

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THE ATTACHMENT OF CONTAMINATION
5 REPORTS TO A PROPERTY DEED; REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO
6 REPORT POLLUTION ENFORCEMENT ACTIVITIES TO COUNTY CLERKS; REQUIRING THE BOARD OF
7 OIL AND GAS CONSERVATION TO REPORT EMERGENCY POLLUTION ACTIONS TO COUNTY CLERKS;
8 ADDING A DOCUMENT SUBJECT TO RECORDING BY A COUNTY CLERK; AND AMENDING SECTION 7-
9 4-2613, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 NEW SECTION. **Section 1. Department contamination reports to county clerks and recorders.**

14 (1) The department of environmental quality shall report to each county clerk and recorder of the department's
15 enforcement activities within that county related to:

- 16 (a) air pollution enforcement activities pursuant to Title 75, chapter 2, part 4;
 - 17 (b) penalties, injunctions and cleanup orders for asbestos control pursuant to Title 75, chapter 2,
18 part 5;
 - 19 (c) cleanup orders and corrective action orders issued for hazardous waste control pursuant to
20 Title 75, chapter 10, part 4;
 - 21 (d) facilities that are listed due to a confirmed release or substantial threat of a hazardous or
22 deleterious substance pursuant to 75-10-702;
 - 23 (e) cleanup orders issued to address pollution of water pursuant to 75-5-601;
 - 24 (f) corrective action plans issued by the petroleum tank release compensation board pursuant to
25 Title 75, chapter 11, part 3; and
 - 26 (g) civil penalties issued for unlawful dumping of solid waste pursuant to 75-10-212 and 75-10-233.
- 27 (2) The report must include:
- 28 (a) a description of the enforcement activity and the extent of contamination; and

1 (b) the property subject to the contamination and enforcement activity.

2

3 NEW SECTION. Section 2. Board contamination reports to county clerks and recorders. (1)The
4 board shall report to each county clerk and recorder of the board's actions related to emergencies causing
5 substantial pollution pursuant to 82-11-151.

6 (2) The report must include:

7 (a) a description of the enforcement activity and the extent of contamination; and

8 (b) the property subject to the contamination and enforcement activity.

9

10 **Section 3.** Section 7-4-2613, MCA, is amended to read:

11 **"7-4-2613. Documents subject to recording.** (1) The county clerk shall, upon the payment of the
12 appropriate fees, record by printing, typewriting, photographic, micrographic, or electronic process or by the use
13 of prepared blank forms:

14 (a) (i) subject to subsection (1)(a)(ii), deeds, grants, transfers, certified copies of final judgments or
15 decrees partitioning or affecting the title or possession of real property any part of which is situated in the
16 county, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages,
17 reconveyances by trustees of deeds of trust, assignments of mortgages and deeds of trust, powers of attorney
18 to convey real estate, leases that have been acknowledged or proved, and abstracts of the instruments that
19 have been acknowledged or proved;

20 (ii) an instrument or deed evidencing either a division of real property or a merger of real property
21 only if the instrument or deed is accompanied by a certification from the county treasurer that taxes and special
22 assessments that have been assessed and levied have been paid;

23 (b) notices of buyer's interest in real property, notwithstanding any other requirement of law or rule
24 relating to eligibility for recording of the deed, contract for deed, or other document relating to the notice of
25 buyer's interest. However, if the instrument of conveyance underlying a notice of buyer's interest would be
26 unrecordable, the clerk and recorder shall notify the buyer by certified mail that the underlying instrument is
27 unrecordable and may be void.

28 (c) an acknowledged statement indicating that the holder of a nonprobate interest in real property

1 is deceased. A nonprobate interest in real property is a joint tenancy interest or a life estate interest. The
2 acknowledged statement must contain:

3 (i) a statement that the holder of the nonprobate interest has died and that the holder's interest in
4 the property is terminated; and

5 (ii) a legal description of the property.

6 (d) certificates of births and deaths;

7 (e) wills devising real estate admitted to probate;

8 (f) official bonds;

9 (g) transcripts of judgments that by law are made liens upon real estate;

10 (h) instruments describing or relating to the individual property of married persons;

11 (i) all orders and decrees made by the district court in probate matters affecting real estate and
12 that are required to be recorded;

13 (j) notice of preemption claims;

14 (k) notice and declaration of water rights;

15 (l) assignments for the benefit of creditors;

16 (m) affidavits of annual work done on mining claims;

17 (n) notices of mining locations and declaratory statements;

18 (o) estrays and lost property;

19 (p) a book containing appraisal of state lands; ~~and~~

20 (q) other writings that are required or permitted by law to be recorded; and

21 (r) contamination reports pursuant to [sections 1 and 2], which the county clerk shall attach to the
22 deed of a property subjected to contamination and an enforcement activity.

23 (2) Any instrument that qualifies for recording under this section may incorporate by reference any
24 provision, statement, description, or other language or material that is contained in another properly recorded
25 instrument and that is recorded in the same county as the instrument that is incorporating the language or
26 material by reference is to be recorded."

27
28 NEW SECTION. Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an

1 integral part of Title 75, chapter 1, part 1, and the provisions of Title 75, chapter 1, part 1, apply to [section 1].

2 (2) [Section 2] is intended to be codified as an integral part of Title 82, chapter 11, part 1, and the

3 provisions of Title 82, chapter 11, part 1, apply to [section 2].

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