

SENATE BILL NO. 261
INTRODUCED BY BISHOP, RAMIREZ

IN THE SENATE

JANUARY 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 10, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 11, 1989	PRINTING REPORT.
FEBRUARY 14, 1989	SECOND READING, DO PASS.
FEBRUARY 15, 1989	ENGROSSING REPORT.
FEBRUARY 16, 1989	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
FEBRUARY 20, 1989	FIRST READING.
MARCH 16, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1989	PASSED CONSIDERATION FOR THE DAY.
MARCH 28, 1989	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 97; NOES, 0.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 4, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 6, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 261
2 INTRODUCED BY Bishop Ramsey
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM THE
5 MONTANA SUBDIVISION AND PLATTING ACT THE RELOCATION OF A
6 COMMON BOUNDARY LINE BETWEEN A LOT WITHIN A PLATTED
7 SUBDIVISION AND LAND ADJOINING THE PLATTED SUBDIVISION; AND
8 AMENDING SECTION 76-3-207, MCA."
9

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

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

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

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

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

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

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

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

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

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

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

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

LC 1208/01

1 chapter.

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

6 NEW SECTION. **Section 2.** Extension of authority. Any
7 existing authority to make rules on the subject of the
8 provisions of [this act] is extended to the provisions of
9 [this act].

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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2 INTRODUCED BY *Bishop Ramsey*
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21 the governing body, and an amended plat must be filed with
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24 subsection (1)(c) for anything other than agricultural
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LC 1208/01

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2 (3) No division of land may be made under this section
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8 provisions of [this act] is extended to the provisions of
9 [this act].

-End-

STANDING COMMITTEE REPORT

March 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 261 (third reading copy -- blue) be concurred in as amended.

Signed: _____


Bob Raney, Chairman

[REP. RAMIREZ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read;

1. Page 2, line 15.

Following: "subdivision."

Insert: "Any restrictions or requirements on the platted lot
continue to apply."

HOUSE

SR 261

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 261
Representative Hal Harper

March 28, 1989 1:44 pm
Page 1 of 1

Mr. Chairman: I move to amend SENATE BILL 261 (third reading copy -- blue).

Signed: 
Representative Hal Harper

And, that such amendments to SENATE BILL 261 read as follows:

1. Standing Committee Report, House Natural Resources Committee
on Senate Bill 261, March 16, 1989, amendment 1

Strike: amendment 1 in its entirety

2. Page 2, line 15.

Following: "subdivision."

Insert: "Any restrictions or requirements on the original platted
lot or original unplatted parcel continue to apply to those
areas."

ADOPT

REJECT

HOUSE
SB 261

SENATE BILL NO. 261

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

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

(c) divisions made outside of platted subdivisions by sale or agreement to buy and sell where the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

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

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

(f) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. ANY RESTRICTIONS OR REQUIREMENTS ON THE ORIGINAL PLATTED LOT OR ORIGINAL UNPLATTED PARCEL CONTINUE TO APPLY TO THOSE AREAS.

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

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

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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
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