

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 14, 1981

The ninth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:00 p.m.

ROLL CALL: Present: Senator Etchart, Hager, Hazelbaker, Elliott, Tveit, Manning, Graham, Stimatz. Absent: Senator Healy.

CONSIDERATION OF SENATE BILL NO. 422:

Senator Graham, chief sponsor of SB 422 was delayed, and in his absence Senator Manning, co-sponsor of SB 422 told the committee this is an act to extend for two years the deadline to expend or encumber coal area highway reconstruction funds appropriated prior to June 30, 1979.

Senator Manning said he was the original author of this bill and that it relates to 302 miles of road in Rosebud County, Treasure County, and Big Horn County. We left to the highway department which roads would be built. With or without federal matching money. We have tried to get in the ratio, which at that time was 74%/26%. Now it is 80%/20%, but you know how hard it is to get federal money since the Department of Transportation grants the money that comes into the Department of Treasury. They don't like to break into it. I went to Washington D. C. on this, but we never did get any money. But, we are designated as an industrial impacted area. They were talking about coal haul roads, and we were talking about the taking of our coal. Our problem is the service roads. It has come up since then with the Highway Department, which roads shall be built first, the coal haul roads or the service roads. This brings up problems, as they have started to spend the money without matching aid. Because of the consequences of coal mining, it brings into Big Horn County the argument whether Coal Strip should be getting all of this or a greater portion of it. This bill extends the life and is a legitimate extension to ask for. We are building it entirely with coal funds. He offered an amendment and said the amendment should be put into this bill.

The amendment in the title, following: "1979;" on line 6, insert: "PROVIDING FOR LOCAL GOVERNMENT CONSULTATIONS:", and on Page 2, line 1, Following: "highways", Insert: "in consultation with the governing bodies of the counties in the area".

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Senator Etchart asked if there were any other proponents to SB 422.

James D. Mockler, Montana Coal Council, Helena, spoke in support of the bill, and asked for support of the extension to allow for use of funds as intended.

James D. Beckert, Department of Highways, told the committee they support this bill.

There being no further testimony or questions from the committee, the hearing on SB 422 was closed.

ACTION ON SENATE BILL NO. 422:

Senator Graham made the motion that the committee adopt the amendments to SB 422.

All senators present voting aye, the amendments were adopted.

Senator Manring made the motion that SB 422 as amended do pass. All Senators present voting aye, the motion carried, with the stipulation that Paul Verdon check out the codification.

CONSIDERATION OF SENATE BILL NO. 416:

Senator Anderson, District 40 said this is an act to provide that persons, firms, and corporations engaged in moving houses, buildings, derricks, or other structures shall pay the necessary and reasonable expenses of raising or cutting wires or removing poles to facilitate the movement thereof.

Senator Etchart asked if there were any other proponents to this bill.

Riley Childers, Montana Associated Utilities and Montana Telephone Association of Independent Companies, from Great Falls, told the committee he supports this bill.

Paul G. Olsen, Route 4, Billings, MT, representing the Yellowstone Valley Electric Co-Operative, Inc., spoke in support of SB 416. He said the co-operative must presently move, raise, cut or alter its electric facilities to accomodate the transportation of over-size loads without reimbursement for its expense of man and machine hours even though the co-operative has an easement without limitation on public right of way and though the co-op's facilities comply with statutory requirements as to height at respective voltages. We recognize movers right to use the public thoroughfare and pursue its industry, but we respectfully submit that its unfair that the co-operative or utility consumer subsidize the transportation of oversize loads.

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Al Dougherty, from Helena, representing the Montana Cable Television Association, said they support SB 416.

Wes Huffman, Helena Cable TV, Helena, said he supports SB 416.

Larry T. Brodie, Missoula, representing Teleprompter CATV and the Montana CATV Association said they support SB 416.

Beverly Helming, Wisdom, Montana, representing the South Montana Telephone Company, said they support SB 416. She said she is representing just one of many public utilities in Montana. I feel that this proposal should pass the legislature to protect the utilities from undue financial burden caused by moving of large structures. At the present time, utilities are required to release overhead lines for such moves and all expenses must be assumed by the utility. We do object and feel that we should be allowed to charge actual expenses. She reported that expenses incurred during a recent building from Divide to Deep Creek, within the Exchange Boundaries of Southern Montana Telephone Company, were \$2,730.00. These are the estimated expenses of our company only. Montana Power, Mountain Bell, and Vigilante Electric Co-op were also involved in the move.

James R. Hughes, Helena, representing Mountain Bell, spoke in support of SB 416. He said the bill would correct an inequity that now exists in treating the cost of service and charging those who create the cost. You are not burdening the other rate payers who don't receive the benefits, in this way.

Rod Hanson, Fairfield, Montana, representing the Montana Associated Utilities said they support SB 416, and stated electric co-op consumers should not have to pay costs of house movers or buyers of homes. All Montana Associated Utility members concur in the passage of this bill.

Lester H. Loble II, Helena, representing General Telephone of the Northwest, Inc., said they support this bill.

Gene Pigeon, Glendive, representing Montana Dakota Utilities, said this bill would correct a situation created by a recent Supreme Court decision, which rendered invalid a statute requiring the payment by house movers of costs within city limits. It also places the costs where they should be. For that reason, we support this bill.

John Lahr, Montana Power Company, Butte, said they support this bill.

Paul Hodge, Hobson, MT, representing the Fergus County Electric Co-op, telephoned in their support on SB416.

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Senator Etchart asked if there were any opponents to SB 416.

Roger Tippy, Helena Lawyer and lobbyist registered for the Montana House Movers' Association said the house movers are opposed to SB416 and have opposed bills of this sort for many years. He read a passage from the Senate Journal of the 1957 legislative session which sets out many of the reasons this is an unfair bill:

"Honorable Paul Cannon
President of the Senate

Honorable Eugene Mahoney
Speaker of the House of Representatives

Sirs:

I am returning Senate Bill No. 48 without my approval for the following reasons:

From 1929 to 1951 the burden of cost for individual home, farm, and ranch owners who move their houses, hay derricks and other items has been on the utilities. In 1951 this was amended to shift the burden to the individual movers in the cities and towns. As a member of the Senate, I voted against this change.

Senate Bill 48 would shift the burden from the utilities to all Montanans who might move, with the exception of an owner or tenant of farming or grazing land on which such poles and wires may be located.

This makes every utility line crossing a public road a toll gate, with the toll to be paid to the utility company. It seems to me that this is inequitable.

The utilities are equipped to do this work and take rights-of-way with this burden in mind. If this responsibility for maintaining clearance above ground is not left with the utilities, all movements of high structures might soon be blocked by these utility toll gates. Power and telephone lines might soon strangle the people of Montana, except for those who wanted to move under lines on land they own or rent.

An analogous situation would exist if people who crossed rail-road rights-of-way were charged a toll for crossing. The railroads are required to maintain crossings for public use, and I believe the same principle should apply to power and telephone companies.

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In 1953, during the Thirty-third session of the Montana Legislative assembly, I vetoed a similar bill involving the same principle. For these reasons I am returning Senate Bill 48 without my approval.

Very truly yours,

J. HUGO ARONSON, Governor."

Roger Tippy went on to say the judgment of history appears to that Governor Aronson brought to his office a keen sense of fair play and a full appreciation of the importance of a good highway system to all the highway users of the State of Montana. That Governor Aronson's sense of equity and fair play was well founded is demonstrated by a recent state supreme court decision.

The Montana Supreme Court last year interpreted this statute as one which serves the public health, welfare, and safety in several significant ways. The statute confers a public benefit, the Court wrote, in providing a controlled method of accommodating a mover's needs with prompt replacement and repair, so that there is minimal interference in providing electrical service to the public. The statute also recognizes the right of the public to use the highways, including the reasonable and necessary public use of moving oversized objects on the highways.

