

Additional Comments on SB116

03/15/05

Rick Gustine, Chair, Legislation Comm.
MT Ass'n. Of Reg'd. Land Surveyors (MARLS)

In addition to the MARLS comments dated 03/03/05, I would like to add the following:

MARLS has specific concerns with some of the language in SB116, particularly in Sec. 11.

"76-3-609. Review procedure for minor subdivisions"-

Of particular concern is the new language in (2), et. seq., "a tract of record that existed prior to or that was legally created on or after April 2, 1973, from which no subdivision has been approved under this chapter or from which no more than five parcels have been created under 76-3-201 or 76-3-207".

As noted earlier, the inclusion of "April 2, 1973" as used in this new language will essentially prohibit nearly all parcels from review as a "first minor subdivision".

It is essential, however, that some date apply and that is why MARLS is proposing replacing "April 2, 1973" with "the effective date of this bill".

Another serious concern is to ensure that no mis-interpretation of "from which no more than five parcels have been created under 76-3-201 or 76-3-207" can occur.

This language should clearly specify that "parcels have been created under 76-3-201 or 76-3-207" include only additional parcels created for residential purposes, i.e.; Parcels citing as an exemption 76-3-201(1)(b) - (Mortgage Surveys)- are not created unless there is a 'foreclosure action'. Parcels citing as an exemption 76-3-201(1)(h) create a parcel for utility or right-of-way purposes (non-residential). Parcels citing as an exemption 76-3-207(1)(a)- (Boundary re-alignment)- create no additional parcel, etc.