

HOUSE JOINT RESOLUTION NO. 9
INTRODUCED BY K. PETERSON

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON THE LAWS RELATING TO THE CREATION OF EASEMENTS.

WHEREAS, there appears to be confusion in current law regarding the creation of easements; and

WHEREAS, the failure to record easements may cloud the title to real property and impair disclosure to purchasers of property; and

WHEREAS, an easement can affect the purpose for which the property was purchased.

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

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the issues involved with the creation of easements.

BE IT FURTHER RESOLVED, that the appropriate interim committee propose solutions to require consistency and the timely recording of all easements.

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

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2008.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 61st Legislature.

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