The Court commented on utilities' use of highway corridors for overhead lines as follows: "In locating their facilities on a public right-of-way, utilities and cooperatives are conferred a property right which, by its very nature, is subject to other competing franchises and privileges..... Where other competing interests and franchises become involved, a utility may be forced to give up a particular location of its facilities, and reasonable interference may be necessary and proper." Yellowstone Valley Elec. Coop. v Ostermiller, 37 St. Rep. 536 (1980).

This unanimous decision by our highest court echoes Governor Aronson's point: the utilities and the coops elected to install overhead crossings of public highways knowing full well that they were occupying airspace above the public right-of-way as a privilege which might have to be interrupted once in a while. They could have put in a more expensive underground crossing in the first place; by electing the less expensive overhead installation, they should assume the social costs which come with this type of construction.

So much for the constitutional and legal analysis of the flaws in this bill. As an exercise in economic analysis, that is, to ask who should pay the costs of an occasional

d. sconnection, the answer is the same. If these costs are spread out among thousands of rate-payers, no one feels a severe impact. If these costs are imposed upon the house mover and his customer, some moves will become too expensive and the buildings will be destroyed or abandoned instead. I will now introduce several house movers who will tell how SB416 would adversely affect their businesses.

Ira A. Hall, Chinook, Montana, representing Montana House Movers Association said he would like to bring out the fact that there are more new cables and electric lines being put up everyday with the electric company crossing roads many times without caring how many wire obstacle they create. In the last two to three years alone, there has been cable installed in the Malta-Harlem-Chinook areas. These cable wires are being installed below other utilities. Also, new lines to all reservation houses crossing the roads many times. With this many lines that will be charging a toll, this will certainly have a factor in whether I remain in the moving business. Bear in mind that there is not just one utility company charging, there are many: Montana Power, Bell Telephone, REA Telephone, REA Electric, Cable TV, Rail Roads.

Mark Pesanti, representing the Montana House Movers Association said that under the present law it is feasible to move a house from Anaconda to Butte. With the City of Anaconda closing the smelter, real estate values have all but diminished. Moving these homes to other areas is one opportunity for these people to salvage their home or equity. If this law is passed, I feel it would put a large additional burden on those already decreasing values.

Forrest L. Zion, representing Montana House Movers Association and Zion House Moving, said, this bill has been presented in the legislature many times in the past 30 years and defeated each time. The real object of this bill is to stop house moving simply because we are a nuisance to the utilities.

If this bill is allowed to pass, every utility line crossing a public road would be a toll gate on what are intended to be free public roads, the toll to be paid to private utility companies. These utility companies took right-of-way with full knowledge that buildings, farm machinery and other high loads have always had free access to the roads, and raising lines would be part of their maintenance cost. These maintenance charges are already included in each months bill to their customers. Passage of this bill would not reduce these monthly statements. Control of house moving would be in the hands of the utilities.

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Mr. Zion said utilities placed wires at their convenience, criss-crossing roads rather than paralleling same. It would be unfair to charge for this obstacle course.

A bill requiring house movers to pay for raising wires in cities was pushed through the Legislature in 1951 by utilities before house movers were aware that it was happening. In 1980 the Supreme court declared this unconstitutional.

In cities good houses have been torn down because of excess wire raising charges by the Utilities who have refused to give firm costs. This unknown factor quickly discourages the public from moving houses. Re-using good older buildings eases the strain on our natural resources. There is a housing shortage in Montana. The average small house now costs about \$40,000 which is completely out of reach of lower income families. House moving is doing much to provide housing to low income families.

Historical buildings are being moved and preserved which otherwise would be lost in the path of progress.

Utilities overlook the fact that we perform a very important function. Utilities directly benefit because each move generally means a new customer.

We are providing inexpensive housing in this time of material shortages and rising costs. We are recycling buildings from areas of no use to needed areas.

We provide jobs in all areas of the State, directly employing approximately 100 people. Indirectly all trades are given work after a building has been moved. Montana cannot afford to lose these jobs.

House movers make it possible for the Montana Highway Commission to sell buildings from the right-of-way saving the State road building dollars.

We are licensed and controlled by the State as haulers, work under the same Codes and Laws of the Public Service Commission as the Utilities and also contribute revenue to the State.

The railroads require that lines crossing their tracts be at a minimum of 27' in height. If there were required of utilities, where their lines cross a public highway, there would be no problem. All house movers at the present time cooperate with the utilities in picking the best routes and sometimes build roads in order that difficult wire crossings may be by-passed.

When raising wires for passage of structures or machines, the utilities do not leave the wire at this raised height, but lower them to their original position. This means that the public would have to pay over and over the cost of passing under the same low wires. An initial investment in longer poles and better

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engineering would have saved both the Utilities and the public much money.

The answer to the utilities problem could be found in placing wires underground. Most rural telephone wires are now underground and in the Hogeland - Turner area power lines have been buried.

Housing is a growth industry which is important to Montana. We cannot afford to deny housing to our citizens through the restrictions that would be imposed by passage of Senate Bill \$416.

Mr. Zion said they respectfully request that you recommend "DO NOT PASS" to Senate Bill No. 416.

Mr. Zion passed out a magazine entitled Rural Montana which featured an article on Housemovers.

Mr. S. Benson, A-1 Housemovers, said he would like to see us keep our roads and roadways free and open without tollways created by utilities and railroads. They are opposed to SB416.

Mr. William Kraske, Billings, MT said he opposes this bill because it was declared unconstitutional many times before. The highways were there long before the utilities bought the easement (which is temporary) to cross public highways. In effect the utility companies are running a toll road with full control, no compromise. We feel there should be more forethought in location and height on wires.

Duane Lutnes, representing Lutnes Movers, said they oppose SB416.

Donald Tomietti, Butte, representing Tonietti House Moving, said if SB416 is passed it would not bring any savings to the utilities customers. This was stated by their attorney. This bill will effectively end house moving.

Eldon J. Cook, Choteau, Montana, representing himself, said he opposes this bill. He said the increased activity in our area has created an unusually great demand for houses of any type, moved to Choteau, Bynum, Dupuyer and Cut Bank areas. For House Movers to assume more costs in wire raising fees will add to inflation and tend to eliminate house moving in our area.

Bernard B. Lutnes said he also opposes SB416.

Victor Tacke, Great Falls, representing Zion House Moving, said the utility company and their customers create the problem by the erection of the utility lines. (No utility company, no problems) They created the problem, they should take care

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of it.

David Castle, Fort Shaw, Montana, representing Zion House Moving, said he is in opposition to SB416.

Duane Ostermiller, Billings, MT, representing Ostermiller Housemoving said he opposes SB416. The possibility of moving larger and higher buildings would be jeopardized to the point where most of them would end up in the dump rather than moved and utilized for another period of time. This bill, if passed, would put the decision of a move into the hands of the utility companies instead of the home owner.

Ernie Otonpalik, Missoula, MT, representing A-1 Housemoving, said with a little planning on the part of the utility company, routes could be picked to raise the wires to a satisfactory level, thereby making this problem almost nonexistent. One of the utility companies made the statement that the consumers bills would not be reduced. We know that it would not help the house mover. Then who will it help to charge to move these loads down public roads.

Mike Draine, Missoula, MT, representing ACE Housemoving, said he opposes SB416.

Senator Anderson closed by saying he is a small businessman, and so anything that hurts small business he is opposed to. But at the same time I think fairness to all people is also important. There is not a single day that goes by that we do not take out some old law. I would say, what are highways used for. For automobiles and trucks. Would it be fair to ask the railroad to enlarge their tunnels. Should we go ahead and make our bridges much higher. Sometimes power lines cannot be buried. They lose power they are transmitting. Appreciate a do pass.

