

HOUSE BUSINESS AND INDUSTRY COMMITTEE

Chairman, Rep. Jerry Metcalf, called the Business & Industry Committee to order on January 21, 1983, at 9:00 a.m. in Room 420 of the Capitol Building, Helena, Montana. All members were present.

HOUSE BILL 147

REP. DAN YARDLEY, District 74, sponsor, opened by saying this law survives because the consumer doesn't realize who is paying the costs of moving wires and poles for home movers. The consumer ultimately picks up the costs from this bill enacted in 1929.

PROPONENTS:

JAY DOWNEN, Rural Electric & Telephone Association, said he was concerned about the unfairness of the costs involved in this statute. At the time the statute went into effect, there weren't that many lines or that many houses being moved. He recognizes the public's right to use the roads but the movers should be required to pay for the use of the utility's time. The problem this bill addresses will not go away without a bill from the Legislature. The co-operatives suffer the most from this law to the tune of \$300,000 - and Montana Power spending \$103,000 in 1982. The average cost to a mover would be \$411, an amount that would not put the mover out of business.

WILBUR ANDERSON, Vigilante Electric Cooperative, Dillon, said rural consumers have already paid the costs of moving these lines for the past 54 years - with no relief. Montana consumers should not have to continue paying these high costs in their power and telephone rates. Vigilante Electric's average cost per move is \$736. This is a lot of money to have to pass on to the rural consumers.

PHIL JOHANNES, Yellowstone Valley Electric Co-Op, said that because of his geographic area, they have been hit hard by high loads moving through their service area on the way to Colstrip power plants. In 1982 they spent \$30,625 for raising or cutting lines to accommodate high loads plus an additional \$46,307 to permanently raise their lines along Interstate 94. This is a total of \$76,932 and represents 2.2% of their gross income.

RICHARD BECK, Fergus County Co-Op, said he believes whoever creates the cost should pay the cost. They receive no benefits from these charges but they're made to pay.

KEN KRUEGER, Flathead Electric Co-Op, said there has been a dramatic increase in the amount of large structure moves in the past few years. It's not fair for the consumer to have to pay for these moves.

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Business & Industry Committee

JERRY LOENDORF, Helena Cable TV, said people should be able to use the roadways in a usual manner as often as they wish but should pay when they use them in an unusual manner.

ROBERT INMAN, Park County Electric Co-Op, said they performed 22 high structure moves in 1982 for a cost of \$9,200. Besides the costs to the Co-op there were costs to the consumers in terms of power outages and curtailment of services. Also, the timing is always bad as most moves are made during their busiest time in the summer.

CHARLES LYNDES, Mid-Yellowstone Electric, said 200 high loads went through their system last year at a cost of \$42,000 which is \$27.50 per consumer. This was due mostly to Colstrip. The time involved totaled 7 1/3 months of one lineman's time, which is 65% of his time to do someone else's work.

BOB QUINN, Montana Power Company, said his company supports this legislation and has for at least the 7 years he has been with the company.

TOM MacCLAY, Missoula Electric Co-Op, said their company is meeting the national line height standards.

BURL WINCHESTER, Consultant, Bozeman, conducted a study in which one out of 57 heads of households in Montana participated. 88.62% said it should be the "cost-causer" or the contractor of the move who should pay the cost. 98.8% said it was time we enacted new legislation to replace the 1929 law. Of the 66 respondents who had been involved in a move themselves, 77% said the law should be changed so the movers pay the cost. (Exhibit #1)

ROD HANSEN, Montana Associated Utilities, said moves would be done more efficiently if this bill passes because the moving companies will route properly and plan ahead if they are paying.

GEORGE HOYNES, Big Flat Electric, Malta, said in 1981 they helped move ten new homes that a contractor had built in one spot and then moved to the Reservation. Many people were out of power and had to pay the bill. He stated BLM charges movers for their services as well as the railroad but their services are free.

TERRY MURPHY, Montana Farmers Union, said they favor HB 147.
GENE PHILLIPS, Pacific Rural Co-Op, said they favor HB 147.
GENE PIGEON, M.D.H., Glendive, said they favor HB 147.

GARY MASON, Ravalli Co-Op, said they are trying hard to keep all costs down. They would be willing to cooperate with the movers and work on the problems.

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JIM HUGHES, Mountain Bell Telephone, said they are not just talking about moving houses - they had to deal with a 70 foot yacht moving through Helena recently. They average \$1,150 per move and the cost goes to consumers. He said it wouldn't break Montana Power to pay these costs but it has quite an impact on the small co-ops.

OPPONENTS:

BEN HAVDAHL, Montana Motor Carriers Association, said they would favor an amendment to this bill to put the cost where it should be - on the owner of the item to be moved. The recovery of that cost for the transporter would be much easier to obtain.

STEVE BROWNING, Montana Home Movers, said the home moving industry is down from 126 moves in 1981 to 105 in 1982, and that the main problem for the co-ops is Montana Power and the Colstrip operations. Home movers are prohibited from building structures with the intent of moving them to another location. Montana Power, on the other hand, is doing this at Colstrip. They get the benefit of the old law as well as the new. If this law is passed, the many people in this room who depend on home moving for a living will be out of a job as well as all the other people who are involved in the construction work that goes with moving a structure. Fifty percent of the moves that would be made in the future will not be made if this legislation goes through. Many other states have passed this legislation but it is their hope it will not happen in Montana. In 1980, the Montana Supreme Court ruled against the utilities constitutional challenge, stating "Imposing costs upon utilities and cooperatives is perhaps the most effective way of spreading the burdens created by the statute." The utility proposals will increase fiscal pressures and the State's budget for the biennium. (Exhibit #2)

DUANE OSTERMILLER, housemover from Billings, said the real culprit in the increase of structure movings is Montana Power going to Colstrip. He said without reservation that passage of this bill would put many homemovers out of business. (Exhibit #3)

IRA HALL, Chinook, housemover, said he was particularly concerned about safety as regards low hung wires along the roads. He states that when the utilities put the wires up they knew they were blocking the public right-of-way and that they would be required to pay for the cost of moving those wires. (Exhibit #4)

JIM THOMAS, Mid-West House Movers, Miles City, said if the people have to pay to have the wires moved, the business will go under. Montana Power should be thankful we move

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homes in Montana - they get to benefit from the power bills they generate forever.

SCOTTY ZION, Zion Construction and House Moving, Great Falls, said he doesn't understand why the utility companies don't pay the small additional expense it would cost to construct and maintain wires at a safe height. The cost of a 45 foot pole is not substantially greater than that of a 30 foot pole. If this bill passes it will devastate the home moving business. (Exhibit #5)

DON HEFFINGTON, Blair Transfer, Missoula, said he moved two identical buildings to basically the same location and was quoted two extremely different costs by the Montana Power Co. He is worried about this discrepancy if he has to pay for their services.

DAVID CASTLE, house mover, Fort Shaw, said the additional costs from Mt. Bell, Mont. Power and the Cable TV would make moving a structure financially prohibitive and added "Who is going to be responsible for my bankruptcy?"

Other witnesses present who voices opposition to HB 147 were Bernard Lutness, Westby, Mt., and Ronald Roy, Chinook. (See Visitor's Register)

REP. YARDLEY: Nothing said here today has changed my mind on this bill. The law is unfair. The amendment proposed is self explanatory: "Owner of any house or other structure should pay the necessary and reasonable expenses of raising or cutting the wires and removing the poles when raising, cutting or moving is necessary to facilitate the movement of any house or other structure; amending section 69-4-603, MCA." (Exhibit #6)

QUESTIONS:

REP. ELLERD: Mr. Heffington, do you think the added cost of \$411 would put you out of business? Mr. Heffington: The Montana Power quoted me \$30,000 and \$50,000. Rep. Ellerd: Mr. Quinn, do you have records to verify quotes to house movers? Mr. Quinn: I will check into it.

REP. FAGG: Why doesn't Montana Power install the larger poles so moving won't be necessary? Mr. Lyndes: We are using the larger poles now but it will take years to replace all of them.

REP. HARPER: Could you give me what the average height is of a structure being moved? Mr. Castle: Of my last four moves, three were 20 feet and one was 24 feet. Mr. Ostermiller: A survey showed the average height is around 25 feet. Rep. Harper: Would you say the vast majority are under 24 feet?

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Mr. Ostermiller: Yes. REP. SAUNDERS: What is the minimum you could live with as far as height? Mr. Zion: 28 feet would be comfortable. I think we should sit down with the utilities and figure out what can be done. Mr. Castles: There are lines running everywhere. I don't know if raising them is the answer.

HOUSE BILL 219

REP. TOM HANNAH, District 67, sponsor, said the Secretary of State's Office requested him to sponsor this bill. This bill, which would be effective May 1, 1983, requires the use in a business name of "corporation," "company," "incorporated," or "limited" when the applicant is a corporation, and requires use of "limited partnership" for that type of organization. The bill conversely prohibits use of those terms when they do not legally apply. The bill also prohibits registration in Montana of the business names of a foreign corporation that does not have an effective certificate of authority or certificate of registration to transact business in this state.

PROPOSERS: none
OPPOSERS: none

QUESTIONS:

REP. KITSELMAN: Why do you have a May 1 filing date?
Rep. Hannah: If this bill passes, they need at least that much time to notify the public that it will be in effect.

HOUSE BILL 236

REP. ROBERT DOZIER, District 61, sponsor, said this is a simple bill to exempt car pool members from regulation by the Public Service Commission. He said many workers from the Colstrip area carpool to work and this bill would exempt them from sounding like a public transportation system.

WAYNE BUTT, Public Service Commission, said this removed groups of not more than 15 passengers traveling from home to work and back once a day, if the driver is also on his way to work from regulation by the PSC.

OPPOSERS: none

QUESTIONS:

REP. ELLISON: This says workers - how about students going

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to school? Mr. Butt: I would interpret this to also mean students.

EXECUTIVE SESSION:

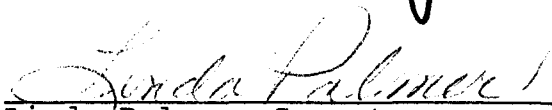
REP. KITSELMAN: I move that HOUSE BILL 236 DO PASS.
Question: Rep. Fagg.
Motion carried UNANIMOUSLY.

REP. KITSELMAN: I move that HOUSE BILL 219 DO PASS.
Question: Rep. Fagg.
Motion carried UNANIMOUSLY.

The hearing adjourned at 11:30 a.m.



