, THE
6 SUBDIVISION MUST BE REVIEWED IN ACCORDANCE WITH THE
7 PROVISIONS OF 76-4-105, 76-4-124, AND 76-4-127.

8 NEW SECTION. Section 10. Extension of authority. Any
9 existing authority of the department of health and
10 environmental sciences to make rules on the subject of the
11 provisions of this act is extended to the provisions of this
12 act.

13 NEW SECTION. SECTION 11. CODIFICATION INSTRUCTION.
14 SECTION 9 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF
15 TITLE 76, CHAPTER 4, PART 1, AND THE PROVISIONS OF TITLE 76,
16 CHAPTER 4, PART 1, APPLY TO SECTION 9.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

MAR 23, 1985
DATE

11:45
TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 768

third reading copy (blue) as follows:
Color

Page 3, lines 19 and 20.
Following: "existing or"
Strike: "newly constructed"
Insert: "proposed"

PC3HB768.631

KB

ADOPT

REJECT

Mazurek
MAZUREK

HOUSE BILL NO. 768

INTRODUCED BY BRADLEY, MARKS, MILES, KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING APARTMENTS AND OTHER PORTIONS OF BUILDINGS THAT ARE RENTED OR LEASED FROM REVIEW AS SUBDIVISIONS; EXEMPTING SUBDIVISIONS, INCLUDING CONDOMINIUMS, THAT WILL BE SERVED BY MUNICIPAL WATER AND SEWAGE FACILITIES IN CLASS 1 AND CLASS 2 MUNICIPALITIES FROM DEPARTMENT REVIEW; AMENDING SECTIONS 76-4-102, 76-4-103, 76-4-105, 76-4-111, 76-4-122 THROUGH 76-4-124, AND 76-4-127, MCA."

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

SECTION 1. SECTION 76-4-102, MCA, IS AMENDED TO READ:

"76-4-102. Definitions. As used in this part, unless the context clearly indicates otherwise, the following words or phrases have the following meanings:

(1) "Board" means the board of health and environmental sciences.

(2) "Department" means department of health and environmental sciences.

(3) "Extension of public sewage disposal system" means a sewer line that connects two or more sewer service lines to a sewer main.

(4) "Extension of public water supply system" means a

water line that connects two or more water service lines to a water main.

~~(3)~~(5) "Facilities" means public or private facilities for the supply of water or disposal of sewage or solid waste and any pipes, conduits, or other stationary method by which water, sewage, or solid wastes might be transported or distributed.

~~(4)~~(6) "Public water supply system" or "public sewage disposal system" means, respectively, a water supply or sewage disposal system that serves 10 or more families or 25 or more persons for at least 60 days out of the calendar year.

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

(8) "Sewer service line" means a sewer line that connects a single building or living unit to a public sewer system or extension of such a system.

~~(6)~~(9) "Solid wastes" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, street cleanings, dead animals, yard



1 clippings, and solid market and solid industrial wastes.

2 ~~††~~(10) "Subdivision" means a division of land or land
3 so divided which creates one or more parcels containing less
4 than 20 acres, exclusive of public roadways, in order that
5 the title to or possession of the parcels may be sold,
6 rented, leased, or otherwise conveyed and includes any
7 resubdivision and any condominium or area, regardless of
8 size, which provides permanent multiple space for
9 recreational camping vehicles or mobile homes.

10 (11) "Water service line" means a water line that
11 connects a single building or living unit to a public water
12 system or extension of such a system."

13 Section 2. Section 76-4-103, MCA, is amended to read:

14 "76-4-103. What constitutes subdivision. A subdivision
15 shall comprise only those parcels of less than 20 acres
16 which have been created by a division of land, and the plat
17 thereof shall show all such parcels, whether contiguous or
18 not. The rental or lease of one or more parts of a building,
19 structure, or other improvement, whether existing or newly
20 constructed PROPOSED, is not a subdivision, as that term is
21 defined in this part, and is not subject to the requirements
22 of this part."

23 Section 3. Section 76-4-105, MCA, is amended to read:

24 "76-4-105. Lot fees. (1) The department shall adopt
25 reasonable rules setting forth fees, not to exceed \$48 per

1 parcel, for services rendered in the review of plats and
2 subdivisions. The rules shall provide for a schedule of fees
3 to be paid by the applicant for plat or subdivision review
4 to the department for deposit in the state special revenue
5 fund provided for in 17-2-102. The fees shall be used for
6 review of plats and subdivisions based on the complexity of
7 the subdivision, including but not limited to:

- 8 (a) number of lots in the subdivision;
- 9 (b) the type of water system to serve the development;
- 10 (c) the type of sewage disposal to serve the
- 11 development; and
- 12 (d) the degree of environmental research necessary to
- 13 supplement the review procedure.

