

Legislative Committee Report 11/14/2018

Here's a quick list of topics that have come in this year:

1. Stop the mass email madness! The Legislative Committee has decided that, except for on the most urgent of matters, all member communication regarding MARLS Legislative matters will be done through the members area of the MARLS website. We want to save the mass emails for times we need to call on members to go testify on the Hill, etc.
2. The most pressing issue right now is MACo Resolution 2018-16 and resulting draft bill, which is currently being vetted by Ravalli County. We'll be posting a survey on the website soon, but our committee is united in the opinion that this bill, which would allow local authorities the power to require legal access on the 201 and 207 exemptions of their choice, is a bad idea. Our plan is to reach out to Ravalli County and see if we can pump the brakes. If they already have a sponsor for the bill, we will be contacting that legislator as well. Stay tuned.
3. There is a growing practice of preparing legal easement exhibits in our state by non-PLS's, particularly in the area of conservation easements. ARM 24.183.1110 "Activities Included Within Surveying Practice" part 1(c) says specifically mentions exhibits and easements, however, certain entities have been advised that certain exhibits do not fit into this context and therefore are not subject to the rule. Rather than argue the point or ask the BPELS to clarify the rule, our committee is leaning towards proposing the BPELS create a uniform standard for easement exhibits. This would essentially kill two birds with one stone, as surveyors have been asking for a set of standards anyhow, and the thought is that having uniform standards will put teeth into 1110. A copy of ARM 24.183.1110 is attached to this report.
4. DEQ was/is? requiring drainfield easements be created by COS when only one landowner involved (i.e. one lot needing to treat waste on neighboring lot, both lots owned by same entity). This was their way to prevent the landowner from granting themselves an easement, which is not legal but yet guarantee future perfection of the drainfield easement. MLCT and MACo attorneys are involved in straightening this out by way of the DEQ Subdivision and Development Advisory Council. Need to follow-up and see if this has been resolved.
5. Several calls that MARLS "MT Subdivision and Surveying Laws and Regulations" (July 2016) is getting outdated. Committee recommends that MARLS produce a 2nd Edition after 2019 legislature has adjourned. Also need to consider adding additional sections such as the "trespass law", utility locate laws, land use laws, etc.
6. MARLS Legislative Committee working with ACEC to get Montana Public Works Standard Specifications updates to include the land surveying monument preservation statute (MCA 70-22-115).

7. We're heading into another session without a lobbyist. This means stepping up and getting active – WE WILL NEED HELP.
8. Electronic filing of COS and Plats hasn't gained any momentum or sparked much interest, so we will be "tabling" this idea until enough folks want it to happen.

Respectfully Submitted,

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