

SENATE BILL NO. 180
INTRODUCED BY HARDING, VAUGHN

IN THE SENATE

JANUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FEBRUARY 2, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 3, 1987 PRINTING REPORT.

FEBRUARY 5, 1987 SECOND READING, DO PASS.

FEBRUARY 6, 1987 ENGROSSING REPORT.

FEBRUARY 7, 1987 THIRD READING, PASSED.
AYES, 47; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

MARCH 5, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 7, 1987 SECOND READING, CONCURRED IN.

MARCH 9, 1987 THIRD READING, CONCURRED IN.
AYES, 95; NOES, 1.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 18, 1987 RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 19, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. 180
2 INTRODUCED BY *Harding Vaughn*
3

1 effective on passage and approval.

-End-

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION
5 FROM SUBDIVISION SURVEY REQUIREMENTS IN CERTAIN
6 CIRCUMSTANCES FOR PURPOSES OF RECORDING INSTRUMENTS RELATING
7 TO LAND; AMENDING SECTION 76-3-302, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."
9

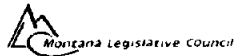
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 76-3-302, MCA, is amended to read:

12 "76-3-302. Restrictions on recording instruments
13 relating to land subject to surveying requirements. The (1)
14 Except as provided in subsection (2), the county clerk and
15 recorder of any county shall may not record any instrument
16 which purports to transfer title to or possession of a
17 parcel or tract of land which is required to be surveyed by
18 this chapter unless the required certificate of survey or
19 subdivision plat has been filed with the clerk and recorder
20 and the instrument of transfer describes the parcel or tract
21 by reference to the filed certificate or plat.

22 (2) Subsection (1) does not apply to any instrument of
23 transfer which shows on its face that the parcel or tract to
24 be transferred is a tract created before July 1, 1973."

25 NEW SECTION. Section 2. Effective date. This act is



INTRODUCED BILL
SB-180

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 180

INTRODUCED BY HARDING, VAUGHN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION FROM SUBDIVISION SURVEY REQUIREMENTS IN CERTAIN CIRCUMSTANCES FOR PURPOSES OF RECORDING INSTRUMENTS RELATING TO LAND; AMENDING SECTION 76-3-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 76-3-302, MCA, is amended to read:

"76-3-302. Restrictions on recording instruments relating to land subject to surveying requirements. The (1) Except as provided in subsection (2), the county clerk and recorder of any county shall may not record any instrument which purports to transfer title to or possession of a parcel or tract of land which is required to be surveyed by this chapter unless the required certificate of survey or subdivision plat has been filed with the clerk and recorder and the instrument of transfer describes the parcel or tract by reference to the filed certificate or plat.

(2) Subsection (1) does not apply to-any-instrument-of transfer-which-shows-on-its-face-that WHEN the parcel or tract to be transferred is-a-tract WAS created before July 1, 1973, AND THE INSTRUMENT OF TRANSFER FOR THE PARCEL OR

TRACT INCLUDES A REFERENCE TO A PREVIOUSLY RECORDED INSTRUMENT OR IS ACCOMPANIED BY DOCUMENTS THAT DEMONSTRATE THAT THE PARCEL OR TRACT EXISTED BEFORE JULY 1, 1973.

(3) THE REFERENCE OR DOCUMENTS REQUIRED IN SUBSECTION (2) DO NOT CONSTITUTE A LEGAL DESCRIPTION OF THE PROPERTY AND MAY NOT BE SUBSTITUTED FOR A LEGAL DESCRIPTION OF THE PROPERTY."

NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

-End-



1 SENATE BILL NO. 180

2 INTRODUCED BY HARDING, VAUGHN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION
5 FROM SUBDIVISION SURVEY REQUIREMENTS IN CERTAIN
6 CIRCUMSTANCES FOR PURPOSES OF RECORDING INSTRUMENTS RELATING
7 TO LAND; AMENDING SECTION 76-3-302, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."
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13 relating to land subject to surveying requirements. The (1)
14 Except as provided in subsection (2), the county clerk and
15 recorder of any county shall may not record any instrument
16 which purports to transfer title to or possession of a
17 parcel or tract of land which is required to be surveyed by
18 this chapter unless the required certificate of survey or
19 subdivision plat has been filed with the clerk and recorder
20 and the instrument of transfer describes the parcel or tract
21 by reference to the filed certificate or plat.

22 (2) Subsection (1) does not apply to any instrument of
23 transfer which shows on its face that WHEN the parcel or
24 tract to be transferred is a tract WAS created before July
25 1, 1973, AND THE INSTRUMENT OF TRANSFER FOR THE PARCEL OR

1 TRACT INCLUDES A REFERENCE TO A PREVIOUSLY RECORDED
2 INSTRUMENT OR IS ACCOMPANIED BY DOCUMENTS THAT DEMONSTRATE
3 THAT THE PARCEL OR TRACT EXISTED BEFORE JULY 1, 1973.

4 (3) THE REFERENCE OR DOCUMENTS REQUIRED IN SUBSECTION
5 (2) DO NOT CONSTITUTE A LEGAL DESCRIPTION OF THE PROPERTY
6 AND MAY NOT BE SUBSTITUTED FOR A LEGAL DESCRIPTION OF THE
7 PROPERTY."

8 NEW SECTION. Section 2. Effective date. This act is
9 effective on passage and approval.

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION
5 FROM SUBDIVISION SURVEY REQUIREMENTS IN CERTAIN
6 CIRCUMSTANCES FOR PURPOSES OF RECORDING INSTRUMENTS RELATING
7 TO LAND; AMENDING SECTION 76-3-302, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."

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

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13 relating to land subject to surveying requirements. ~~The (1)~~
14 ~~Except as provided in subsection (2), the county clerk and~~
15 ~~recorder of any county shall may~~ not record any instrument
16 which purports to transfer title to or possession of a
17 parcel or tract of land which is required to be surveyed by
18 this chapter unless the required certificate of survey or
19 subdivision plat has been filed with the clerk and recorder
20 and the instrument of transfer describes the parcel or tract
21 by reference to the filed certificate or plat.

22 ~~(2) Subsection (1) does not apply to any instrument of~~
23 ~~transfer which shows on its face that~~ WHEN the parcel or
24 tract to be transferred ~~is a tract~~ WAS created before July
25 1, 1973, AND THE INSTRUMENT OF TRANSFER FOR THE PARCEL OR

1 TRACT INCLUDES A REFERENCE TO A PREVIOUSLY RECORDED
2 INSTRUMENT OF TRANSFER OR IS ACCOMPANIED BY DOCUMENTS THAT
3 WHICH, IF RECORDED, WOULD OTHERWISE SATISFY THE REQUIREMENTS
4 OF THIS SUBSECTION. THE REFERENCE OR DOCUMENT MUST
5 DEMONSTRATE THAT THE PARCEL OR TRACT EXISTED BEFORE JULY 1,
6 1973.

7 (3) THE REFERENCE OR DOCUMENTS REQUIRED IN SUBSECTION
8 (2) DO NOT CONSTITUTE A LEGAL DESCRIPTION OF THE PROPERTY
9 AND MAY NOT BE SUBSTITUTED FOR A LEGAL DESCRIPTION OF THE
10 PROPERTY."

11 NEW SECTION. Section 2. Effective date. This act is
12 effective on passage and approval.

-End-



HOUSE

STANDING COMMITTEE REPORT

March 4

19 87

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report SB 180

do pass

do not pass

be concurred in

be not concurred in

as amended

statement of intent attached

Rep. Norm Wallin

Chairman

1. Page 2, line 2.

Following: "INSTRUMENT"

Insert: "of transfer"

Strike: "THAT"

Insert: "which, if recorded, would otherwise satisfy the requirements of this subsection. The reference or document must"

MS