

SENATE JOINT RESOLUTION NO. 11

INTRODUCED BY LAIBLE

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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 TO LOOK AT THE SUBDIVISION REVIEW PROCESS; AND
6 REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 60TH LEGISLATURE.
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8 WHEREAS, the Montana Subdivision and Platting Act was enacted by the Montana Legislature in 1973
9 to address the overcrowding and public health and safety issues caused by the division of land for residential
10 purposes; and

11 ~~WHEREAS, the Act includes definitions of "division of land" and "subdivision" and also provides for~~
12 ~~exemptions from subdivision review for certain divisions of land and subdivisions; and~~

13 ~~WHEREAS, the Attorney General in three separate opinions has determined that the terms "division of~~
14 ~~land" and "subdivision" apply to parcels that may be leased or rented and that the lease or rental also constitutes~~
15 ~~a transfer of "possession" of the portion of the tract of land; and~~

16 ~~WHEREAS, as a result of these opinions, unless specifically exempted from review, subdivision review~~
17 ~~applies to any division of land in which title to the land is transferred or when possession of the parcel is~~
18 ~~transferred through lease or rental; and~~

19 ~~WHEREAS, a dispute has arisen over whether the building of a second home on a parcel of land~~
20 ~~constitutes a subdivision subject to review; and~~

21 ~~WHEREAS, House Joint Resolution No. 37 from the 2003 legislative session addressed only procedural~~
22 ~~issues relating to subdivision review and did not address more substantive issues surrounding subdivision~~
23 ~~review.~~

24 WHEREAS, SINCE ITS ENACTMENT, THE MONTANA LEGISLATURE HAS ADOPTED NUMEROUS AMENDMENTS TO
25 THE MONTANA SUBDIVISION AND PLATTING ACT AND YET PROCEDURAL AND SUBSTANTIVE ISSUES CONTINUE TO EMERGE;

26 AND

27 WHEREAS, ACTING UNDER HOUSE JOINT RESOLUTION NO. 37 FROM THE 2003 LEGISLATIVE SESSION, THE
28 EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE, WORKING WITH A BROAD-BASED GROUP OF AFFECTED AND
29 INTERESTED PARTIES, WAS ABLE TO REACH CONSENSUS REGARDING MANY SUBDIVISION REVIEW PROCESS ISSUES,
30 RESULTING IN THE INTRODUCTION OF SENATE BILL NO. 116 IN THE 2005 LEGISLATIVE SESSION; AND

