

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 25, 1985

The meeting of the House Natural Resources Committee was called to order by Chairman Dennis Iverson at 12:05 p.m. in Room 312-1 of the State Capitol.

ROLL CALL: All members of the committee were present.

EXECUTIVE ACTION

HOUSE BILL 827: Rep. Kadas moved DO PASS on HB 827, which was heard on February 23. Rep. Miles moved the amendments to HB 827 which were proposed by Rep. Lory. The amendments, she said, incorporated Rep. Brandewie's definition of subdivision into the language of HB 827. She said the amendments also resolved the "family conveyance issue" by clarifying survey guidelines and exceptions, allaying the concern that expensive surveys would be required. The Lory amendments were unanimously approved.

Rep. Asay spoke against the bill, saying HB 827 is "nothing more than just another infringement" on the rights of property owners. Current subdivision regulations are unworkable because people don't want and cannot use twenty acres, he said.

Rep. Miles said HB 827 is necessary because it deals with issues of sanitation and health, and insures that all plats of subdivided land are salable.

Rep. Kadas moved DO PASS AS AMENDED, which received a tie vote, and the bill left committee without recommendation.

HOUSE BILL 791: Rep. Kadas moved DO PASS on HB 791, Rep. Brandewie's subdivision bill, which was heard in committee on February 23. The motion passed with Reps. Moore and Cobb voting no.

HOUSE BILL 516: Rep. Cobb moved DO PASS AS AMENDED on HB 516, which passed unanimously.

There being no further business before the committee, the meeting was adjourned at 12:20 p.m.



Rep. DENNIS IVERSON, Chairman

DAILY ROLL CALL

HOUSE NATURAL RESOURCES

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 25

NAME	PRESENT	ABSENT	EXCUSED
IVERSON, Dennis (Chairman)	X		
KADAS, Mike (Vice-Chairman)	X		
ADDY, Kelly			X
ASAY, Tom	X		
COBB, John	X		
DRISCOLL, Jerry	X		
GARCIA, Rodney	X		
GRADY, Edward	X		
HARP, John	X		
JONES, Tom	X		
KRUEGER, Kurt	X		
MILES, Joan	X		
MOORE, Janet	X		
O'HARA, Jesse	X		
PETERSON, Mary Lou	X		
RANEY, Bob	X		
REAM, Bob	X		
SMITH, Clyde	X		

STANDING COMMITTEE REPORT

February 25

19 85

MR. **SPEAKER:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE**

Bill No. **327**

FIRST reading copy (**WHITE** color)

**AN ACT TO REVISE THE MONTANA SUBDIVISION AND PLATTING ACT
TO REDEFINE "SUBDIVISION," MODIFY EXEMPTIONS, AND MODIFY REVIEW
FOR MINOR SUBDIVISIONS**

Respectfully report as follows: That **HOUSE**

Bill No. **327**

BE AMENDED AS FOLLOWS:

- 1) Title
Following: line 7
Insert: "76-3-402,"
- 2) Page 4, line 5.
Following: "creates"
Insert: ":(a)"

(CONTINUED)

~~XXXX~~ HASG

WITHOUT RECOMMENDATION

Page 4, line 12.

Following: "homes"

Strike: "1"

Insert: "1"

Strike: "any"

Insert: "(b) two or more additional"

Following: "are"

Strike: the remainder of line 12 through "tracts" on line 14

Page 6, line 12.

Following: "familyr"

Strike: the remainder of lines 12 through 14

Insert: "within a 24-month period following the time of filing a certificate of survey for the division of land."

Page 7, lines 3 through 6.

Following: "saler"

Strike: the remainder of lines 3 through "years" on line 6

Page 8.

Following: line 24

Insert: "Section 5. Section 76-3-402, MCA, is amended to read:

"76-3-402. Survey and platting requirements for subdivided lands. (1) Every subdivision of land after June 30, 1973, except those subdivisions that can be described as one-sixteenth or larger aliquot parts of a United States government section or a United States government lot, shall be surveyed and platted in conformance with this chapter by or under the supervision of a registered land surveyor.

(2) Subdivision plats shall be prepared and filed in accordance with this chapter and regulations adopted pursuant thereto.

(3) All division of sections into aliquot parts and retracement of lines must conform to United States Bureau of land management instructions, and all public land survey corners shall be filed in accordance with Corner Recordation Act of Montana (Title 70, chapter 22, part 1). Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body shall be prepared and filed by a registered engineer or a registered land surveyor as their respective licensing laws allow in accordance with this chapter and regulations adopted pursuant thereto."

Renumber subsequent sections.

AS AMENDED,

WITHOUT RECOMMENDATION

DENNIS IVERSON, Chairman.

STANDING COMMITTEE REPORT

PAGE 1 OF 2

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MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 516

FIRST reading copy (WHITE color)

AN ACT TO PROVIDE THAT LOCAL GOVERNING BODIES AND THE DRES
MAY APPLY ONLY THOSE RULES IN EFFECT AT THE TIME A SUBDIVISION
APPLICATION IS SUBMITTED FOR REVIEW

Respectfully report as follows: That HOUSE Bill No. 516

BE AMENDED AS FOLLOWS:

- 1) Page 2, line 10
Following: "plat"
Insert: "or for an extension under 76-3-610"
- 2) Page 4, line 11
Following: "time"
Strike: "an application is"
Insert: "plans and specifications are"
- 3) Page 4, line 12
Following: "department"
Insert: ", except in cases where current rules would preclude the use for which the lot was originally intended, the applicable requirements in effect at the time such lot was recorded must be applied. In the absence of specific requirements, minimum standards necessary to protect public health and water quality will apply."

8 AMENDED,

DO PASS

STATEMENT OF INTEREST ATTACHED

STATEMENT OF INTENT ON HB 516

It is the intent of the legislature that a subdivision be reviewed under the rules in effect at the time an application for approval of the subdivision is submitted. Neither a local governing body (under the provisions of the Montana Subdivision and Platting Act) nor the department of health and environmental sciences (under Title 76, chapter 4, part 1) may modify its subdivision rules and apply the modified rules to a subdivision ~~was~~ submitted for review when previously existing rules were in effect.

STANDING COMMITTEE REPORT

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MR. ~~SPEAKER~~.....

We, your committee on**NATURAL RESOURCES**.....

having had under consideration**HOUSE**..... Bill No. **791**.....

FIRST reading copy (**WHITE**)
color

**AN ACT REVISING THE DEFINITION OF A SUBDIVISION UNDER THE
MONTANA SUBDIVISION AND PLATTING ACT**

Respectfully report as follows: That.....**HOUSE**..... Bill No. **791**.....

DO PASS

HOUSE BILL 516
Rep. Keyser
House Natural Resources

PROPOSED AMENDMENTS TO HB 516

- 1) Page 2, line 10
Following: "plat"
Insert: "or for an extension under 76-3-610"
- 2) Page 4, line 11
Following: "time"
Strike: "an application is"
Insert: "plans and specifications are"
- 3) Page 4, line 12
Following: "department"
Insert: ",except in cases where current rules would preclude the use for which the lot was originally intended, the applicable requirements in effect at the time such lot was recorded must be applied. In the absence of specific requirements, minimum standards necessary to protect public health and water quality will apply"