JERRY METCALF, CHAIRMAN



Linda Palmer, Secretary

STANDING COMMITTEE REPORT

January 21

83

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MR. Speaker:

We, your committee on BUSINESS & INDUSTRY

having had under consideration HOUSE Bill No. 236

(white)

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CAR POOLS
FROM REGULATION AS MOTOR CARRIERS; AMENDING SECTION
69-12-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 236

DO PASS

STANDING COMMITTEE REPORT

January 21 19 83

MR. **Speaker:**

We, your committee on **BUSINESS & INDUSTRY**

having had under consideration **HOUSE** Bill No. **219**

(white)

"A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 30-13-202 AND 30-13-205, MCA, RELATING TO WHEN REGISTRATION OF AN ASSUMED BUSINESS NAME IS PROHIBITED; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That **HOUSE** Bill No. **219**

DO PASS

VISITOR'S REGISTER

HOUSE Business & Industry

COMMITTEE

BILL HB 147DATE 1/31/83SPONSOR Yardley

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Tom Maclay	Florence, MT	Missoula Elec Co-op	X	
BURL WINCHESTER	BOZEMAN, MT	CONSULTANT FIRM		
GARY D. MASON	CORVALLIS MT.	CORVALLIS COUNTY ELEC. CO-OP	X	
HOWARD STANLEY	BILLINGS	YELLOWSTONE VALLEY REC	X	
James Heinichen	Billings	" "	X	
Ralph McKelvie	Billings	" "	X	
Wilbur Anderson	Dillon, MT.	Vigilante Elec. Co-op	X	
Bob Williams	Helena MT	FERGUSON ELEC	X	
Richard Pieck	Lewistown, MT	FERGUSON ELECTRIC	X	
Philip Johnson	Hamilton, Mont.	of Hamilton & Co.	X	
W. J. Johnson	Helena, MT		-	-
G. J. Johnson	Gt Falls	Mont. Assoc. Util	X	
Charles Lyndes	Hysham, Mont.	Mid Yellowstone Elec	X	
Daniel R. Butler	Orinda, Montana	Missoula Electric	X	
Donell F. Burk	Staensville MT	Perelli Electric	X	
John Dalis	West Glacier, MT	Flather Electric	X	
W. J. Nelson	Kalispell Mont.	Rathed Elec	X	
K. L. Kueger	Kalispell, Mont.	Mont Assoc Util	X	
Rod Hansen	Fairfield, MT	Mont. Assoc. Util	X	
W. J. Kueger	Kalispell MT	Mont Assoc Util	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE _____

COMMITTEE _____

BILL

HB 147

DATE _____

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Wm. KRASKA	BULLINGS	KRASKA Housemoving		X
Louis Thomas	Miles City	Mt. West House Movers		X
Jim Thomas	Miles City	Mt. West House Movers		X
Melvin Cross	Hamm	Cross House moving		X
GENE PIGEON	Glenview	M. D. H.	X	
Bob Gillman	Helena	Mont Rose Co.	X	
Ronald Ray	Chinook	Hall House Moving		X
Mike Ray	Helena	Mt. Trade Union		
Vern Butler	Pickup	House Mover		X
George Landon	Circle	House Mover		X
Bill Anaba	Glasgow	House Mover		X
Alvin Green	Great Falls	House Mover		X
Port. Green	Helena	Mt. Capital Assn	X	
Blake Worrel	Helena	Mt. HARVARD & INDEPENDENT #3300		X
Earl Miles	L. B. B.	G T E	X	
Bert Hordahl	Helena	MT. Motor Conv. ASSN		X
George Haynes	Melba	Big Flat Electric	X	
Jim Murphy	S.T. Falls	Mont. Farmers Union	X	
John Pasanti	Butte	Pasanti Hardware		X

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WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE Business & Industry

COMMITTEE

BILL HB 147Date 1/21/83SPONSOR Yardley

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
LARRY HUSS	HELENA MT	MOUNTAIN BELL	X	
Jim Hughes	HELENA MT	MOUNTAIN BELL	X	
WES HUFFMAN	HELENA, MT	HELENA CABLE TV	X	
DON HEFFINGTON	MISSOULA	BLAIR TRANSFER		X
VICTOR TACKER	GT FALLS	ZION HOUSE MOVER		X
Mike Dravis	Old Mont	M R Dravis Home moving		X
Larry E. Tharp	Corvallis	Larry's Enterprises		X
Helene J. Tharp	Corvallis	Larry's Enterprises		X
Essie Okefalk	Rt 2 Minner	R-1 House Moving		X
ASJ Ostermiller	129 Charline St	Ostermiller Henry		X
Monte J. J.	Box 2082 Rt 100	Jim Cost		
Kenith Schugel	St Falls	House Mover		X
Donald L. Tammeth	Butte	House Mover		X
David L. Coats	Fort Shaw, MT.	House Mover & Consumer		X
Bernard Luttrell	Westby MT.	House mover		X
Deane Luttrell	Westby, mt.	Luttrell movers		X
Jim Hall	Chenoweth MT	HALL HOUSE MOVING		X
Thayne J. Overhul	Columbus MT	Overhul house moving		X
Rick Mirens	Chinook mont.	18 all House Moving		X
Arnold Dörker	Great Falls	Dörker Movers		X

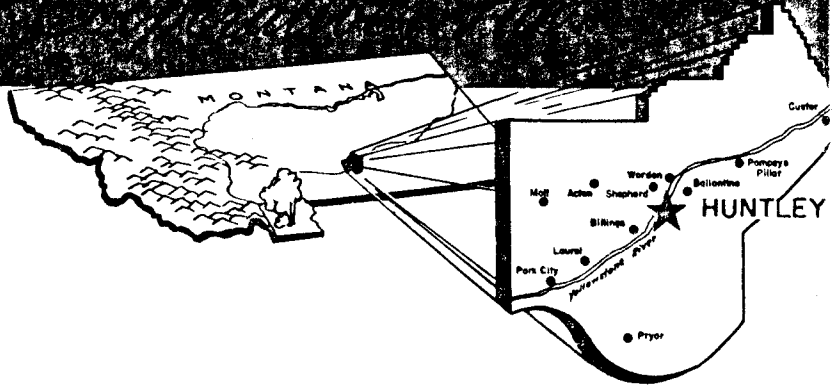
IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



HUNTLEY, MONTANA 59037

Telephone (406) 348-3411



TESTIMONY OF PHIL JOHANNES BEFORE THE B & I COMMITTEE

Good morning ladies and gentlemen of the Business and Industry Committee. My name is Phil Johannes and I am a farmer in the Ballantine area. I also am the Board President of the Yellowstone Valley Electric Coop headquartered in Huntley. My Coop has 1,660 miles of overhead electric lines. The service area is from Custer in the east to Park City in the west and from Pryor in the south to Acton in the north. We have electric lines all around Billings and serve about 5,586 active members.

Because of our geographic area, we have been hit quite hard by high loads moving through our service area. Let me give you some examples. In 1982 the Coop spent \$30,625 for raising or cutting our lines to accommodate high load plus an additional \$46,307 to permanently raise our lines along Interstate 94 to accommodate high load for the Colstrip power plant. This is a total of \$76,932 and represents 2.2% of our gross income. In other words, our rates are 2.2% higher than needed just to accommodate high loads. In 1982 the outside crews spent 70 working days either part or whole accommodating high loads. Of the 14,406 man-hours worked by the outside crews, 1,181 man-hours or 8.2% was spent with high loads. While the outside crews were working on high loads their regular work was delayed or the Coop had to hire an independent contractor.

Another thing that bothers me is that the cost for high loads increases every year. For 1980 it was \$8,469, for 1981 - \$13,878 and as previously stated for 1982 - \$76,932. These are total annual costs. The cost per move would be for 1980 - \$403, for 1981 - \$514 and for 1982 - \$729. Again, this is a bad trend.

The Yellowstone Valley Electric Coop has always cooperated with the house movers and will continue to do so. However, we do feel that it is unfair to ask us to provide the men and equipment to accommodate high loads and also have to pay for it. We ask that you support House Bill #147 so that the cost to accommodate high loads is paid by the owner who is getting the benefit.

Thank you for your time and for letting me read this statement.

1-21-83

House
Business and Industry
Committee

Helena, Montana.

Testimony of
Wilbur Anderson, Manager
Vigilante Electric Cooperative
Dillon, Mont.

Mr. Chairman, members of the Committee, my name is Wilbur Anderson, I am Manager of Vigilante Electric Cooperative at Dillon, Montana. House Bill 147 is a Consumer's bill, and would assign the fair and actual costs of moving wires over Montana roads to the cost causer. House Bill 147 is good legislation, and in the interest of all Montana. Rural Electric and rural telephone consumers resent the statement that we are being used by Montana Power Company in urging the passage of this legislation. We rural consumers have already paid the costs of moving these lines for the past 54 years - with no relief. Montana consumers should not have to continue paying these high costs in our power and telephone rates.

Vigilante Electric's average cost per move of a structure this past year was \$736., and we experienced a total of 29 moves in 1982. These costs should not have to be paid by our consumers.

We are also concerned about the accuracy of

this Fiscal Note prepared for H.B. 147.
Our experience in actual moves show that the
real costs are considerably higher than shown
on the Note, and the total moves in
Montana in 1982 was nearly 1000 moves, as
opposed to 625 indicated. We urge your favorable
Thank you Mr. Chairman. consideration of
H.B. 147.

TESTIMONY OF DUANE OSTERMILLER BEFORE THE HOUSE BUSINESS AND INDUSTRY
COMMITTEE ON HB 147

Mr. Chairman and members of the Committee, my name is Duane Ostermiller, a housemover operating out of Billings, Montana. I have been in the homemoving industry all of my adult life, and I'm extremely proud of the contributions my industry has made, not only to the maintenance of a stable supply of decent, safe, sanitary housing for Montanans who desire shelter at a reasonable cost, but more importantly for the contributions my industry has made to an expanding Montana economy.

I'm extremely concerned that the bill before the Committee today may undermine the capability of my industry to continue to contribute to Montana's economy. Indeed, I can say without reservation that in the event homemovers in Montana are required to pay for the cost of moving wires, as would be the case with HB 147 if it were law today, there is no question in my mind that I would be forced out of business. In many conversations I've had with housemovers throughout the State, I can say with great assurance that the majority of housemovers would be put out of business if they were required to pay for the cost of moving wires.

I don't make these observations as idle threats or hysterical reactions. I base my conclusion on empirical evidence. If the members of this Committee had the opportunity to review the homemoving industry in other states of the United States, they would learn that where homemovers are required to pay for the cost of wires being moved, the industry does not flourish. In Montana, we do not pay for the cost of moving wires. I don't think you could call us a healthy, viable and vastly profitably industry. On the other hand, we all work hard for a living, and we do succeed in adding to the productivity of this great State.

What bothers me today is that many of the members of the Montana Legislature have been convinced by the proponents of HB 147 and SB 84 that these proposals are fair and sensible. With all due respect to these advocates, I submit firmly that these proposals are both unfair and bad public policy.

First, let me talk about the equity that is lacking from these proposals. Many of the proponents of HB 147 and SB 84 would have you believe that rural electric cooperatives are on the verge of going bankrupt because of impetuous moves by homemovers. Nothing could be farther from the truth.

In this month's issue of the Rural Electric Newsletter it is noted that the number of structures being moved in Montana has increased over 500% in the last two years. The implication is that the homemoving industry is to blame. In fact, the increase has nothing to do with the homemoving industry. According to data compiled by my Association, the number of moves of houses in Montana over the past two years has actually declined.

Testimony of Duane Ostermiller (continued)

The real culprit is the Montana Power Company. In an effort to keep the costs down of the construction of Colstrip 3 and 4, a decision was made by Montana Power officials to prefabricate the equipment and structures that would be a part of the final Colstrip 3 and 4 power plants. This decision, I am told, saved MPC over nine million dollars in actual construction costs. The prefabrication was done in Stevensville, Montana, and in Billings. The final structures were quite oversized, in many cases requiring two trucks to haul a single component. It was not uncommon for the height of the oversize structure to be over 30 feet from the ground once loaded on the truck bed.

It is the contention of the Montana Home Movers Association that the increase in the number of wires moved is attributable solely to the decision by the Montana Power Company to build these oversize structures and then move them to Colstrip. The burden for the expense of moving the wires was borne, not by Montana Power Company, but by the rural electric cooperatives that served the areas over which the trucks carrying the Montana Power Company property traversed.