Senator Etchart asked if there were any questions from the committee.

Senator Graham asked if he knew of any house mover that had gotten wealthy from moving houses.

Senator Anderson said no.

Senator Hager said the mention was made that many wires do hang below the minimum requirements. If that is so, is anything every done about it.

Several people spoke in reply to this. As lines are fixed or replaced they are checked.

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There being no further questions from the committee, the hearing on SB416 was closed.

ADJOURNMENT:

The meeting adjourned at 2:35 p.m. The next meeting of the Highway and Transportation Committee will be February 17, 1981 at 12:30 p.m. to take up SB's 434, 471, 472, 473.



Senator Mark Etchart, Chairman

The Adverse Committee Report on SB293 was turned in on Monday, February 16, 1981. Copy of that report is attached to this set of minutes.

cdf

ROLL CALL

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2/14/81

NAME	PRESENT	ABSENT	EXCUSED
SENATOR MARK ETCHART	✓		
SENATOR TOM HAGER	✓		
SENATOR FRANK W. HAZELBAKER	✓		
SENATOR ROGER H. ELLIOTT	✓		
SENATOR LARRY J. TVEIT	✓		
SENATOR DAVE MANNING	✓		
SENATOR CARROLL GRAHAM	✓		
SENATOR JACK HEALY		✓	
SENATOR LAWRENCE G. STIMATZ	✓		
VERDON - Legislative Council	✓		

Each day attach to minutes.

DATE

2-14-81

COMMITTEE ON

Housing & Transportation

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Larry Hamrick	Yellowstone Valley Elec Co-op	416	X	
Kay E. Nichols	Yellowstone Valley Elec Co-op	416	X	
Orville E. Bueck	Mont. Assoc. Util	416	X	
Bob Hanson	San River Elec Co-op	416	X	
A. K. McKinnon	Mont. Assoc. Util	416	X	
James M. Smith	MT. Coal Council	422	X	
Samuel T. Smith	San River Elec Co-op	416	X	
John E. Helming	San River Elec Co-op	416	X	
Wes Hufnagel	Mont. Cable TV (TCI)	416	X	
Therese D. Dwyer	Yellowstone CTV. Music	416	X	
Alfred St. Hougherty	Mont Cable TV Association	416	X	
Jim Hughes	MOUNTAIN BELL	416	X	
Beck	DCHL	422		
V. R. Beckert	DCHL	422		
Donald B. Putner	Putner Movers	416		✓
Dean Putner	Putner Movers	416		✓
Roger Tapp	M- House Movers	416		✓
JR H. HALL	Mont House Movers	416		✓
		416		✓
Dean Ostermiller	Ostermiller Moving	416		✓
Jim Thomas	Midwest House Movers	416		✓
Frank Thomas	Midwest House Movers	416		✓
Mont. House Movers	Mont. House Movers	416		✓
Eldon J. Cook	Cook Constr. Co. Inc.	416		✓
Ch. Henson	Cook House Movers	416		✓
Paul Cartho	Zion House Moving	416		✓

DATE 2-14-81

COMMITTEE ON Housing + Transportation

VISITORS' REGISTER

[illegible]

NAME: Jack R Beckord DATE: 2-14-21

ADDRESS: 1523 Knight St. Helong, Mont.

PHONE: 449-3452

REPRESENTING WHOM? Dept of Hwy:

APPEARING ON WHICH PROPOSAL: SP 422

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James D. Muckler DATE: 2/14/81

ADDRESS: Helena

PHONE: 442-6223

REPRESENTING WHOM? MT. Coal Council

APPEARING ON WHICH PROPOSAL: S.B. 422

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: Support extension to allow
for use of funds as intended

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Betty Chelobers DATE: Feb 14

ADDRESS: P.O. 1306 Great Falls

PHONE: 454-1521

REPRESENTING WHOM? World Associated Utilities and Telephone
association of Independent Companies

APPEARING ON WHICH PROPOSAL: S.B. 416

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Paul G. Olsen

DATE:

2-14-81

ADDRESS:

Route 4 Billings, MT

PHONE:

246 6338 or 656 6029

REPRESENTING WHOM?

Yellowstone Valley Electric Co-operative, Inc

APPEARING ON WHICH PROPOSAL:

Senate Bill 416

DO YOU:

SUPPORT?

yes

AMEND?

OPPOSE?

COMMENTS:

The co-operative must presently move, raise, cut or alter its electric facilities to accommodate the transportation of over-size loads without reimbursement for its expense of man and machine hours even though the co-operative has no easement without limitation on public right of way and though the co-op's facilities comply with statutory requirements as to height at respective villages. The co-operative moves right to use the public thoroughfare and preserve its industry but we respectfully submit that its patrons complain that the co-operative or utility consumer subsidize the transportation of oversize loads.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: GIL DOUGHERTY DATE: 14 Feb 1981

ADDRESS: Helena

PHONE: 442-1440

REPRESENTING WHOM? Montana Cable Television Association

APPEARING ON WHICH PROPOSAL: SB 416

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS : _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Wes Huffman

DATE: 12 Feb 1984

ADDRESS: Helena Cable TV

PHONE: 442-1060

REPRESENTING WHOM? Helena Cable TV & MONTANA Cable TV Assn

APPEARING ON WHICH PROPOSAL: SB 412

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE : _____

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bureau of Mining DATE: 3-14-81

ADDRESS: Missouri

PHONE: 684-2312

REPRESENTING WHOM? De Montana Tel. Co.

APPEARING ON WHICH PROPOSAL: 89412

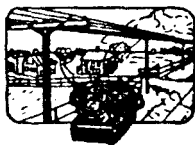
DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: Representing just one of many small
utilities in Montana, I feel that this
proposal should pass the legislature to
protect the utility from undue financial
burden caused by moving of large structures
at the present time. Utilities are required
to leave overhead lines for such moves
and all expenses must be assumed by the
utility. I'm in object and feel that the
expense be allowed to share actual expense.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

"D"

SOUTHERN MONTANA TELEPHONE CO.



WISDOM, MONTANA 59761

EXPENSES INCURRED DURING A RECENT BUILDING FROM DIVIDE TO DEEP CREEK,
WITHIN THE EXCHANGE BOUNDARIES OF SOUTHERN MONTANA TELEPHONE COMPANY.

Arrangements were made by Tamietti House Movers in Butte to assist with
the moving of a building within our exchange boundaries.

On December 16, 1980, three men and two trucks drove to Divide at the
appointed time. NO MOVERS ARRIVED - NO PREVIOUS CALL FROM MR. TAMIETTI.

On December 17, 1980, the building was moved into Divide, where it sat for
several days.

On December 29, 1980, three men and two trucks again drove to Divide.
NO MOVERS - NO CALL INFORMING US OF A DELAY.

On January 19, 1981, the building was moved from Divide to Wise River.

On January 21, 1981, it was moved from Wise River to Deep Creek.

A total of 984 miles were driven by two trucks (492 each).

A total of 108 hours were paid to three men (36 hours each).

The telephone lines were released at 29 crossings.

Estimated expenses:

Labor -----	3 men, 36 hours each, total of 108 hours	
		approximately \$ 1,650.00

Truck expense -----	2 trucks, 36 hours each,	
	at \$15.00 per hour each	1,080.00

TOTAL UNREIMBURSED EXPENSES		<hr/> \$ 2,730.00
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These are the estimated expenses of our Company only. Montana Power, Mountain
Bell, and Vigilante Electric Coop. were also involved in the move.

