

## 1 HOUSE JOINT RESOLUTION NO. 28

2 INTRODUCED BY M. LANGE

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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 ON THE LAWS RELATING TO THE RECORDING OF  
6 EASEMENTS TO PROVIDE FOR TIMELY FILING OF ALL EASEMENTS, INCLUDING UNRECORDED  
7 EASEMENTS.

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9 WHEREAS, the current law does not specify the time for recording of easements, particularly easements  
10 related to underground utilities; and

11 WHEREAS, the failure to record underground utility easements prevents disclosure to purchasers of  
12 property; and

13 WHEREAS, an undisclosed easement can prevent the improvement of property for the purpose for  
14 which the property was purchased.

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

18 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to  
19 section 5-5-217, MCA, or direct sufficient staff resources to examine the issues involved with the recording of  
20 easements, with particular focus on underground utility easements.

21 BE IT FURTHER RESOLVED, that the appropriate interim committee propose solutions to require the  
22 timely recording of all easements, including existing unrecorded easements.

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

25 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
26 requirements, be concluded prior to September 15, 2006.

27 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
28 comments, or recommendations of the appropriate committee, be reported to the 60th Legislature.

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