What strikes me as particularly ironic about this story is the experiences I have had as a homemover with the Montana Highway Department. Two years ago, a decision was made by the State Department of Highways to closely regulate the movement of new prefabricated homes over Montana highways. This action was taken as a result of several home manufacturing firms that constructed houses in Idaho and then had them moved into Montana over the Lolo Pass. The regulations issued by the Montana Highway Department prohibited the movement of any newly prefabricated home that was wider than 18 feet.

I don't understand why homemovers were not allowed to move prefabricated homes, but Montana Power Company was allowed to move prefabricated equipment and structures for Colstrip. It is not that I believe that we should be able to overturn the Highway Department regulation. Rather, it just does not strike me as fair. If we can't move them, I don't think the power company should.

Moreover, what strikes me as particularly ironic is that if the proponents of this bill are able to succeed in getting its passage, Montana Power Company will have benefited in two ways. First, they will have had the benefit of not having to pay for the cost of moving wires for the hundreds of pieces of oversize equipment moved to Colstrip. Second, now that the Colstrip construction is largely completed, the power company will have the benefit of being able to stop people from moving structures through its wires by simply charging a price too high to make such moves financially feasible.

Mr. Chairman, I could spend more time describing to you the benefits that our industry bestows on the State. Also, I could spend more time telling you why I think the proposal today is a cure far worse than the disease. Indeed, I do not think that the disease affecting

Testimony of Duane Ostermiller (continued)

rural electric cooperatives will continue to exist in any significant way now that the Colstrip plants are completed. But instead of spending more time focusing on the issues of productivity and inequality, I would like to yield to some of my other fellow homemovers who have other thoughts they would like to share with this Committee.

I thank you all personally for giving me the opportunity to testify today. It is a great privilege for me, and I extend to you my strongest wishes that you have the good judgment and foresight to defeat the proposal contained in HB 147.

Since I do not wish to preempt other thoughts that my colleagues might wish to share with you, I would respectfully ask that the members of the Committee defer questions until my other fellow homemovers have had an opportunity to present testimony to you.

Thank you.

END OF STATEMENT

TESTIMONY OF IRA HALL BEFORE THE HOUSE BUSINESS AND INDUSTRY COMMITTEE
ON HB 147

Mr. Chairman, and members of the Committee, I want to thank you for giving me the opportunity to testify before you today.

My name is Ira Hall and I operate a small moving company in Chinook, Montana. I am extremely proud of my company. I have been engaged in the profession of homemoving all of my adult life. I am a second generation Montana homemover. My father moved houses before me, and I am proud to have succeeded him in the business.

Like my colleague, Mr. Duane Ostermiller, my business supplies substantial economic benefit to the State. I understand that Mr. Ostermiller employs up to ten people in his business. In my case, I usually have at least three people working fulltime, and during the warmer months when we do more moving, I employ up to ten.

Some people would have you believe that the homemoving industry is something quite recent on the American scene. I would like to show you some photos that I have which show that the story is quite the contrary. Homemovers have been operating in this country for over a century. Indeed, it is homemovers who came first and not electrical wires.

In the 19th century roads were not encumbered by electrical wires strung all over the place. During those times, the right-of-way was open and free. Structures of all sizes could move down the highway without being interfered with by wires or cables. I have some photos that some of the members of the Committee might like to study which document the fact that homemovers did operate in the 19th century before the introduction of electrical wires.

Also, while some of you may have observed the homemoving industry in action, I suspect that many of you are not intimately familiar with the tricks of our trade. I have with me today a number of photos I took of my homemoving operation. I am told that American productivity is declining. That is certainly not the case with the homemoving industry. As you will see from my photos, our industry has advanced to the point that it is possible for one man to lift an entire house by himself. With the help of my family, I can not only pick up a house, but move it from one site to another. There is marvelous ingenuity at work in the movement of houses, and I think it would be a great loss, not only to our economy, but also to the history of our State, if the homemoving industry was destroyed, as I believe it most certainly would be if HB 147 were to become law.

SAFETY CODES

For many years I have been a student of national safety standards as it relates to the placement of overhead wires. I believe that these standards are not observed carefully by the utility industry, and as a consequence, there are many dangerously low wires hung throughout the State. Indeed, I would like to introduce into the record a

Testimony of Ira Hall (continued)

letter from a friend of mine who was nearly killed when his piece of farm equipment accidentally touched an overhead power wire that was hung below heights that are considered safe by national safety standards.

My friend was lucky, others have not been so lucky. For example, the son-in-law of a former member of the Montana Legislature was tragically killed when his truck struck a low-slung power wire. I do not offer this testimony to sensationalize the unfortunate death of a young Montanan. Unfortunately, deaths and disfiguring injuries are all too common in Montana today because of the problems of wires hung at unsafe heights.

I am personally concerned about the economic viability of farm implement manufacturing firms in Montana and in the sales outlets for these firms throughout the State. For example, I was recently studying a brochure for Frigstead Plow, a manufacturing firm located in Havre, Montana, and I learned that some of the equipment measures 19 feet high. I'm sure many of you know that there are wires spread over Montana's secondary and county roads that are far lower than 19 feet. It would be indeed unfortunate if a company like Frigstead and its companion manufacturing facility, Big Bud Tractors, were forced to lose business because buyers were afraid to purchase equipment that could not be moved because the farmers would have to pay for the movement of power lines.

Before I sit down, I can't help but leave with the Committee my concern that the utilities have brought upon themselves many of the problems that prompted the legislation that is the subject of this hearing. My friend, Duane Ostermiller, explained to the Committee how the real impetus for this legislation was provided by the movement of prefabricated facilities to Colstrip. Also, I think that the utilities have not developed an efficient and sensible way of responding to requests for the movement of wires. I've seen many cases where half a dozen men have been dispatched by the rural electrics or Montana Power to move wires when only a few men were needed. I suspect that there may not have been enough work for those men to do on the particular day that they were requested to move wires interfering with structures that my firm was moving. On the other hand, I don't think it is fair to place upon my firm the blame that six men were needed, when in fact they weren't.

Also, it annoys me that the work rules followed by the utilities are such that we hardly get into the field and begin to move the houses when the foreman of the wiremoving crew says that they have to go back to the office. To me it doesn't make sense that more sensible work rule procedures couldn't be worked out so as to allow moves to be consummated more quickly and less expensively for all the parties concerned.

Testimony of Ira Hall (continued)

In conclusion, Mr. Chairman and distinguished members of the Committee, I believe this legislation should be defeated for the following reasons: homemovers were here before the wires. When the utilities strung the wires, they knew that they were blocking the public right-of-way and that they would be required to pay for the cost of moving those wires whenever oversize structures were prepared to pass. Third, the utilities could have hung those wires at a height that would not have been much more expensive and which would have allowed nearly all oversize structures to pass underneath. Fourth, the utilities have been greedy. If you ever take a look at some of the posts in the country, you will see that there are many wires hung at various heights. The reason, quite simply, is that the power companies have begun to rent their poles to other wire hangers, such as telephone cooperatives, cable TV, and the like.

As I present this testimony to you today, I suspect that some of you might think we are being selfish and unreasonable. I only wish I had the opportunity to take you along the routes I have followed in moving houses. My industry makes every effort to reduce the time in which we come in contact with wires. Also, we try to follow the routes that will provide the least amount of interference with traffic flow.

I suppose it is not possible for me to demonstrate my equipment for you here in the Capitol, but I certainly urge any of the members of the Committee to come to Chinook and watch the Ira Hall Homemoving Company at work. I am proud of my company, and I do hope that you will have the good judgment to defeat this legislation so that my company can continue to prosper and provide the service vitally needed by people who need decent and inexpensive housing in Montana.

Thank you again for giving me the opportunity to testify before you today.

END OF STATEMENT

TESTIMONY OF FORREST L. ZION BEFORE THE HOUSE BUSINESS AND INDUSTRY COMMITTEE ON HB 147

Mr. Chairman, and members of this distinguished Committee, my name is Scotty Zion and I am president of the Zion Construction and House Moving Company in Great Falls, Montana. I have been in the housemoving business for over 35 years. Like the Canadian geese, who migrate south every winter, I seem to show up in Helena every biennium to appear before the Legislature to urge defeat of the utility legislation that's before you today.

For the life of me, I don't understand why the utility companies don't pay the small additional expense it would cost to construct and maintain wires at a safe height. The cost of a 45 foot pole is not substantially greater than that of a 30 foot pole. The advantage of a 45 foot pole is that wires can be hung at a height that will allow nearly all oversize structures to pass safely underneath. If the Committee would like, I would be happy to supply you with more detailed information on the cost of poles.

Personally, I believe that this legislation, if it were enacted, would devastate Montana's homemoving industry. I for one, plan to go out of business, because I could not take the additional expense needed to pay for the cost of moving wires.

Unlike many of my colleagues, I have an opportunity to engage in other business. Half of my firm is a construction firm. I suppose that the rest of my firm would become a house destruction firm.

Let me elaborate for a moment on the sum of the home destruction. Two years ago, I was the successful bidder on a project only a few hundred yards from where we are sitting. The new Justice Building was constructed on the site that was previously occupied by five houses. The State Department of Architecture and Engineering was entrusted with the responsibility of determining the fate of those five buildings. Two other contractors bid on this project, and both of them planned to demolish the five buildings and haul the debris to the Helena dump. Their bids for these proposed efforts were \$36,000 and roughly \$27,000. Instead of proposing to destroy all five buildings, I submitted a proposal where I would move three of the houses down into the Helena Valley and only destroy two of them. The immediate savings to the State for salvaging the three houses, rather than demolishing them, was over \$15,000. I was awarded the contract and three good homes are now standing and being used in the Helena Valley. These homes were restored to the tax rolls and over \$70,000 in sub-contracts for materials and services were generated for the people of the Helena area.

I tell you the story about the events preceding the construction of the State Justice Building for several reasons. First, as the State Budget Director has found in his fiscal note, there will be a significant fiscal impact rendered by the passage of HB 147. It may not be as great as the demise of the Anaconda Company, but it is an impact. State revenues will be decreased because homemovers will get less business; building sub-contractors will get less work. Also, State expenses for paying for the cost of moving wires for structures moved as a result of eminent

Testimony of Forrest L. Zion (continued)

domain will be increased. Finally, the State's housing stock will be diminished and greater pressure will be placed on the State's responsibility to help provide for the general welfare of its people.

There has been a great deal of talk in the papers lately about what we must do to provide jobs. I have spent 35 years of my life helping to provide jobs, and I call upon you to see the value of the work we are doing. I can't see a single thing about the legislation being offered to you today that will help provide one job. On the other hand, I can see everything this legislation will do to reduce jobs. I know that the Zion Construction Company will employ fewer people if this legislation pass, and I can tell you from experience I've had in talking with homemovers in other states that there will be far fewer people working in homemoving if housemovers are required to pay for the cost of moving utility lines.

I believe that the utility companies are less concerned about the costs they incur in moving lines than they are about the inconvenience they are caused in having to schedule crews to help move wires. Like these utility companies, my industry is also regulated by the Public Service Commission. By Montana law, homemovers are considered common carriers. When someone comes to us and ask that their house be moved, we do not have a great deal of discretion in the matter. We are supposed to move that house. On the other hand, I will take every step I can to dissuade someone from moving a house where undue disruption will be caused to utilities in moving wires.

