

SB 135 INTRODUCED BY BISHOP
EXEMPTS RELOCATION OF COMMON BOUNDARY LINE FROM
SUBDIVISION AND PLATTING ACT

1/19	INTRODUCED		
1/19	REFERRED TO LOCAL GOVERNMENT		
1/22	HEARING		
1/29	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/02	2ND READING PASSED	49	0
2/04	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/11	REFERRED TO LOCAL GOVERNMENT		
3/06	HEARING		
3/11	COMMITTEE REPORT--BILL NOT PASSED		
3/12	ADVERSE COMMITTEE REPORT ADOPTED	67	1
3/12	RETURNED TO SENATE NOT CONCURRED		

1 Senate BILL NO. 135
 2 INTRODUCED BY Al Bishop
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE
 5 RELOCATION OF A COMMON BOUNDARY LINE BETWEEN LOTS WITHIN AND
 6 ADJOINING PLATTED SUBDIVISIONS FROM THE MONTANA SUBDIVISION
 7 AND PLATTING ACT; AND AMENDING SECTION 76-3-207, MCA."
 8

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

10 Section 1. Section 76-3-207, MCA, is amended to read:

11 "76-3-207. Subdivisions exempted from review but
 12 subject to survey requirements -- exceptions. (1) Except as
 13 provided in subsection (2), unless the method of disposition
 14 is adopted for the purpose of evading this chapter, the
 15 following divisions of land are not subdivisions under this
 16 chapter but are subject to the surveying requirements of
 17 76-3-401 for divisions of land not amounting to
 18 subdivisions:

19 (a) divisions made outside of platted subdivisions for
 20 the purpose of relocating common boundary lines between
 21 adjoining properties;

22 (b) divisions made outside of platted subdivisions for
 23 the purpose of a gift or sale to any member of the
 24 landowner's immediate family;

25 (c) divisions made outside of platted subdivisions by

1 sale or agreement to buy and sell where the parties to the
 2 transaction enter a covenant running with the land and
 3 revocable only by mutual consent of the governing body and
 4 the property owner that the divided land will be used
 5 exclusively for agricultural purposes;

6 (d) a single division of a parcel outside of platted
 7 subdivisions when the transaction is an occasional sale;

8 (e) for five or fewer lots within a platted
 9 subdivision, relocation of common boundaries and the
 10 aggregation of lots-;

11 (f) divisions made for the purpose of relocating a
 12 common boundary line between a single lot within a platted
 13 subdivision and adjoining land outside a platted
 14 subdivision.

15 (2) Notwithstanding the provisions of subsection (1):

16 (a) within a platted subdivision filed with the county
 17 clerk and recorder, any division of lots which results in an
 18 increase in the number of lots or which redesigns or
 19 rearranges six or more lots must be reviewed and approved by
 20 the governing body, and an amended plat must be filed with
 21 the county clerk and recorder;

22 (b) any change in use of the land exempted under
 23 subsection (1)(c) for anything other than agricultural
 24 purposes subjects the division to the provisions of this
 25 chapter.

LC 1065/01

1 (3) No division of land may be made under this section
2 unless the county treasurer has certified that no real
3 property taxes assessed and levied on the land to be divided
4 are delinquent."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 SENATE BILL NO. 135
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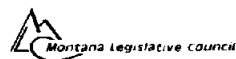
6 (d) a single division of a parcel outside of platted
7 subdivisions when the transaction is an occasional sale;

8 (e) for five or fewer lots within a platted
9 subdivision, relocation of common boundaries and the
10 aggregation of lots; THAT MUST BE RECORDED IN BOTH THE
11 CERTIFICATE OF SURVEY AND THE INDEX OF SUBDIVISION PLATS
12 PROVIDED FOR IN 76-3-613;

13 (f) divisions made for the purpose of relocating a
14 common boundary line between a single lot FIVE OR FEWER LOTS
15 within a platted subdivision and adjoining land outside a
16 platted subdivision THAT MUST BE RECORDED IN BOTH THE
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18 PROVIDED FOR IN 76-3-613.

19 (2) Notwithstanding the provisions of subsection (1):

20 (a) within a platted subdivision filed with the county
21 clerk and recorder, any division of lots which results in an
22 increase in the number of lots or which redesigns or
23 rearranges six or more lots must be reviewed and approved by
24 the governing body, and an amended plat must be filed with
25 the county clerk and recorder;



1 (b) any change in use of the land exempted under
2 subsection (1)(c) for anything other than agricultural
3 purposes subjects the division to the provisions of this
4 chapter.

5 (3) No division of land may be made under this section
6 unless the county treasurer has certified that no real
7 property taxes assessed and levied on the land to be divided
8 are delinquent."

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