NAME: James R. Hughes DATE: 2-14-81

ADDRESS: 2020 WINNE, HELENA, MONT

PHONE: 449-3385

REPRESENTING WHOM? MOUNTAIN BELL

APPEARING ON WHICH PROPOSAL: ~~HB~~ SB 416

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: THE BILL WOULD CORRECT AN ENEQUITY
THAT NOW EXISTS. IN TREATING THE COST OF
SERVICE AND CHARGING THOSE WHO CREATE
THE COST YOU ARE NOT BURDENING THE
OTHER RATEPAYERS WHO DON'T RECEIVE THE
BENEFITS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Red Hansen DATE: 2-14-81

ADDRESS: Fairfield, MT

PHONE: 467-2526

REPRESENTING WHOM? ~~SEN~~ Montana Associated Utilities

APPEARING ON WHICH PROPOSAL: S.B. 416

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

electric Co. of consumers should
not have to pay costs of house move or
buyers of homes

all SNAT members concur in the
passage of this bill.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AM END?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: GENE PIGEON DATE: 2/14/81

ADDRESS: P.O. Box 201 Glendive, MT.

PHONE: 365-5251

REPRESENTING WHOM? M. D. U.

APPEARING ON WHICH PROPOSAL: SB 416

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: THIS Bill would CORRECT A
SITUATION CREATED BY A RECENT SUPREME COURT
DECISION WHICH RENDERED INVALID A STATUTE
REQUIRING THE PAYMENT BY HOUSE MOVERS OF
COSTS WITHIN CITY LIMITS. IT ALSO
PLACES THE COSTS WHERE THEY SHOULD BE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JOHN LAHR DATE: 2-14-81

ADDRESS: Butte MT

PHONE: 723-5421

REPRESENTING WHOM? MPC

APPEARING ON WHICH PROPOSAL: SB 416

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

illegible

) STATEMENT IN OPPOSITION
) BY MONTANA HOUSE
) MOVERS' ASSOCIATION

"Honorable Paul Cannon
President of the Senate

Sirs:

From 1929 to 1951 the burden of cost for individual home, farm and ranch owners who move their houses, hay derricks and other items has been on the utilities. In 1951 this was amended to shift the burden to the individual movers in the cities and towns. As a member of the Senate, I voted against this change.

Senate Bill 48 would shift the burden from the utilities to all Montanans who might move, with the exception of an owner or tenant of farming or grazing land on which such poles and wires may be located.

This makes every utility line crossing a public road a toll gate, with the toll to be paid to the utility company, It seems to me that this is inequitable.

The utilities are equipped to do this work and take rights-of-way with this burden in mind. If this responsibility for maintaining clearance above ground is not left with the utilities, all movements of high structures might soon be blocked by these utility toll gates. Power and telephone lines might soon strangle the people of Montana, except for those who wanted to move under lines on land they own or rent.

An analogous situation would exist if people who crossed railroad rights-of-way were charged a toll for crossing. The

railroads are required to maintain crossings for public use, and I believe the same principle should apply to power and telephone companies.

In 1953, during the Thirty-third session of the Montana legislative assembly, I vetoed a similar bill involving the same principle. For these reasons I am returning Senate Bill 48 without my approval.

Very truly yours,

J. HUGO ARONSON,

Governor."

The judgment of history appears to be that Governor Aronson brought to his office a keen sense of fair play and a full appreciation of the importance of a good highway system to all the highway users of the state of Montana. That Governor Aronson's sense of equity and fair play was well founded is demonstrated by a recent state supreme court decision.

The Montana Supreme Court last year interpreted this statute as one which serves the public health, welfare, and safety in several significant ways. The statute confers a public benefit, the Court wrote, in providing a controlled method of accommodating a mover's needs with prompt replacement and repair, so that there is minimal interference in providing electrical service to the public. The statute also recognizes the right of the public to use the highways, including the reasonable and necessary public use of moving oversized objects on the highways.

The Court commented on utilities' use of highway corridors for overhead lines as follows: "In locating their facilities on a public right-of-way, utilities and cooperatives are conferred a property right which, by its very nature, is subject to other competing franchises and privileges Where other competing interests and franchises become involved, a utility may be forced to give up a particular location of its facilities, and reasonable interference may be necessary and proper." Yellowstone Valley Elec. Coop. v. Ostermiller, 37 St. Rep. 536 (1980).

This unanimous decision by our highest court echoes Governor Aronson's point: the utilities and the coops elected to install overhead crossings of public highways knowing full well that they were occupying airspace above the public right-of-way as a privilege which might have to be interrupted once in a while. They could have put in a more expensive underground crossing in the first place; by electing the less expensive overhead installation, they should assume the social

costs which come with this type of construction.

So much for the constitutional and legal analysis of the flaws in this bill. As an exercise in economic analysis, that is, to ask who should pay the costs of an occasional disconnection, the answer is the same. If these costs are spread out among thousands of rate-payers, no one feels a severe impact. If these costs are imposed upon the house mover and his customer, some moves will become too expensive and the buildings will be destroyed or abandoned instead. I would now introduce several house movers who will tell how SB416 would adversely affect their businesses.

* * *

NAME: IRA H HALL DATE: Feb 14 81

ADDRESS: Box 262 Chinook Mont

PHONE: 357-4110

REPRESENTING WHOM? Mountain House Home Assoc.

APPEARING ON WHICH PROPOSAL: Senate Bid 416

DO YOU: SUPPORT? AMEND? OPPOSE? yes

COMMENTS: I would like to bring out

The fact that there are more

new cables & Electric lines being

put up everyday.

with the electric companies crossing

roads many times with out saving how

many wire obstacles they create

In the last 2 to 3 years alone there

has been cable installed in Malta-Harbor

Chinook areas. being installed below other utilities

also new line to all reservation houses

crossing the roads many times.

with this many lines that will be charging

toll this will certainly have a factor in

whether I remain in the Moving Business

Keep in mind that there is not just one

utility charging there are many

MONTANA Power REA Electric

3 1/2 T. Lines Cable TV.

Two more areas

~~wires being added~~
the cost was B built in when
the wires were installed

2500 + 2400 just for one utility
how can we stand cost of several
utilities

1200 } 2700
1080 }

NAME: Abel P. ... DATE: 4/1/11

ADDRESS: 4141 C St NW

PHONE: 4100-5064

REPRESENTING WHOM? Miss H. H. H. H. H.

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Atty. the report has been

11/11/11

London To ...

01141641

At 10:15 The Capt. R /

14-1-1914. Sun. all but 1.

11/11/11

Monday March 19th 1890

1871

10. The following are the names of the persons who have been

17/11/1954

1. Wickham - 10 Road near Home

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MONTANA HOUSE MOVERS ASSOC.

P. O. BOX 2082
GREAT FALLS, MT 59403

February 13, 1981

Re: S.B. 416

MR. CHAIRMAN AND HONORABLE COMMITTEE MEMBERS:

THIS BILL HAS BEEN PRESENTED IN THE LEGISLATURE MANY TIME IN THE PAST 30 YEARS AND DEFEATED EACH TIME. THE REAL OBJECT OF THIS BILL IS TO STOP HOUSE MOVING SIMPLY BECAUSE WE ARE A NUISANCE TO THE UTILITIES.

IF THIS BILL IS ALLOWED TO PASS, EVERY UTILITY LINE CROSSING A PUBLIC ROAD WOULD BE A TOLL GATE ON WHAT ARE INTENDED TO BE FREE PUBLIC ROADS; THE TOLL TO BE PAID TO PRIVATE UTILITY COMPANIES. These Utility Companies took right-of-way with full knowledge that buildings, farm machinery and other high loads have always had free access to the roads, and raising lines would be part of their maintenance cost. THESE MAINTENANCE CHARGES ARE ALREADY INCLUDED IN EACH MONTH'S BILL TO THEIR CUSTOMERS. PASSAGE OF THIS BILL WOULD NOT REDUCE THESE MONTHLY STATEMENTS. CONTROL OF HOUSE MOVING WOULD BE IN THE HANDS OF THE UTILITIES.