Some of you may have seen press coverage concerning the movement of three houses from the Black Eagle area following the closure of the Anaconda refinery. My firm was responsible for moving those three houses. What you may not have seen in the press coverage was the route that I followed in moving those houses. I took them over rough terrain and gulleys in an effort to avoid coming in contact with wires. Yet, the Montana Power Company issued press releases talking about the exorbitant expenses they incurred as a result of those moves. I would like to show the Committee today some photos of those houses, which I am proud to say are now being used today, and you will be able to see that a great deal of effort was exerted to minimize the cost of wire movement.

Personally, I, like the late Governor Hugo Aronson, am concerned that the utility companies may charge any rate needed to dissuade the movement of homes.

CONCLUSION

Mr. Chairman, and members of this distinguished Committee, I would like to conclude my comments before you this morning on a more conciliatory note. I don't enjoy coming to the Legislature every two years for the purpose of fighting this bill. While I do enjoy the company of Legislators, I must say it is an expensive proposition for me to take time off work to fight this legislation. I would much rather work with

Testimony of Forrest L. Zion (continued)

utilities in coming up with a solution that would ensure the proper height of wires at a level that would allow passage of most over-size structures.

I would urge the Committee to defeat this legislation and to call upon both industries to sit down and to negotiate a sensible solution to this problem. I think that we are all reasonable men and that a reasonable solution can be fashioned that will minimize the impacts on both industries.

Thank you again for the opportunity of speaking before you today, and I will at this point suggest to the Chairman that all of the witnesses from the homemoving industry are prepared any questions you may have.

Thank you again.

END OF STATEMENT

PROPOSED AMENDMENT TO HB 147

1. Title, line 4.
Following: "AN ACT TO REQUIRE THE"
Strike: the rest of line 4 and lines 5 through 7 in their entirety
Insert: "OWNER OF ANY HOUSE OR OTHER STRUCTURE TO PAY
THE NECESSARY AND REASONABLE EXPENSES OF RAISING OR
CUTTING THE WIRES AND REMOVING THE POLES WHEN RAISING,
CUTTING OR MOVING IS NECESSARY TO FACILITATE THE MOVEMENT
OF ANY HOUSE OR OTHER STRUCTURE; AMENDING SECTION
69-4-603, MCA."
2. Page 1, lines 20 and 21.
Following: "corporation"
Strike: "engaged in moving"
Insert: "owning"
3. Page 2, line 7.
Strike: "engaged in moving"
Insert: "owning"

Hello,

I'm David Castle of Fort Shaw, Montana — housemover and consumer. In response to House Bill No. 147 and Senate Bill No. 84 — I have a lot more questions than I do answers, but I do realize there is a problem and we need a solution.

I want to ask what the details were of the law when utilities were given the use of our public right of ways. What obligations were written?

I have the understanding that utilities had the choice to either purchase the ground and own the property where they placed their poles and lines or obtain the right of way — at a much lesser expense. Through a police power act of the state they ran their lines and poles with the knowledge they owned the poles and lines and were responsible for such. It was an economically influenced decision, made knowing that when they crossed a public road, wires were to be constructed so as not to inconvenience the public's use of that road.

The utilities were not so concerned when there were fewer lines — and that's when the problem all started. The cost of raising a few wires for equipment moving down the road was minimal. Then later more lines were run. Now more and more utility lines! They cross the countryside and roads in some places in almost a solid mass. It has become a real problem. And now, instead of a solution to the problem, they want to increase their revenue by charging a fee for temporary removal of their obstructions.

Might this bill even make it profitable for the utilities to increase the number of wires crossing the roads instead of decreasing these obstructions by burying them or installing them higher?

What incentive will this proposed change in the law give the utilities to help find a solution to the problem?

What will our Montana scenery look like in years to come?

Does it not do an injustice to me but also an injustice to the state of Montana?

Speaking as a consumer — how many times will they bury the lines when they can charge people to drive under them?

Speaking as a housemover — I have moved houses with the utilities in attendance, but not touching a wire. Will I have to pay for a service not performed under this proposed change?

If the utilities do charge — since they state I have paid such great amounts before as a consumer to cover their costs of raising wires, will my utility bill be reduced proportionately?

I used to wonder how far a persons' rights went. Now I wonder how high.

Thank you,

David Castle
Fort Shaw, Montana 59443
264-5503

NORTHWESTERN BANK

21 Third Street North, Box 5011
Great Falls, Montana 59403
406/727 3000



January 20, 1983

Mr. David Castle
Mr. Rodney Peace
Castle House Moving
Fort Shaw, MT 59443

Dear Dave and Rod:

I share your concern about the legislation introduced as House Bill 147 and Senate Bill 84. As I view those bills, their passage would probably put you out of business. At the very least, it would make it difficult for you to continue operating since you would no longer be able to give a customer a firm bid on the cost of moving his house. Our economy depends on small business, and I feel that if these bills are passed, it will eliminate a number of small businesses in the state. With the problems we now face, we do not need to legislate more business failures.

If I can be of assistance to you in this matter, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Charles R. Torman".

Charles R. Torman
Assistant Vice President

mdl

sun sand & gravel

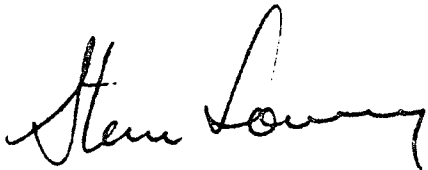
1/20/83

The Housemoving industry is essential to the concrete business, please weigh carefully the implications of HB 147 and SB 84.

It is my opinion that any additional costs that housemovers will have to pass on to the consumer will endanger an already marginal business in a depressed economy. That cost will also be inflated because the power companys will not be bidding the job but rather billing after the fact.

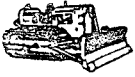
I am against any bill at this time that may cause any unemployment or add to the inflation problem now facing us. Please consider other alternatives for the protection of small co-ops in large impact areas such as colstrip.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Steve Lowry".

Steve Lowry, Owner
Sun Sand & Gravel
SunRiver, Montana 59483

RICHEM CONSTRUCTION



466-2359

CHOTEAU, MONTANA 59422

466-2595



January 20, 1983

In Regard To:

House Bill #147 and Senate Bill #84

To Whom it may Concern:

I beleive the passage of either of these bills could be very detrimental to housemovers, the construction businesses and to the many people who for once in their life would like to own a home but could never afford to build one.

Let me explain. First of all there are many people who cannot afford to build a home. They may own some lots or an acre or two of land but the skyrocketed price of lumber and labor makes it pretty tough to build. There always seems to be an abandoned or vacant house that with a little fixing up could make a home for someone. You start leaving an open charge for line service and the housemover to be the collector of that line service it could get expensive. Bang! There goes somebody's dream of owning their own home.

I, myself, am in the redi-mix and excavation business and I have seen these dreams come true and I have also seen them blow up in people's faces because of some unforeseen expense or that last little cost that broke the camel's back and they just couldn't afford it. Here in Choteau in the year of 1982 there were two homes moved in from the country and one relocated in Choteau. There was not one new home built. Whether a house is built or moved in it still effects all those little businesses which are plumbers, builders, electricians, redi-mix plants and excavators. If it is a house moved in we also have the housemoving business. Small businesses are what make this country work. Without them we would all be in pretty bad shape.

The present state of the economy isn't very good right now and I know of a lot of small businesses in the areas that I mentioned above that are struggling to stay in business; they're fighting. I urge you people to please look very closely at these bills and not pass them.

Thankyou for your time and consideration.

Very truly yours,

Gary L. Richem, Owner

GLR:cr

My experience with low hanging power lines was very frightening & expensive.

This Fall I was combining my crop by the Fort Assinibouine experimental station with a Cleaner M combine with a C B antenna on the cab. I did not park my truck into the field because of the 1st round on the field.

When my bin was full I drove the combine to the edge of the field and proceeded to unload. As the auger touch the truck I heard a loud noise and the big right tire on the combine blew and went flat.

I look down on to the ground and there was flames under the combine. I did not know what to do at that moment. so I decided to pull the combine away from the truck. I drove the combine away from the truck and got off and started to fight the flames with my sheet & almost had it out when I notice my truck was starting to catch a fire.

I got into the truck and started it up. but with air brakes I had to wait to build the air up to release my brakes. In my haste to move I strip the ring gear & pinion.

gear off. about this time my son Dean came driving up and help in putting the rest of the fire out.

Now what cause all this was when I came up to unload I did ~~not~~ notice that my antenna came in contact with the 7200 V power line.

Thank the good Lord that I move the combine, otherwise if I would have step off the combine I would have been electrocuted and also if my son ~~was~~ would of came a little sooner he would have got it also.

Now this was very frightening and expensive for me. it blew 3 tires on my truck and 1 combine tire, complete read end gears for my truck, the cost was at \$2500.00 plus time delay.

I sure would like to see these ~~stray~~ power wires up higher or charged to protect the public, we have had a lot of death & damage, our machinery is getting bigger, more activity around these dangerous lines.

Jon Paltano South of Hayre
Lewis Est. 725-6634

FROM BLOS. AREA 4- TO BUSINESS 84000.

WITNESS STATEMENT

Name William K. Kneke Committee On _____
Address BILLINGS, MONTANA Date JAN. 21, 1983
Representing HOUSEMOVING Support _____
Bill No. HB 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. I BELIEVE THE REA STATEMENT DO NOT REFLECT THE TRUE PICTURE OF HOUSEMOVES. OVER 500 MOVES WERE MADE BY SOMEONE OTHER THAN HOUSEMOVERS. MAINLY MOUNTAIN POWER AND TANKS BEING TRANSFERRED. LET THEM TELL THE TRUTH! I HAD LESS BUSINESS IN 1981 & 1982.
2. SOME POWER COMPANIES HAVE MADE NO ATTEMPT TO HELP THE PROBLEM, WIRES SHOULD BE RAISED TO 27' OVER TRAILER HIGHWAYS. THEY MUST ALLEVIATE THESE REPEATED MOVES OR EXPECT TO LOSE OUT. SOME UTILITIES IN THE BILLINGS AREA ARE NOW ABLE TO HANDLE FUTURE MOVES TO COUNTRY AREA WITH LITTLE ADDITIONAL COSTS DUE TO THEIR RAISING OF POLES OVER THE FEDERAL HIGHWAYS.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

3. THE PRAIRIE POWER CO., A SMALL TELEPHONE CO-OPERATING IN BILLINGS AREA WITH 25 SQ. MILES OF TERRITORY HAS IMPROVED AND ELIMINATED ANY FUTURE PROBLEMS AND COSTS BY PUTTING THEIR LINES UNDERGROUND AND HAD NOT HAD TO RECORD ON ANY MOVES IN THE LAST 3 YEARS.