14 (2) The department shall adopt rules to determine the
15 distribution of lot fees between the local governing body
16 and the department as provided in 76-4-128. When a
17 subdivision is reviewed under the master-plan provisions of
18 76-4-124, the local governing body shall, within 20 days
19 after receiving an--application PRELIMINARY PLAT APPROVAL
20 under the Montana Subdivision and Platting Act, distribute
21 the lot fees as determined by this subsection.

22 (3) A fee as described in this section is not required
23 for the review of subdivisions in which divisions are made
24 for the purpose of relocating common boundary lines unless
25 the division will result in the installation of additional

1 water supply or sewage disposal facilities."

2 SECTION 4. SECTION 76-4-111, MCA, IS AMENDED TO READ:

3 "76-4-111. Exemption for certain condominiums. (1)
4 Condominiums constructed on land divided in compliance with
5 the Montana Subdivision and Platting Act and this part are
6 exempt from provisions of this part.

7 (2) Whenever a parcel of land has previously been
8 reviewed under either department requirements or local
9 health requirements and has received approval for a given
10 number of living units for rental or lease, the construction
11 of the same or a fewer number of condominium units on that
12 parcel is not subject to the provisions of this part,
13 provided that no new extension of a public water supply
14 system or a public sewage disposal system is required as
15 defined in this part."

16 Section 5. Section 76-4-122, MCA, is amended to read:

17 "76-4-122. Filing or recording of noncomplying map or
18 plat prohibited. (1) The county clerk and recorder shall not
19 file or record any map or plat showing a subdivision unless
20 it complies with the provisions of this part.

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

24 (a) the person wishing to file the plat has obtained
25 approval of the local health officer having jurisdiction and

1 has filed the approval with the department, and the
2 department has indicated by stamp or certificate that it has
3 approved the plat and plans and specifications and that the
4 subdivision is subject to no sanitary restriction whenever
5 department approval is necessary; or

6 (b) whenever department approval is not necessary, the
7 person wishing to file the plat has obtained a certificate
8 from the governing body that the subdivision is inside a
9 master planning area or a class 1 or class 2 municipality
10 and will be provided with municipal facilities for the
11 supply of water and disposal of sewage and solid waste."

12 Section 6. Section 76-4-123, MCA, is amended to read:

13 "76-4-123. Department review and approval required
14 outside master planning areas and class 1 and class 2
15 municipalities. Outside master planning areas adopted
16 pursuant to chapter 1 and class 1 and class 2 municipalities
17 as provided in 76-4-124, a person may not file a subdivision
18 plat with a county clerk and recorder, make disposition of a
19 lot within a subdivision, erect any facility for the supply
20 of water or disposal of sewage or solid waste, erect a
21 building or shelter in a subdivision which requires
22 facilities for the supply of water or disposal of sewage or
23 solid waste, or occupy a permanent building in a subdivision
24 until the department has indicated that the subdivision is
25 subject to no sanitary restriction."

1 Section 7. Section 76-4-124, MCA, is amended to read:

2 "76-4-124. Type of review and approval required within
3 master planning areas and class 1 and class 2
4 municipalities. (1) Within master planning areas adopted
5 pursuant to chapter 1 or within a class 1 or class 2
6 municipality as defined in 7-1-4111, a subdivision,
7 including a development of condominiums, is not subject to
8 sanitary restrictions when the local governing body
9 certifies that municipal facilities for the supply of water
10 and disposal of sewage and solid waste will be provided for
11 the subdivision as provided in 76-4-127. In this case,
12 department approval is not necessary.

13 (2) To the extent that municipal facilities for the
14 supply of water or disposal of sewage or solid waste are not
15 to be provided for a subdivision as certified to by the
16 governing body, the person wishing to subdivide must obtain
17 department approval as provided in 76-4-122(2)(a)."

18 Section 8. Section 76-4-127, MCA, is amended to read:

19 "76-4-127. Notice of certification to department that
20 water and waste services will be provided by local
21 government. (1) When a subdivision is reviewed under the
22 master-plan provisions of 76-4-124, the local governing body
23 shall, within 20 days after receiving an an--application
24 PRELIMINARY PLAT APPROVAL under the Montana Subdivision and
25 Platting Act, send notice of certification to the department

1 that a subdivision has been submitted for approval and that
2 municipal facilities for the supply of water and disposal of
3 sewage and solid waste will be provided for the subdivision.

4 (2) The notice of certification shall include the
5 following:

6 (a) the name and address of the applicant;

7 (b) a copy of the preliminary plat or a final plat
8 where a preliminary plat is not necessary;

9 (c) the number of proposed parcels in the subdivision;

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11 effect;

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