Utilities placed wires at their convenience, criss-crossing roads rather than paralleling same. It would be unfair to charge for this obstacle course.

A BILL REQUIRING HOUSE MOVERS TO PAY FOR RAISING WIRES IN CITIES WAS PUSHED THROUGH THE LEGISLATURE IN 1951 BY UTILITIES BEFORE HOUSE MOVERS WERE AWARE THAT IT WAS HAPPENING. IN 1980 THE SUPREME COURT DECLARED THIS UNCONSTITUTIONAL.

In cities good houses have been torn down because of excess wire raising charges by the Utilities who have refused to give firm costs. THIS UNKNOWN FACTOR QUICKLY DISCOURAGES THE PUBLIC FROM MOVING HOUSES. Re-using good older buildings eases the strain on our natural resources. There is a housing shortage in Montana. The average small house now costs about \$40,000.00 which is completely out of reach of lower income families. House moving is doing much to provide housing to low income families.

Historical buildings are being moved and preserved which otherwise would be lost in the path of progress.

UTILITIES OVERLOOK THE FACT THAT WE PERFORM A VERY IMPORTANT FUNCTION. UTILITIES DIRECTLY BENEFIT BECAUSE EACH MOVE GENERALLY MEANS A NEW CUSTOMER.

We are providing inexpensive housing in this time of material shortages and rising costs. We are recycling buildings from areas of no use to needed areas.

We provide jobs in all areas of the State, directly employing approx. 100 people. Indirectly all trades are given work after a building has been moved. Montana cannot afford to lose these jobs.

House movers make it possible for the Montana Highway Commission to sell buildings from the right-of-way saving the State road building dollars.

MR. CHARIMAN AND HONORABLE COMMITTEE MEMBERS:

We are licensed and controlled by the State as haulers, work under the same Codes and Laws of the Public Service Commission as the Utilities and also contribute revenue to the State.

The railroads require that lines crossing their tracks be at a minimum of 27' in height. If this were required of Utilities, where their lines cross a public highway, there would be no problem. All house movers at the present time cooperate with the Utilities in picking the best routes and sometimes build roads in order that difficult wire crossings may be by-passed.

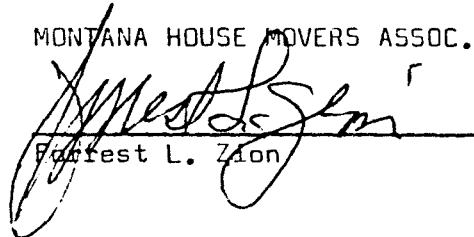
When raising wires for passage of structures or machines, the Utilities do not leave the wire at this raised height, but lower them to their original position. This means that the public would have to pay over and over the cost of passing under the same low wires. An initial investment in longer poles and better engineering would have saved both the Utilities and the public much money.

THE ANSWER TO THE UTILITIES PROBLEM COULD BE FOUND IN PLACING WIRES UNDERGROUND. MOST RURAL TELEPHONE WIRES ARE NOW UNDERGROUND AND IN THE HOGELAND - TURNER AREA POWER LINES HAVE BEEN BURIED.

Housing is a growth industry which is important to Montana. WE CANNOT AFFORD TO DENY HOUSING TO OUR CITIZENS THROUGH THE RESTRICTIONS THAT WOULD BE IMPOSED BY PASSAGE OF SENATE BILL #416.

WE RESPECTFULLY REQUEST THAT YOU RECOMMEND "DO NOT PASS" SENATE BILL #416.

MONTANA HOUSE MOVERS ASSOC.


Forrest L. Zion

They Move— You Pay

The old Dunkirk School covered both lanes of Highway 2 as it was moved slowly down the hill east of Shelby. The historic school was firmly anchored on the back of a truck for the several mile move as it inched past the downed power lines of Marias River Electric Cooperative. Down at the bottom of the hill, Marias River EC crews cut off power to more consumers as they lowered another line to accommodate the movers.

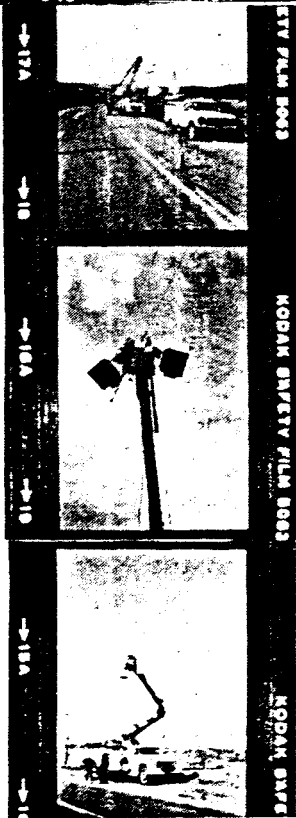
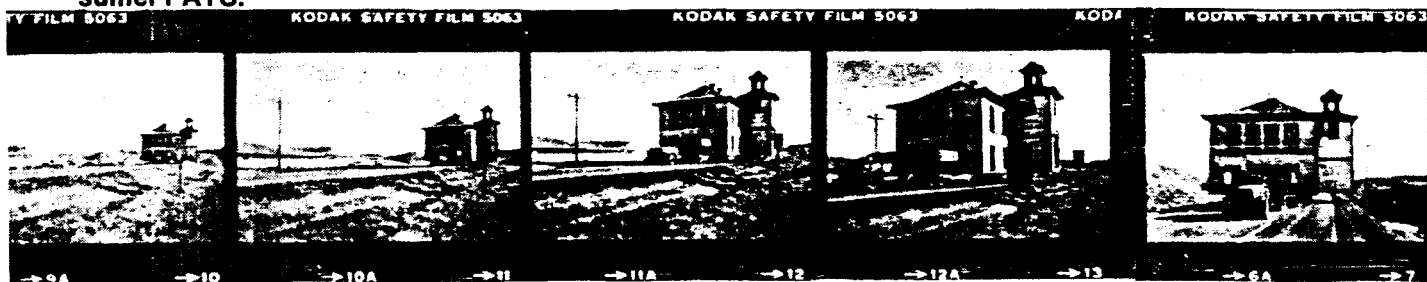
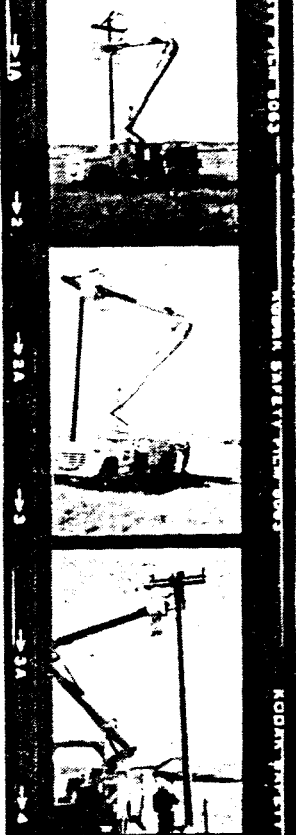
Seven Minuteman missile sites were without power for a time. A cattle auction at the Shelby Stockyard Company was cut off in mid-auction when the power went out. 80 farms and ranches in the Marias service area had no power for several hours.

Valley EC service area cost \$8,125.31. Total costs borne by Montana rural electric and rural telephone consumers in 1979 exceeded \$100,000.