WITNESS STATEMENT

Name Linda Thomas Committee On _____
Address Mid City, Mont. Date 1-21-83
Representing Mid West House Mover Support _____
Bill No. 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The abuse the power ~~of~~ company's use of their own time, eq. and man power.
2. Pictures are provided. This summer we had four identical moves.
3. 1st move ~~M.P.C.~~ M.P.C. sent bucket truck.
2nd move M.P.C. sent bucket truck + digger truck
4. (note in pictures the digger truck was following along behind me and it was driving the rear flag)
3rd move M.P.C. sent bucket truck + digger truck
(on 2nd + 3rd moves digger truck did nothing but follow along behind me)
4th move M.P.C. sent bucket truck

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

~~company's case + being unfair to charge for their~~
~~costs.~~

WITNESS STATEMENT

Name Jim Thomas Committee On _____
Address Miss City Montana Date 1-21-83
Representing Mid West House Movers Support _____
Bill No. 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Mr. Spadley
at last stated that, the Idaho move cost less because
move had to pay. Instead of power co
2. which is not so. Its the difference in prices from
that time & now.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

JAN. 1983

HOUSE BILL # 147

WE AS HOUSE MOVERS ARE WORKING AS FREE ENTERPRIZE BUSINESS PEOPLE COMPETING IN THE MARKET WITH LARGE CORPORATIONS; CO-OPS AND LABOR UNIONS. WE AS INDIVIDUALS HAVE NO UNIONS REPRESENTING US TO FIGHT RAISING COSTS, LICENSES, FEES, GASOLINE INCREASES AND INFLATION. WE OFFER OUR UNIQUE SERVICE TO THE PUBLIC AS INDIVIDUALS AND COMPETE ON A BIO TYPE BASIC AGAINST EACH OTHER TO EKE OUT A LIVING. THE MAJORITY OF PEOPLE WHOM WE CONTACT - 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.

WHAT OPTIONS DOES THE AVERAGE FAMILY HAVE?

* TO BUY A USED MOBILE; RENT SOMEONE ELSE'S LOT THEN ADD ON UTILITIES - END RESULT - A DEPRECIATING MOBILE, NOT OWNING THE LAND IN THE FUTURE AND FINALLY RAISING UTILITY COSTS - AN UNSURE FUTURE FOR SURE.

* TO RENT A POSSIBLE RUN DOWN DWELLING KNOWING THE MONEY THEY SPEND WILL NEVER BUY THEM ANYTHING, RENT PRICES THAT ALWAYS SPIRAL, UTILITIES ALWAYS GOING UP AND NEVER OWNING ANYTHING FOR FUTURE GENERATIONS.

* TO PURCHASE A MOVE-OFF HOME AT A LOW PRICE, DOWN PAYMENT ON SOME LAND AND THEN MAKE PAYMENTS ON AN INVESTMENT FOR THE FUTURE. EVEN AN ESTABLISHED HOUSE CAN COST THE BUYER \$500.00 TO \$600.00 A MONTH IN PAYMENTS ADDING UP TO \$100,000.00 TO \$200,000.00 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. EVERY MOVE-OFF IS ANOTHER NEW CUSTOMER FOR THE UTILITY COMPANIES.

THE REA MAGAZINE REPORTS THAT HOUSEMOVING HAS SPIRALED IN THE LAST TWO YEARS - THIS HAS BEEN UNTRUE OF MY BUSINESS, MY BEST YEARS WERE IN 1978 AND 1979 DUE TO AN UNUSUAL LARGE AMOUNT OF HOSPITAL HOUSES - DUE TO PUBLIC DOMAIN. NOW THE HOSPITAL HOUSES HAVE TAPERED OFF AND SO HAS THE ECONOMY - NOW GASOLINE PRICES HAVE INCREASED TO CREATE NEW JOBS - HOW ABOUT OUR JOB FUTURE?

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 27' (AS THE RAILROADS DO) YOU WOULD SOLVE 80% OF THE PROBLEMS AND THE UTILITY COMPANIES WOULD HAVE TO RESPOND TO VERY FEW MOVES. 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.

THE UTILITY COMPANIES WILL HAVE TO UPDATE AND IMPROVE THEIR SYSTEMS TO STAY COMPETITIVE - AS GOING WITH UNDERGROUND WIRES AND PREVENTING SIMILAR HIGH LOAD REPETITION WHICH IS TIME CONSUMING AND EXPENSIVE. HOW MANY TIMES ARE UTILITY COMPANIES CALLED OUT TO REPAIR LOW MISPLACED WIRES - DON'T WE HAVE THE RIGHT TO DEMAND IMPROVEMENTS, IF THE BILL PASSES WE WON'T SEE ANY IMPROVEMENTS.

WE RESPECTFULLY REQUEST THAT YOU RECOMMEND "DO NOT PASS"

69-4-101

PUBLIC UTILITIES AND CARRIERS

Part 4 — Relocation of Overhead Utility Lines

- 69-4-401. Definitions.
- 69-4-402. Petition for relocation of overhead line.
- 69-4-403. Hearing and order.
- 69-4-404. Costs of relocation.

Part 5 — Excavations Near Underground Facilities

- 69-4-501. Definitions.
- 69-4-502. Information to be sought before excavation.
- 69-4-503. Procedure to secure information.
- 69-4-504. Information to be part of architects' and engineers' plans.
- 69-4-505. Liability for damages to underground facilities.
- 69-4-506. Exemption for emergency repairs.

Part 6 — Movement of Structures

- 69-4-601. Movement of structures and interference with wires — notice required.
- 69-4-602. Procedure to give required notice.
- 69-4-603. Procedure to accomplish move.
- 69-4-604. Unlawful interference with lines.

Part 1

General Provisions

Handwritten: Title 69 Chapter 4 Part 1 of MCA Annotated

69-4-101. Use of public right-of-way for utility lines and facilities. A telegraph, telephone, electric light, or electric power line corporation or public body or any other person owning or operating such is hereby authorized to install its respective plants and appliances necessary for service and to supply and distribute electricity for lighting, heating, power, and other purposes and to that end, to construct such telegraph, telephone, electric light, or electric power lines, from point to point, along and upon any of the public roads, streets, and highways in the state, by the erection of necessary fixtures, including posts, piers, and abutments necessary for the wires. The same shall be so constructed as not to incommode or endanger the public in the use of said roads, streets, or highways, and nothing herein shall be construed as to restrict the powers of city or town councils.

Handwritten: incommode - inconvenience distress

History: En. Sec. 1000, Civ. C. 1895; amd. Sec. 1, Ch. 55, L. 1905; amd. Sec. 1, Ch. 192, L. 1907; re-en. Sec. 4400, Rev. C. 1907; re-en. Sec. 6645, R.C.M. 1921; re-en. Sec. 6645, R.C.M. 1935; Sec. 1, Ch. 59, L. 1945; R.C.M. 1947, 70-301.

69-4-102. Underground power lines in new service areas. (1) used in this section:

(a) "new service area" means any subdivision or group of newly constructed or newly installed dwellings (including mobile homes) or commercial buildings which, when occupied, will generate at least five contracts for the supply of electricity; and

(b) "lines used for the distribution of electricity" means all the distribution lines in the new service area through which electricity passes before it is utilized by the consumer and the consumer's dwelling or place of business.

Part 6

Movement of Structures

69-4-601. Movement of structures and interference with wires — notice required.**Collateral References**

Electricity ⇌ 20.

29 C.J.S. Electricity § 74.

39 Am. Jur. 2d Highways § 245.

Liability for injury by electric wires in street as affected by statute or other regulation affecting moving of building on highways. 83 ALR 2d 478.

69-4-602. Procedure to give required notice.**Case Notes**

Moving or Raising Utility Wires — Police Power, Not Eminent Domain: Under 69-4-603, a utility was required to move or raise utility wires so that oversized objects could be moved through public streets. The statute was determined to be an exercise of police power rather than sounding in eminent domain. Therefore, due process requirements of the 14th amendment may be met without compensation. Four factors were cited in the determination that the statute exercises police power: (1) public safety is concerned; (2) a public benefit is conferred; (3) a reasonable and necessary public use is allowed; and (4) the public's right to use the highways is recognized under the statute. *Yellowstone Valley Elec. Co-op v. Ostermiller*, ___ M ___, 608 P2d 491, 37 St. Rep. 536 (1980).

69-4-603. Procedure to accomplish move.**Case Notes**

Moving or Raising Utility Wires — Police Power, Not Eminent Domain: Under 69-4-603, a utility was required to move or raise utility wires so that oversized objects could be moved through public streets. The statute was determined to be an exercise of police power rather than sounding in eminent domain. Therefore, due process requirements of the 14th amendment may be met without compensation. Four factors were cited in the determination that the statute exercises police power: (1) public safety is concerned; (2) a public benefit is conferred; (3) a reasonable and necessary public use is allowed; and (4) the public's right to use the highways is recognized under the statute. *Yellowstone Valley Elec. Co-op v. Ostermiller*, ___ M ___, 608 P2d 491, 37 St. Rep. 536 (1980).

Utility to Bear Cost of Raising or Moving Wires — Statute Assessing Cost Against Mover Unconstitutional: The Supreme Court let stand a District Court ruling that it was unconstitutional to require any firm, person, or corporation engaged in the moving of a house, building, derrick, or other structure to pay all necessary and reasonable expenses of raising or cutting wires or removing poles. *Yellowstone Valley Elec. Co-op v. Ostermiller*, ___ M ___, 608 P2d 491, 37 St. Rep. 536 (1980).

CHAPTER 5

POWER AND ENERGY COMPANIES

Chapter Cross-References

Assessment of public utilities, 15-8-406, 15-23-101.

Assessment of railroads and other franchises, 15-8-407.



CENTRAL PRE-MIX CONCRETE CO.

SPOKANE

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SPOKANE, WASHINGTON 99220
(509) 534-6221

KENT

P. O. BOX 510
KENT, WASHINGTON 98031
(206) 872-8916

PROJECT VICTOR TACKER DATE 1/21/83

The general public is entitled to use public road ways. (a) Farmers have machinery over 22 ft high.

(b) Passage of this bill will not result in any appreciable reduction of utility bills. (\$1⁰⁰ per customer.)

(c) The current law is keeping the number of crossing of public roadway to a minimum and the length of wires up.

(d) Utility co. will be in business & of ~~the~~ lifting wires. (no incentive to correct the problems)

(e) ~~agreed~~. In view of the total minimal cost to the consumer, I wonder if there is an underlaying cause.
(1) possibly the liability is a low unit



DOUBLE TEE



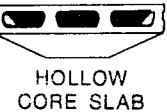
SINGLE TEE



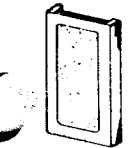
THERMOWALL



COREWALL



HOLLOW CORE SLAB



WALL PANELS



BEAMS COLUMNS



BULB TEE



RIB DECK



TRI DECK



I GIRDER



BOX GIRDER

To: Members of the Montana House of Representatives,
Business and Industry Committee

HB 147 and SB 84
THE REAL ISSUES

House Bill 147 and Senate Bill 84 would assign the fair and actual costs of moving wires suspended over Montana's roads to the cost causer, and would remove this burden from the consumers of the state.

Existing law, which was enacted in 1929, was written to correspond with public policy at the time--a time when there were few electric wires, few oversize loads and during a period where a relatively few rural citizens enjoyed the benefit of electricity or telephone service.

In every other state, a solid body of law has developed which acknowledges that the public easement on the highway is not limited to the surface, but extends both upward and downward for a distance sufficient to accommodate all proper uses to which the way is subject. HOWEVER, THE RIGHT OF EASEMENT IS TIED TO UNIVERSAL CASE LAW DECLARING: "SINCE HOUSE MOVING IS AN EXTRAORDINARY USE OF THE STREETS, IT CAN BE REASONABLY REGULATED, AND PAYMENT FOR WIRE RAISING CAN BE REQUIRED."

