

1 HOUSE JOINT RESOLUTION NO. 21

2 INTRODUCED BY L. BREWSTER

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF THE SURVEY REQUIREMENTS FOR AGGREGATED
6 TRACTS OF LAND; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO
7 THE 69TH LEGISLATURE.

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9 WHEREAS, during the 2023 Legislative Session, the House and Senate Local Government
10 Committees heard Senate Bill No. 319, Revise laws related to tracts of record; and

11 WHEREAS, testimony referenced possible confusion regarding the aggregation of parcels of land prior
12 to the passage of the Subdivision and Platting Act of 1973 and how aggregations of parcels have been
13 considered after July 1, 1973; and

14 WHEREAS, current statute may allow for conflicting interpretations regarding whether the boundary
15 lines of previously aggregated parcels are truly expunged if not shown on a certificate of survey; and

16 WHEREAS, the possible conflicting interpretations may open the policy area to litigation, which may be
17 prevented with further study to investigate both interpretations fully and at length; and

18 WHEREAS, a rich history of statutory changes, attorneys general opinions, and case law exist
19 regarding the topic of tracts of record, a history too complex to wade through during the fast-paced nature of the
20 legislative session; and

21 WHEREAS, the House Local Government Committee ultimately determined against a statutory change
22 during the 68th Legislature even though testimony heard on both sides demonstrated that the issue may
23 warrant a deeper dive into both sides of the discussion to determine if future statutory changes may create
24 more clarity.

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26 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
27 THE STATE OF MONTANA:

28 That the Legislative Council be requested to designate an appropriate interim committee or statutory

1 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

2 (1) review the history of determining tracts of record, including the Subdivision and Platting Act of
3 1973 and any legislative changes, attorneys general opinions, and relevant case law;

4 (2) examine the current statutory process to determine tracts of record;

5 (3) review and analyze the impacts of changes to section 76-3-103, MCA, that were proposed in
6 Senate Bill No. 319 and any proposed amendments; and

7 (4) determine if legislative changes are warranted to ensure the statute is interpreted clearly.

8 BE IT FURTHER RESOLVED, that the study include representatives from interested parties, including
9 but not limited to the Montana Association of Planners, the Montana Association of Registered Land Surveyors,
10 the Montana Department of Transportation, and any other local government or industry representatives as
11 considered appropriate.

12 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
13 presented to and reviewed by an appropriate committee designated by the Legislative Council.

14 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
15 requirements, be concluded prior to September 15, 2024.

16 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
17 comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

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