Why do you, the consumer, have to pay these costs? Because the Legislature and the Supreme Court say it is the right thing to do. It spreads the burden equitably they say.

Back in 1929 the legislature decided that it was in the public interest and safety as well as the general welfare to require electric utilities to provide competent workmen to handle any necessary interference with the power lines when requested to do so by a mover of a high structure. This would insure that such interference would be done in a safe and efficient manner. The

Marias River EC crews cut and reconnect power lines so a building can be moved and the consumer PAYS.



The Dunkirk School came to rest by the fairgrounds after a successful move. The relocation of the old school cost Marias River EC consumers over \$1100.

That's right - every time a house or an oil tank or any high structure requiring the raising, cutting or lowering of rural electric or rural telephone lines is moved - you, the consumer pay for the costs of disturbing the lines. Not the moving company. Not the person or company having the structure moved. You, the members of the cooperative. IT IS THE LAW.

Fifteen moves in 1979 in the Marias service area cost cooperative members \$6,989.92. Eleven moves in the Flathead EC area cost \$4,840. Twenty-nine moves in the Yellowstone

legislature did not, however, say who was to pay for the costs of raising or lowering the lines.

In 1951, the 1929 law was amended to specify that in cities and towns the costs of raising or lowering lines would be paid for by the mover. It didn't say a word about rural areas.

Yellowstone Valley EC took the case to district court claiming discrimination. The district court handed down a judgement last year saying that the amendment was indeed discriminatory. The court's solution was to strike the amendment. Now utilities must bear the cost in cities and towns as well as in the rural areas. No discrimination there in the eyes of the law. The consumer now pays in all cases.

RURAL MONTANA

The judge noted in his order that his decision "could be termed a paradoxical turn of events from the standpoint of plaintiffs (Yellowstone Valley EC), whereby they win the argument but lose the case."

The cooperative appealed the decision to the State Supreme Court. It said the law denied equal protection and due process of law and was therefore unconstitutional. The statute (Section 69-4-603, MCA), the cooperative said, was an unreasonable exercise of the police power of the state. The power of eminent domain was also a consideration.

The police power of the state enables the state to pass regulations for the health, safety and general welfare of the people. It does not require just compensation. Eminent domain is the right of the state to take private property for public use. Just compensation is required.

The Supreme Court cited four previous cases where the interference with utility poles and wires was a proper exercise of police power with no compensation. They also cited four cases where it was a "taking" under eminent domain; was private, permissive and extraordinary, and conducted only for the benefit of a mover and his client. Just compensation was required. The court decided it was a proper exercise of the police power. The consumer pays.

The cooperative contended that even if it is deemed an exercise of the police power, it is unreasonable because it arbitrarily imposes costs upon consumers who have no interest in or need for the structure moving. The Supreme Court said no.

The decision, signed by all five justices of the Supreme Court, said:

"We find therefore, that the statute is a reasonable exercise of the police power. Further, we find that it is not unreasonable to impose the costs upon utilities and cooperatives. Imposing costs upon utilities and cooperatives is perhaps the most effective way of spreading



Yellowstone Valley EC crows raise lines for a house movement and the consumer pays for this "benefit."

the burdens created by the statute. In this way, consumers share both the burdens and the general benefits which the statute intended and is calculated to secure. Imposing costs upon respondents and other moving companies would be too burdensome and would, in effect, make the activity of moving buildings and other oversized objects cost prohibitive. Accordingly, we affirm the judgement of the District Court."

Some questions need to be answered about the Supreme Court decision.

Why should the burden created by the statute—which is essentially a private company using the public highway to benefit a private client—be placed on the shoulders of cooperative members?

Why does the Supreme Court, the judicial branch of the state, say don't do as we do, do as we say? Government entities in the state—city, town, county and state—require by ordinance or statute that if a mover has to take down or move lines to traffic signals or other electrical fixtures owned by the entity that the mover must hire and pay a contractor to do the work. This

is considered a proper exercise of government sovereignty. Is this not just a little bit discriminatory?

Single moves of houses and other oversized objects cost a cooperative anywhere from \$75 to \$1000 plus. Would that really be cost prohibitive to the client of a mover on a single move basis? The mover is not going to pay the cost—the client is. What it might do is cut down the movement of junk houses that should be torn down rather than moved.

The biggest question the Supreme Court evades is a simple one — Is it fair to charge cooperative members for high structure moving costs that bring them no benefit and indeed cause them inconvenience and other problems through power outages when the only one to really benefit is a mover and his client?

Should it be the responsibility of the cooperative members to subsidize private high structure movers and their clients?

The Supreme Court decision will cost cooperative members money in the form of higher utility bills. It is money the members shouldn't have to spend.

NAME: Imaglo Birman DATE: Feb. 14, 1981

ADDRESS: 3330 So. 3rd W.

PHONE: 728-0051

REPRESENTING WHOM? A-1 Housemovers

APPEARING ON WHICH PROPOSAL: SENATE BILL #416

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: LET US KEEP OUR ROADS AND
ROADWAYS FREE AND OPEN WITHOUT
~~FOR~~ TOLLWAYS CREATED BY UTILITIES
AND RAILROADS. KILL SENATE BILL #416.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William Kraske DATE: FEB. 14, 1981

ADDRESS: 1401 GRANITE DR BILLINGS, MONTANA 59102

PHONE: 252-8127

REPRESENTING WHOM? KRASKE HOUSEMOVING

APPEARING ON WHICH PROPOSAL: SENATE BILL 416

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: I OPPOSE THE BILL BECAUSE IT
WAS DECLARED UNCONSTITUTIONAL MANY TIMES
BEFORE THE HIGHWAYS WERE THERE LONG
BEFORE THE UTILITIES CO. BOUGHT EASEMENT
(WHICH IS TEMPORARY) TO CROSS PUBLIC HIGHWAYS.
IN EFFECT THE UTILITY COMPANIES ARE
RUNNING A TOLL ROAD - WITH FULL CONTROL -
NO COMPROMISE. ~~AND~~ THE FEEL THERE ~~SHOULD~~
SHOULD BE MORE FORTHUGHT IN LOCATION AND
HEIGHT ON WIRES.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

FEB. 1981

SENATE BILL #416

WE AS HOUSEMOVERS ARE WORKING AS FREE ENTERPRIZE BUSINESS PEOPLE COMPETING IN THE MARKET WITH LARGE CORPORATIONS; CO-OP'S AND LABOR UNIONS. WE AS INDIVIDUALS HAVE NO UNIONS REPRESENTING US TO FIGHT RAISING COSTS, LICENCES, FEES, GASOLINE INCREASES AND INFLATION. WE OFFER OUR UNIQUE SERVICE TO THE PUBLIC AS INDIVIDUALS AND COMPETE ON A BID TYPE BASIS AGAINST EACH OTHER TO EKE OUT A LIVING. THE MAJORITY OF PEOPLE WHOM WE CONTRACT TO ARE TRYING TO PROVIDE THEMSELVES WITH LOW COST LIVING QUARTERS IN A COUNTRY WHERE THE AVERAGE FAMILY NO LONGER ^{CAN} OWN OR ^{CAN} AFFORD THEIR OWN HOME.

START WITH A NORMAL SITUATION WHERE SOME WELL CONSTRUCTED HOMES ARE COMING UP FOR SALE - TO BE MOVED FROM AN UPCOMING COMMERCIAL SITE. OK THE AVERAGE FAMILY OF 2 ADULTS AND 2 CHILDREN OR MORE WANT TO BUY THEIR FIRST HOME (AN AMERICAN DREAM). THE FAMILY IS NOW LIVING IN A APARTMENT HOUSE PAYING \$400.00 PER MONTH RENT PLUS UTILITIES - THIS IS A LEVEL OF LIVING THEY CAN JUST BARELY AFFORD. THIS FAMILY'S ONLY OPTION IS TO BUY AN OLDER MOBILE HOME; RENT SOMEONE ELSE'S LOT, THEN ADD ON UTILITIES - END RESULT - A DEPRECIATING MOBILE, NOT OWNING THE LAND IN THE FUTURE AND FINALLY A RAISING UTILITY COSTS AN UNSURE FUTURE FOR SURE.