House movers in 49 states request and receive wire removals and they pay the costs for this service.

United States Law: Acknowledges the public's right to use the roads and highways; requires utilities to move and replace wires at the request of a mover; and requires the movers to make just recompense for the privilege of using the roadway in an extraordinary manner.

The problem must be corrected by legislative action. Opponents of the bill on one hand enumerate a list of "problems" including environmental, religious and jobs impact on the state, but then say that the problems addressed by House Bill 147 and Senate Bill 84 will "go away without changing the law". The problem--making the consumers of Montana pay for the moves of others--will not go away without legislative action. Discounting the Colstrip move, the overall number of moves in the state may increase with the proposed energy development facilities in eastern Montana, such as Circle West, mine mouth plants, etc.; the movement of large tanks and other construction items may well remain high.

Whether the law says that movers or "cost causers" pay for the line adjustment is really a moot point since the mover would bill the customer for charges incurred.

Jobs and Moving Wires

On behalf of their 300,000 member-consumers, Montana's electric and telephone cooperatives have attempted to present the facts and adhere to the issues concerning oversize structure moving costs.

We believe that the issue is too important to our consumers and their future electric and telephone bills to engage in political posturing.

We are all aware of the plant closures in Columbia Falls and Butte and we are equally concerned for the thousands of family farmers in Montana who are dangerously near bankruptcy and foreclosure. It is for the person out of work, persons on fixed incomes and people striving to avoid financial disaster that we request the Montana legislature to provide relief.

A well-planned move will cost a homeowner as little as \$75.00. The average cost to move a structure across cooperative territory was only \$444 in 1982. And this average takes into account the thousands of dollars incurred in the move of oversize tanks, derricks and commercial structures. Is it logical to assume the loss of jobs when an individual or a company is asked to pay only an additional \$75 for their move? When an individual deems it necessary to move a structure, an additional \$75 to \$400 is not likely to deter him.

The moving industry in Montana is neither better off nor worse than the industry across America.

Fiscal Impact

Montana's electric and telephone cooperatives have worked closely with state and local governments in the past to assure that the community does not absorb any undue costs to obtain electric service.

The electric and telephone cooperatives have stated their willingness to accommodate state and local governments by raising or lowering power lines at no cost for the benefit of moves which would financially affect state and local governments. No cost would accrue to state or local governments to preserve their rich heritage as they move historical buildings from one location to another.

Sticking to the Issues

Montana's electric and telephone cooperatives seek passage of HB 147 and SB 84 not because it will increase their profits. We are non-profit, member-owned and member-directed businesses who face the same economic problems in 1983 as do our opponents. Our electric cooperatives are in the most perilous economic conditions they have experienced since their inception. The telephone cooperatives are attempting to cope with the overwhelming problems of deregulation and added costs of doing business. We operate "at margin" and have been told by our consumers that they will not pay increased electric bills generated by the actions of others.

We hope we can discuss the issues and avoid the political and emotional buzzwords which seem to divide us. "Environmental impact", "negative religious and historical impact", "jobs", "the economy", "toll gates" and other emotionally charged phrases should not divert our attention from the issues at hand.



Opinions

Ooh-aah and ouch

There was a lot of ooh-aah around here the past few weeks, as folks watched a crew move a three-story house out of the downtown area, and into the Paradise Valley.

The ooh-aah was fun. The "ouch" comes later.

The "ouch" comes when we all get our utility bills, and wonder why they keep going up. One of the reasons is that the house-movers don't have to pay the utility companies for the costs they cause in the moving process.

... so the utility customers end up footing the bill.

Let's take a look at this particular move as an example...

The building was moved from a Park Street location, out to the west interchange of the interstate highway, eastward on the interstate highway to the south interchange, onto Highway 89, across Carter's Bridge and down the East River Road to its new location on Deep Creek. In doing so, it passed under the lines of the Montana Power Company,

Mountain Bell, Livingston cable TV and Park Electric Company ... all of them several times. Each time, a crew from each utility had to be on hand to disconnect the wires, allow the house to pass under, and then reconnect the wires.

Montana Power officials estimate it cost the company about \$5,000 to accommodate the move, and Mountain Bell estimates about \$2,000. Park Electric officials estimate their costs at around \$3,600. That's a total of \$10,600, which all of the utilities will be adding to their overheads and using to justify an increase in rates.

In addition, the cable television company's costs were about \$1,450, which their subscribers, ultimately, will have to absorb.

Those figures, of course, don't include the costs of inconvenience from the disrupted service, and interruption of industries along the path of the move. One of those, the Brand-S Lumber Co., was forced to shut down its mill for two hours, idling

45 workers and costing the company an estimated \$3,960. The move also cost the public something for extra police and highway patrol.

So far, that's a total public cost of \$16,010 ... none of which was repaid by the house-movers.

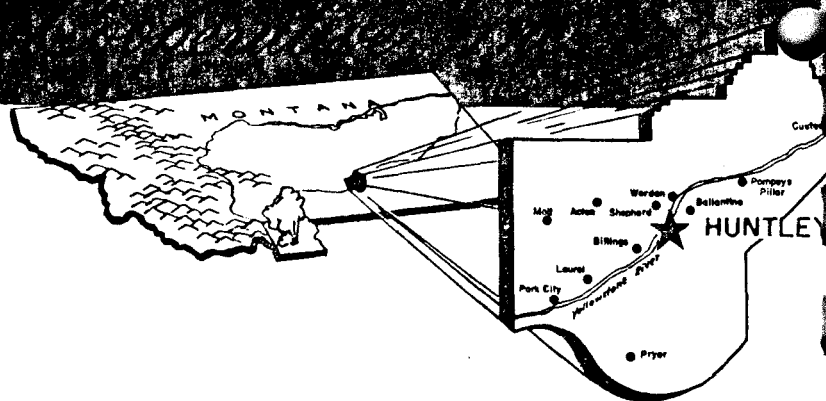
At the center of this issue is a law which protects the house-movers and other haulers of tall freight from having to pay these costs. The problem, of course, is statewide, and on an annual basis adds up to quite a tally — Mountain Bell and Montana Power officials estimate their costs for the extra services in excess of \$100,000 per year each. Every time the utilities try to get the situation remedied at the Legislature, they're out-lobbied by the truckers and house-movers.

It's fun to watch a house-mover in operation, but it's no fun to have to absorb costs which should, in fairness, be his own to bear. The Legislature should shape up the situation next session.



HUNTLEY, MONTANA 59037

Telephone (406) 348-3411



TESTIMONY OF PHIL JOHANNES BEFORE THE B & I COMMITTEE

Good morning ladies and gentlemen of the Business and Industry Committee. My name is Phil Johannes and I am a farmer in the Ballantine area. I also am the Board President of the Yellowstone Valley Electric Coop headquartered in Huntley. My Coop has 1,660 miles of overhead electric lines. The service area is from Custer in the east to Park City in the west and from Pryor in the south to Acton in the north. We have electric lines all around Billings and serve about 5,586 active members.

Because of our geographic area, we have been hit quite hard by high loads moving through our service area. Let me give you some examples. In 1982 the Coop spent \$30,625 for raising or cutting our lines to accommodate high load plus an additional \$46,307 to permanently raise our lines along Interstate 94 to accommodate high load for the Colstrip power plant. This is a total of \$76,932 and represents 2.2% of our gross income. In other words, our rates are 2.2% higher than needed just to accommodate high loads. In 1982 the outside crews spent 70 working days either part or whole accommodating high loads. Of the 14,406 man-hours worked by the outside crews, 1,181 man-hours or 8.2% was spent with high loads. While the outside crews were working on high loads their regular work was delayed or the Coop had to hire an independent contractor.

Another thing that bothers me is that the cost for high loads increases every year. For 1980 it was \$8,469, for 1981 - \$13,878 and as previously stated for 1982 - \$76,932. These are total annual costs. The cost per move would be for 1980 - \$403, for 1981 - \$514 and for 1982 - \$729. Again, this is a bad trend.

The Yellowstone Valley Electric Coop has always cooperated with the house movers and will continue to do so. However, we do feel that it is unfair to ask us to provide the men and equipment to accommodate high loads and also have to pay for it. We ask that you support House Bill #147 so that the cost to accommodate high loads is paid by the owner who is getting the benefit.

Thank you for your time and for letting me read this statement.

High Structure Moves— They Move, You Pay

They were worried—no question about it. The certified letter notified them of trouble. Trouble in the form of a series of high structure tanks to be moved through their service area.

They — Southern Montana Telephone Company — are a small, family-owned, independent telephone company headquartered at Wisdom. With only eight employees, including two outside crews, they had their hands full just trying to maintain the system for their 502 subscribers without taking time to assist high structure movers.

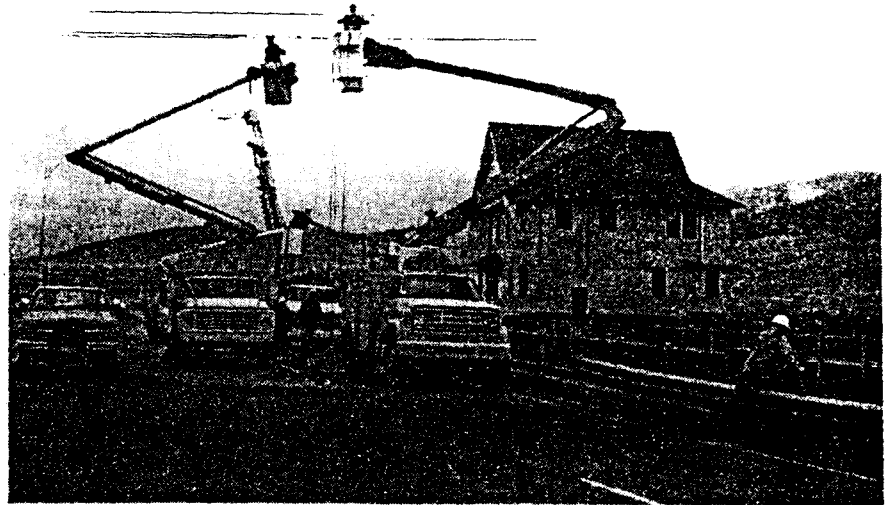
More worrisome was the cost involved. The stainless steel tanks moving from Stevensville to Colstrip were four feet higher than their lines. They would have to raise, drop or cut the lines each time the tanks moved through. They could tie up their two crews for days at a time, meaning maintenance would suffer. If they had to cut the lines their subscribers would be without telephone service. The cost of the moves to the company might well mean a rate increase. It could be devastating...

High structure moves are costly in many ways for the member/consumers of Montana's rural electric and telephone cooperatives and independent telephone company subscribers.

Time, money and inconvenience are all factors involved in high structure moves.

Time means money to the utilities and their consumers. Time spent by the crews in the field to provide the service of raising, dropping or cutting overhead wires for the movers. Time spent by office personnel to get the message of the move and possible service outage to the consumers and then answering phone calls from irate consumers who didn't hear the message.

Sometimes time is totally wasted when movers cancel or change the time or date of a



move without notifying the co-op or independent telephone company.

Inconvenience is money. The inconvenience of electric or telephone service being shut down means dollars to merchants, business people, ranchers, farmers—almost anyone along the lines.

Any time a high structure moves in Montana—a house, building, oil tank, grain elevator—YOU, THE CONSUMER, HELP PAY FOR THE MOVE. You pay because state law says you must pay.