A SECOND OPTION IS TO PURCHASE A MOVE-OFF HOME, PURCHASE SOME LAND AND THEN MAKE PAYMENTS ON AN INVESTMENT FOR THE FUTURE. A GOOD USED HOME CAN BE PURCHASED FOR \$3000⁰⁰ TO \$6000⁰⁰, CAN YOU FIND AN EQUALLY VALUABLE MOBILE FOR THE SAME PRICE OR AN ~~USED~~ ESTABLISHED HOME FOR LESS THAN \$500⁰⁰ TO \$600⁰⁰ PER MONTH IN PAYMENTS ADDING UP TO \$100,000⁰⁰ TO \$200,000⁰⁰ DOWN THE ROAD. NO THE BEST VALUE IN A HOUSE HAS ALWAYS BEEN A RELOCATED ONE - THAT IS UNLESS THE HOUSEMOVING COSTS GET BLOWN OUT OF PERSPECTIVE BY HIGH UTILITY COSTS TO THE MOVER AND OWNER.

THE AVERAGE HEIGHT OF A HOME BEING MOVED IS BETWEEN 22' TO 24' ON THE PUBLIC HIGHWAYS. A HOME MOVING DOWN THE AVERAGE HIGHWAY WILL ENCOUNTER A WIRE APPROXIMATELY EVERY MILE AT THIS HEIGHT. TAKE DELAY TIME (TO MOVE THE WIRE) BY APPROXIMATELY 20 AUTOMOBILES WAITING X GAS AND PATIENCE AND YOU HAVE AN EXPENSIVE INCONVENIENCE. IF THE WIRES WERE RAISED OVER THE HIGHWAYS TO A MINIMUM OF 25', YOU WOULD CUT YOUR TRAVELING TIME DOWN; PLUS WAITING TIME FOR 20 AUTOS PER MILE AND OF LITTLE COST TO THE UTILITY COMPANIES. IT SEEMS TOO CONVENIENT FOR THE UTILITY COMPANIES THAT PROVIDE A CONSUMER RELATED SERVICE TO LOCATE THEIR LINES TO FOLLOW STREETS AND HIGHWAYS BY EASEMENT AND THEN FOR THIS MUTUALLY OWNED UTILITY TO CHARGE A PASSAGE FEE FOR PUBLIC ACCESS.

I FEEL THAT PUBLIC UTILITY COMPANIES DO NOT HAVE ENOUGH FORTHOUGHT AND PLANNING AS TO WHERE AND HOW WIRES SHOULD CROSS PUBLIC HIGHWAYS SO AS NOT TO INTERFERE WITH PRESENT AND FUTURE PUBLIC CONVENIENCE. MANY TIMES WHILE MOVING A HOUSE I HAVE PULLED UP TO WIRES LOWER THAN THE AVERAGE HOUSE, HAVING TO WAIT FOR THE UTILITY COMPANIES TO SHOW UP; HOLDING UP TRAFFIC. ~~WHERE~~ BETTER PLANNING ON WIRE LOCATION AND HEIGHT WOULD NOT HAVE CAUSED ANY INCONVENIENCE. ALSO LOW WIRES PRESENT A DANGEROUS SITUATION FOR ANY HIGH FLYING FARMER WITH AN EQUIPMENT TRAILER OR LOAD OF HAY, MULTIPLY TIMES BROKEN WIRES ACROSS THE HIGHWAY. HOW MANY TIMES ARE UTILITY COMPANIES CALLED OUT TO REPAIR LOW, MISPLACED WIRES? DON'T WE HAVE THE RIGHT TO DEMAND THAT SOMETHING MUST BE DONE FOR PUBLIC CONVENIENCE OF LARGE LOADS? IF THIS BILL PASSES WE WILL BE STUCK WITH THE REVELATION THAT UTILITY COMPANIES CAN LOCATE THEIR WIRES ANYWHERE AT A MINIMUM HEIGHT - AND WILL CHARGE ALL THEY CAN TO DISCOURAGE ONE FROM MOVING A HIGH LOAD OR ELSE!

WHO IS SERVING THE PUBLIC? THE HIGHWAYS WERE THERE FIRST, WHOEVER CONTRACTS TO USE HIGHWAY ACCESS BY EASEMENT CANNOT IMPAIR PASSAGE OF AN INDIVIDUAL OR OBJECT AND THEN CHARGE A RATE FOR THEIR INCONVENIENCE. THIS WAS DETERMINED TO BE UNCONSTITUTIONAL BY THE DISTRICT COURT!

NAME: DUANE LUTNES DATE: 2-14-81

ADDRESS: ROUTE 2 BOX 7

PHONE: 406 - 385-1787

REPRESENTING WHOM? LUTNES MOVERS

APPEARING ON WHICH PROPOSAL: S.B. 416

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Donald Jamieson DATE: 2-14,

ADDRESS: 3010 1st St NW

PHONE: 702-4003

REPRESENTING WHOM? Tamara House, Washington

APPEARING ON WHICH PROPOSAL: SB - 41

DO YOU: SUPPORT? AMEND? OPPOSE? Y

COMMENTS: If SB 416 is passed it
will bring our savings to
the million mark. This was stated
by the attorney. This bill will
definitely cut down on the
amount of money.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Eldon J. Cook DATE: Feb 14 - 51

ADDRESS: Chateau Mont

PHONE: 466-2454

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: Senate 416

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? Oppose

COMMENTS: Increased activity in our
Area has created an unusually
great demand for houses of any
type, moved to Chateau, Bynum
Rayner and Cut Bank areas:
For House Movers to assume
more costs in ware raising fees
will add to inflation and
tend to eliminate house moving
in our area.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bernard B. Lutner DATE: < -14-81

ADDRESS: R 2 Box 52 Westly Mont 59275

PHONE: 385 2537

REPRESENTING WHOM? Lutner movie

APPEARING ON WHICH PROPOSAL: 416

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: wrote letter to Etkart
stating my opposition

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE: 2/14/81

ADDRESS: KALISPELL

PHONE: 755-6624

REPRESENTING WHOM? Public Power & Light

APPEARING ON WHICH PROPOSAL: SB 416

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: JAMES RIFE DATE: 2-14-51

ADDRESS: HATLEY MOUNTAIN 54137

PHONE: 348-3411

REPRESENTING WHOM? YELLOWSTONE VALLEY ELECTRIC CO-OP

APPEARING ON WHICH PROPOSAL: S.B. 110

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: The rate of rising prices for
the material high loads in winter being
borne by the utility. The expense of
being passed on to the consumer is
not excessive. I feel that though
the present rate is somewhat high
subsidizing the consumer because
2. the past two years costs the
Yellowstone Valley Electric Co. have been nearly
\$5000 in labor and equipment for
repairing and improving condition in high load
areas. In the first month of 1951
it became necessary to raise rates

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

for the high load areas at a cost of
nearly \$2500.

NAME: Victor Tanke DATE: 3/14/81

ADDRESS: Leah Falls, Mt.