Section 69-4-603 of the Montana Code Annotated says that, "It shall then be the duty of any person, firm, or corporation owning or operating said poles or wires after service of notice, as required by 69-4-602, to furnish competent workmen or linemen to remove such poles or raise or cut such wires as will be necessary to facilitate removing

such house, building, derrick or other structure."

That is where the time and inconvenience come in. That will continue because high structures do have to be moved. It is better from your cooperative's or independent telephone company's point of view to provide competent, highly trained crews to handle the overhead lines to avoid unnecessary damage to the lines or poles and to confine service outages to the minimum.

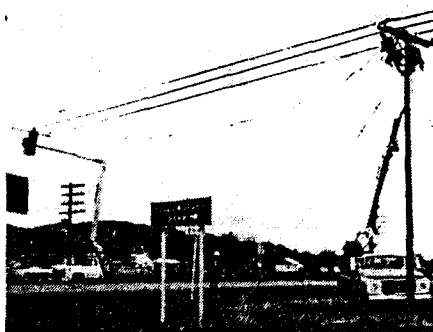
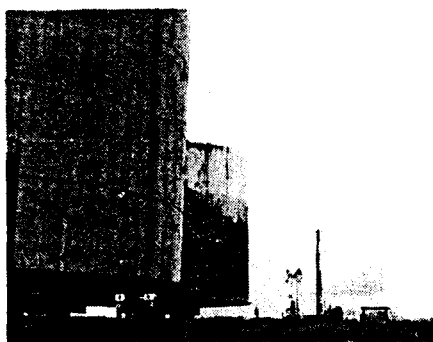
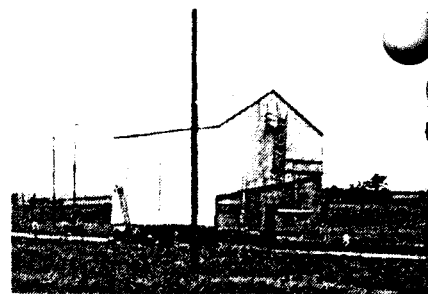
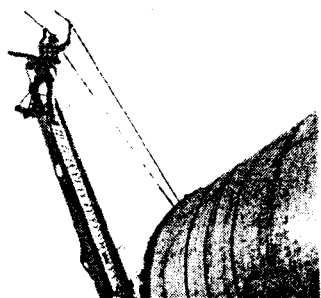
Section 69-4-603 of the MCA goes on to state that "in such case the necessary and reasonable expense shall be paid by the owners of the poles and wires handled."

That means you.

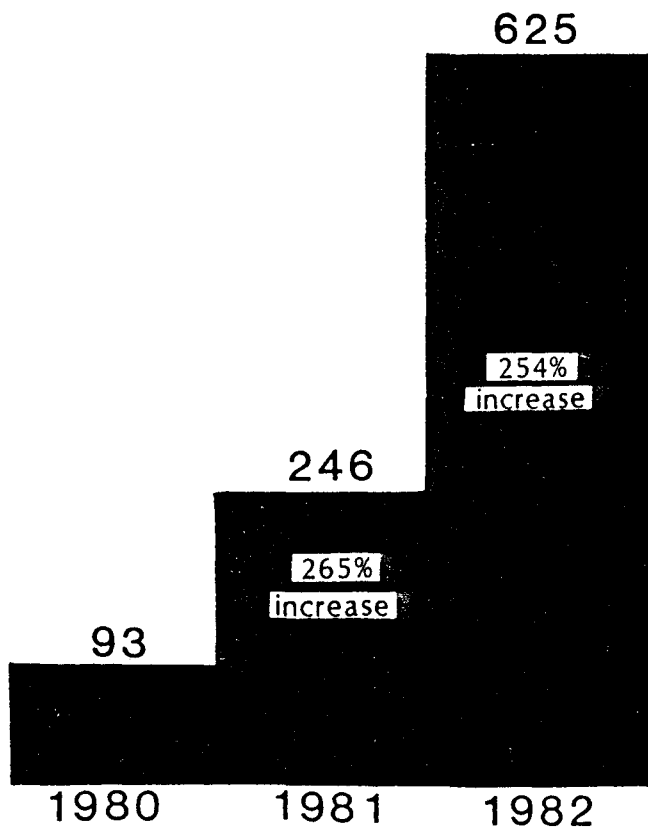
You are helping pay for someone else's move.

In Montana in 1982 you helped pay for at least 625 moves costing \$262,281. These are only the costs that can be verified by the

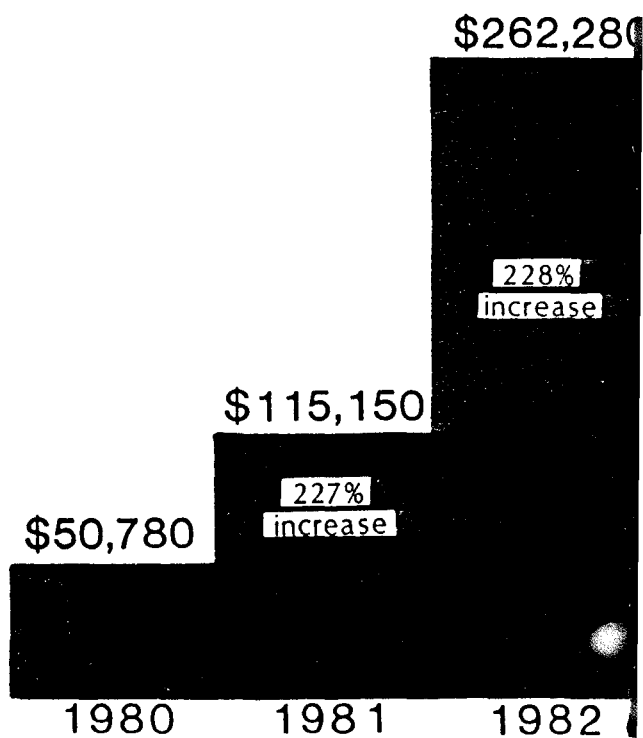
(Continued on page 8)



HIGH STRUCTURE MOVES



HIGH STRUCTURE COSTS



reporting cooperatives and independent telephone companies.

Those moves and costs have been increasing each year (see graph page 7) which means part of your electric and telephone bill pays for a service that does not in any way provide you with better service or even help maintain the quality of service you now have.

A recent statewide survey indicates that the majority of Montanans were not even aware they were paying for their utility's involvement in high structure moves.

When asked if they felt they should be paying for the cost of

moving tall structures, almost 85 percent (84.46) responded with a loud and clear **No**. Over 58 percent (58.75) thought the cost causer should pay. In response to a question on paying the extra costs of the high structure moves to Colstrip, 94.51 percent said **No, the consumer should not have to pay**.

The answer would seem to be clear.

Montana Associated Utilities will be seeking legislation to change the law during the 1983 legislative session in Helena.

Your help is needed to inform your legislators if you agree that the law should be changed.



Dollars Add Up On High Structure Moves

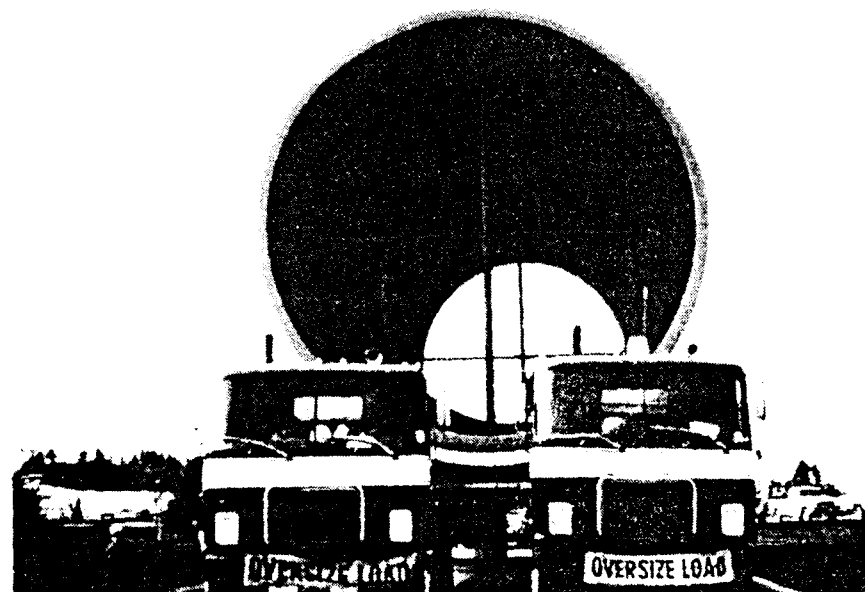
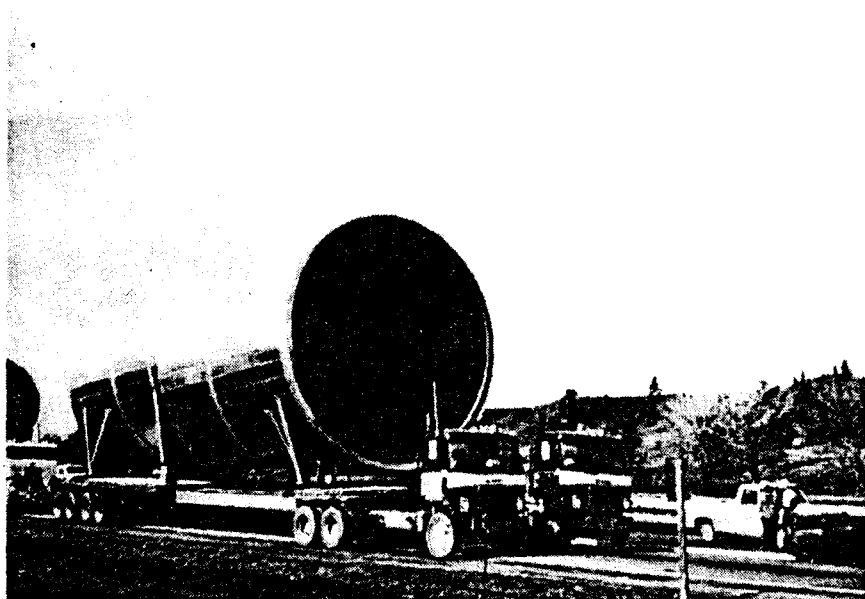
Two rural electric cooperatives in the Billings area are unwilling participants in the movement of large steel tanks from Billings to Colstrip during 1982 and 1983. Over 200 of these tanks, ranging in loaded height from 22' to 33'8" and weighing up to 167,000 pounds, are being moved through the cooperatives' service areas. (Photos on left)

The cooperatives permanently raised from one to three poles at 75 crossings to meet the required 36 foot clearance. 70-foot poles were installed (pictured above). They were partially reimbursed for their costs after seeking relief in a court suit. But it still cost the cooperatives' member/consumers \$56,780 (or \$7 per member) at one cooperative and \$42,466 (or \$25 per member at the other).

How much did it improve their electric service? Not one whit.

A high structure movement in the Glasgow area cost the member/consumers of the rural electric and telephone cooperatives \$3,495.33. Once again, service was not improved by the move.

Examples can be cited from all over the state from single house moves to the large Colstrip movements and everything in between. You are paying.



The Montana Standard

Good Morning, It's Wednesday, January 19, 1983

Movers should pay for raising lines

The 1981 Legislature rejected a bill that would have required movers of tall structures to pay the costs of raising utility lines to provide clearance for their loads.