PHONE: 452. 9309

REPRESENTING WHOM? Gran Home Moving

APPEARING ON WHICH PROPOSAL: 416

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: The utility Co. and there contractors
exacerbate the problem by the creation of
the utility line. (no utility co. no problems)
They create the problem they should take care of it.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Paul Hodge DATE: 2-14-81

ADDRESS: Hobson, MT

PHONE: _____

REPRESENTING WHOM? Fergus County Electric Co-op.

APPEARING ON WHICH PROPOSAL: HB416

DO YOU: SUPPORT? XXXXX AMEND? _____ OPPOSE? _____

COMMENTS: _____

We are in favor of this bill, it causes concerns
and expenses to our consumers. It's really a problem for us.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

DATE: 2/14/81

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU :

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Juane Ostermiller DATE: 2/14/81

ADDRESS: 129 Charlene St Billings mt

PHONE: 259-5681

REPRESENTING WHOM? Ostermiller Housemoving

APPEARING ON WHICH PROPOSAL: SB 416

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: The possibility of moving larger and
higher buildings ^{would} be jeopardized to
the point where most of them would
end up in the dump rather than
moved and utilized for another period
of time. This bill, if passed, would ~~not~~
put the decision of a move into the
hands of the utility companies instead
of the home owner?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ernie Otonalik DATE: 2/14/81

ADDRESS: Rt 2 Missoula Mont.

PHONE: 549-4964

REPRESENTING WHOM? A-1 Housemoving

APPEARING ON WHICH PROPOSAL: senate bill # 414

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: with a little planning
on the part of the utility companies
routes could be picked to raise the
wires to a satisfactory level there
by making this problem all most none
existant. One of the utility companies
made the statement that the consumers
bills would not be reduced. We know that
it would not help the house mover.
Then who will it help to charge
to move these loads down public roads

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: MIKE DRAINE DATE: 2-14-81

ADDRESS: 7136 MISSOULA, MT.

PHONE: 549-3768

REPRESENTING WHOM? ACE HOUSE MOVING

APPEARING ON WHICH PROPOSAL: SENATE BILL #416

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: OPPOSE SENATE BILL 416

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/2/61 Joint Bill Bill No. 433 Time _____

| NAME | YES | NO |
|--------------------------|----------|----|
| Senator Mart Etchart | ✓ | |
| Senator Tom Hager | ✓ | |
| Senator Frank Hazelbaker | ✓ | |
| Senator Elliott | ✓ | |
| Senator Tveit | ✓ | |
| Senator Manning | ✓ | |
| Senator Graham | ✓ | |
| Senator Healy | (Absent) | |
| Senator Stimatz | ✓ | |
| | | |
| | | |
| | | |

Carol Doyle Frasier
 CAROL DOYLE FRASIER
 Secretary

SENATOR MARK ETCHART
 Chairman

Motion: _____

(include enough information on motion—put with yellow copy of committee report.)

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BILL NO. 422

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Anthony Manning

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A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND FOR 2 YEARS

THE DEADLINE TO EXPEND OR ENCUMBER COAL AREA HIGHWAY

RECONSTRUCTION FUNDS APPROPRIATED PRIOR TO JUNE 30, 1979;
 PROVIDING FOR LOCAL GOVERNMENT CONSULTATIONS;
 AMENDING SECTION 2 OF CHAPTER 540, LAWS OF 1977."

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

Section 1. Section 2 of Chapter 540, Laws of 1977, is amended to read:

"50-1803. Coal area highway reconstruction program.

(1) There is appropriated to the department of highways for each of the 4 fiscal years following July 1, 1975, all the funds in the coal area highway improvement account for carrying out the programs authorized by this section. Any funds thus appropriated and not expended before June 30, 1979, may, notwithstanding the provisions of 79-1015.2, be expended or encumbered to carry out this section until June 30, 1983.

(2) The department of highways, within the area designated as the eastern Montana coal field economic growth center as certified to the secretary of transportation by the governor under section 143, Title 23, United States Code, shall prepare a special construction program for the

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reconstruction of deficient sections of these highways. ^{in consultation with the governing bodies of the counties in the area.}
 (3) The department of highways shall expedite the

planning and reconstruction program for projects on the designated portions within this area by using funds allocated under this subsection and any federal funds that may be made available to match such funds; until federal funds are made available to match the funds allocated under this subsection the department of highways may, upon approval of the Montana state highway commission, expend such funds for planning and reconstruction projects with or without assurance from the federal government that unmatched state expenditures will be retroactively recognized for matching purposes.

(4) Funds allocated under this section shall not be used to match apportionments made for primary and secondary highways under the Federal-Aid Highways Acts; however, nothing in this subsection should be construed to prohibit the implementations of projects otherwise funded by apportionments made under the Federal-Aid Highways Acts; furthermore, planning and reconstruction projects may be financed in whole or in part by public and private funds provided such projects conform to the applicable standards, regulations, and procedures of the department of highways and the federal highway administration."

-End-

-2-

INTRODUCED BILL

SB 422

Carol

Here is today's amendment.

SB 422

1. Title,

Following: "1979;" on line 6

Insert: "PROVIDING FOR LOCAL GOVERNMENT CONSULTATIONS;"

2. Page 2, line 1.

Following: "highways"

Insert: "in consultation with the governing bodies of the counties in the area"

I checked with legal director of Legislative Council as to why not codified.

He confirmed my belief ~~that~~ the first section of the bill was not codified because it is an appropriation measure, and they are as a rule not codified.

Paul

Amend SB 422 as follows:

1. Title, line 6

Following: line 6

Insert: "PROVIDING FOR LOCAL GOVERNMENT
CONSULTATIONS;"

2. Section 1, page 2, line 1

Following: "highways"

Insert: "in consultation with the governing
bodies of the counties in the area"

ADVERSE COMMITTEE REPORT ON SB293

Senator Hafferman told the committee this is an act to remove the requirement that taxes be paid on a mobile home before it is moved, if it is moved within the county. All this bill does is allow the person who wishes to move from a trailer court to a lot, to get a permit to move that trailer without paying the taxes. As it stands now, even a person who moves just down the road, has to pay the taxes.

Joe Roberts representing the County Treasurers' Association appeared in opposition to SB293. He said this bill deals with mobile home permits and would have the effect of not having a permit. We are not adamantly opposed to this bill, but would like to relate caution in passing it. There is no bigger headache than that of mobile homes. I think that some of you are aware of this. It is difficult to identify where these mobile homes are. One way we get a handle on their location is to require permit to move them. It is not like a license permit on a vehicle. As it stands now, if there is any movement of the mobile home, they have to get a permit, and it is at that time they check to see if all the back taxes are paid on that mobile home. One of the biggest problems deals with the consumer. Someone will buy a mobile home and go to move it, only to discover there are a lot of back taxes on it. It is then the obligation of the new owner to pay up the back taxes. I think this bill would make a lot of problems for the county to collect back taxes and locate the mobile homes to assess.

The Committee felt it should not be that much of a burden to pay the taxes before the mobile homes was moved. They recommended a DO NOT PASS.

STANDING COMMITTEE REPORT

.....February 5.....19 21.....

MR. President:.....

We, your committee on Highways and Transportation.....

having had under consideration Senate.....Bill No. 293.....

Respectfully report as follows: That.....Senate.....Bill No. 293.....

DO NOT PASS *W.C.*
~~DO NOT PASS~~

STANDING COMMITTEE REPORT

February 4 1981

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **Senate** Bill No. **422**

Respectfully report as follows: That **Senate** Bill No. **422**

introduced bill no. 422 be amended as follows:

Title,

Following: "1979;" on line 6

Insert: "PROVIDING FOR LOCAL GOVERNMENT CONSULTATIONS:"

Page 2, line 1.

Following: "highways"

Insert: "in consultation with the governing bodies of the counties
in the area"

**AND, AS SO AMENDED
DO PASS**