Since 1929, state law has required utilities — and their customers — to bear the costs of raising utility lines to accommodate movers of buildings, oil derricks, industrial equipment and so on.

It's not an issue that concerns most people. In fact, most folks probably never give it a thought.

But the law can be costly to utilities and their customers, especially when the utilities are small cooperatives.

A dramatic example of these costs arose in the fall of 1981, when a Stevensville company transported 60 truckloads of pollution control equipment to Colstrip for Montana Power Co. The trips were made over back roads, because interstate overpasses weren't high enough to accommodate the oversized loads.

About 700 overhead utility lines had to be raised or temporarily disconnected during the move. The lines are owned by phone and electric utilities, co-ops, Burlington Northern and cable TV companies.

Some small co-ops had to move their lines again and again, at a cost of thousands of dollars. For a large utility, that's not much money, and it can be spread among many ratepayers. Small co-ops, some with only a few

hundred members, can find the costs of repeatedly moving lines to be burdensome.

(In fact, some of the co-ops were reimbursed for some of their costs by Montana Power Co. under terms of a settlement of a lawsuit. Under the law, however, a mover determined to avoid the costs probably could do so.)

The 1929 law was based on the idea that it was in the public interest for the utilities to move their own lines when somebody wanted to haul a tall load beneath them. But that was in 1929, when roads were fewer and carried far less traffic, and when trucks didn't often carry such huge loads.

Montana Associated Utilities (MAU) is asking the current Legislature to take another look at the law. The group, composed mostly of telephone and electric co-ops, wants movers to pay the cost of raising lines.

To bolster its case, the group commissioned a Spokane polling firm to find out how Montanans feel about the matter.

Almost all respondents to the poll felt the 1929 law should be changed, according to MAU. Eighty-five percent felt the mover should pay when utility lines have to be raised.

That seems logical enough.

Times change, and sometimes the law should change with them.

It's time to make movers responsible for the costs they've been imposing on others.

WITNESS STATEMENT

Name VICTOR TACKK Committee On Business & Industry
Address 27 Falls Date Jan 21 1983
Representing HOUSE MOVERS Support _____
Bill No. HB 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

NAME Larry E. Hoep BILL No. HB 147
ADDRESS 556 NE Hilgert Ln Corvallis DATE 1/21/83
WHOM DO YOU REPRESENT Larry Enterprises
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The cost would be prohibitive to the individual who buys used houses. This is the working people.

It will also cause hardship on small businesses who are already being overcharged for most commodities.

If we are forced out of business due to this bill, there will be more unemployment & less revenue.

WITNESS STATEMENT

Name FORREST L ZION Committee On BUS & IND
Address GT FALLS Date JAN 21 1983
Representing HOUSE MOVERS ASSOC Support _____
Bill No. HB 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

See Opinion Statement

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Don Hottington Committee On _____
Address 7200 Hwy 10 W. MS La Date 1-21-83
Representing Blair Transfer Support _____
Bill No. HB 147 Oppose ☒
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Ernie Otoupalik Committee On _____
Address Rt. 2 Missoula Mont. Date _____
Representing A-1 House Moving Support _____
Bill No. 147 Oppose ✓
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. If years ago the utilities would have put tall poles in at road crossings we wouldn't have a problem. Instead every time a building is moved they raise the lines, & every two
2. years they come to the legislature hoping to get rid of the house mover.
3. If the road crossings had been raised the cost for moving a building for my customers would be much less. Often I
4. am on the road with a pull truck & four flag cars for three or four days. If the wires were raised I could make that same move in six or seven hours

I truly hope you defeat this Bill

Ernie Otoupalik

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Mk Draine Housemovers Committee On HB 147
 Address Mills Mont Date 1-2-82
 Representing Mk Draine Housemovers Support _____
 Bill No. HB 147 Oppose X
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. If the utility would spend a fraction of the costs that they charge it costs them to rise
2. wire and apply it toward installing taller
3. poles most of their costs would soon be over
4. If HB 147 is passed the costs to the movers will go on forever time after time for the same wire

Mk Draine

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

NAME Ron Ray BILL No. 147
ADDRESS Box 904 Chinook DATE 10/21/83
WHOM DO YOU REPRESENT Hall House moving
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I would like to add to the fact of 10 new Houses on the Reservation. When big flat elect. came to move wire crossings, their men cut + left the bottom wire on the ground. These wires were left on the ground until the 10 Houses were done.

This required no men for most of the moves.

I do not know how their costs were computed.

I know this information is true because I drove ~~these~~ These Houses.

WITNESS STATEMENT

Name Bernard B Lutnes Committee On HB 147
Address R 2 Box 5 Westby Mont 59225 Date 1-21-83
Representing Lutnes Movers Support _____
Bill No. 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *Suggest Road crossings be underground or raise wires to 35'.*
2. *eliminate unnecessary road crossings*
3. *Utilities put our routes*
Poor or old cannot afford added cost
4. *If there was any outage we always*
had to wait, no extra crew were
involved
a building out of place is worthless
moved it is usefull
Bernard B Lutnes

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Suave Ostermiller Committee On _____
Address 129 Charles St Date Jan 21
Representing Bittering and Ostermiller Support _____
Bill No. HB 147 Lawrence Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Ronald L. Tamietti Committee On _____
Address 3010 Dexter Date 1/21/83
Representing Tamietti House Moving Support _____
Bill No. 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

If this bill is passed mine
will be an untenable operation

2.

He will go broke.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name John Ostermiller Committee On _____
Address 129 Charline St Date 1-21-83
Bellingham
Representing Ostermiller Printing Support _____
Bill No. HB 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name BLAKE J. WARDAL Committee On B&I
Address 46 Hillside Date 1/24/83
Representing Mr Howard J. J. Implement Assoc Support _____
Bill No. 147 Oppose ✓
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This bill will affect the movement of large farm machinery
2. The trend in the farm implement industry is toward larger equipment
3. Please consider the impact on agriculture through increased costs for such movement
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name DUANE LUTNES Committee On H.B. 147
Address RT. 2 BOX 7, WESTBY, MONT. Date JAN. 21, 1983
Representing LUTNES MOVERS Support _____
Bill No. H.B. 147 Oppose /
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *in agreement with others opposed*
2. *we wait if utilities have outages, or repair.*
3. *we usually need 4 pilot cars
or flagmen we also give utilities
a hand when they are short handed*
4. *for no charge.*

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Wynne L. Overholt Attorney at Law Committee On H.B. 147
Address Columbia, Md. Date Jan. 21, 1983
Representing Self Support _____
Bill No. H.B. 147 Oppose ☒
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *It is unconstitutional to charge for housing costs anywhere in the State of Montana.*
2. *9400000 being moved are not the offenders. Utilities with their poles and wires are.*
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name IRA HALL Committee On HB 147
Address Box 262 Cluney, Tenn Date 1-21-82
Representing HALL HOUSE MOVING Support _____
Bill No. HB 147 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. New structures can be moved on reservations only. The state
2. has no control of these moves
3. House moves are not allowed by the
4. State to move new houses

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name JAMES HUGHES Committee on PS 1
Address HELENA Date 1-21-83
Representing MOUNTAIN BELL Support ✓
Bill No. HB 147 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

SENATE BILL NO. 84

HOUSE BILL NO. 147

STATEMENT OF MOUNTAIN BELL

In 1929, Montana adopted a provision of law which required that utilities bear the cost of moving their poles and lines to permit the movement of large structures. In 1951, the Legislature recognized, in part, that it was appropriate that the cost causer--the structure mover--should rightfully bear the cost, at least within the boundaries of cities and towns. This provision was subsequently struck down by the Montana Supreme Court--not because it was better policy for the utility rather than the mover to pay, but rather because the provision discriminated between rural and urban movements.

The requirement that utilities continue to absorb this cost at the expense of their ratepayers violates the commonly accepted principle today that those who cause the expense should bear the expense. In 1980, the cost to Mountain Bell was approximately \$90,000 to accommodate approximately 90 moves at an average cost to the ratepayer of \$1,000 per move. In 1982, the cost to Mountain Bell was approximately \$115,000 to accommodate 99 moves at an average cost to the ratepayer of \$1,160 per move.

Montana, together with Massachusetts, are the only two states in the nation that continue to inflict this burden upon the utilities, and thus the ratepayers. In a time during which utility bills have climbed faster than any of us want, it is important that we begin to eliminate these benefits to a small number of persons at the expense of the ratepaying public. In a sense of fairness, we would urge that you adopt the provisions of this bill rectifying this inequity.

JAMES R. HUGHES

WITNESS STATEMENT

Name Rod Hanson Committee On _____
Address Fairfield Date 1-21-83
Representing Montana Assoc. Utilities Support ✓
Bill No. 147 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name BURL WINCHESTER Committee On B & L
Address 8401 Hupflin Ln. Bozeman Date Jan. 21 '83
Representing Reid & Associates Survey Consultants Support ✓
Bill No. HB 147 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. In testifying to the scientific soundness & validity of Reid & Associates Survey & Report...
1c. The sample size, the Random Sample selection, The Analysis Technique & the validity of the
2. ~~conclusions~~ Reported.
3. The survey & sampling techniques used in making the survey do ~~conform~~ to generally accepted survey procedures.
3. Tests for validity of the final sample shows that this sampling does represent in its conclusions the state-wide population of Mont. Heads of Household.
4. The conclusions drawn are unequivocal & overwhelmingly support of contentions: i.e.
 - a. 87.4% of the Respondants Consider the position of their Representatives as Important! (Page 14)
 - b. 88.62% of the Montanans Think, Cost causers or those contracting for High Structure Move SHOULD pay the Costs of Moving & Adjusting Lines. (Page 11)
 - c. 92.8% of All respondents said "IT'S TIME to change the 1929 LAW. (Page 12)
 - d. 77% of the 66 persons who themselves had Experience moving High Structures said THE LAW should be

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

FORM CS-34
1-83

Changes so that the cost causer and those who primarily benefit should pay for adjusting the lines.

Burl Winchester

WITNESS STATEMENT

Name Charles Wyndes Committee On B & I
Address Hysham, Mont. Date Jan. 21, 1983
Representing Mid-Yellowstone Elk Coop. Support X
Bill No. H.B. - 147 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

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4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Wilbur Anderson Committee On _____
Address 225 E. Bannack Dillon, MT Date _____
Representing Vigilante Elec. Co-op Support _____
Bill No. H.B. 147 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *This legislation is a consumer's bill.*
2. *The extraordinary use of roadways should be paid for by the owner of a structure.*
3. *Consumers have had to pay the costs of utility line moves for the past 54 years.*
4. *Consumers of Montana should not have to continue to pay for the moves of others.*

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Jay Downer Committee On B4+
Address GT. Falls Date 1/21/83
Representing MONT. ASSOC. UTIL Support X
Bill No. RURAL COOPS Oppose _____
HB 147 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

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4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name GARY D. MATHSON Committee On _____
Address Box 109 CORVALLIS Date 1-21-83
Representing PAVILLI COUNTY ELECTRIC Support YES
Bill No. H.B. 147 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. MEMBERS OR CONSUMERS OF A COOPERATIVE ARE THE OWNERS THEY CONTROL THE CO-OPS THRU THEIR ELECTED BOARD OF TRUSTEES.
2. MEMBERS SHOULD NOT HAVE TO PAY TO THE COSTS TO MOVE THESE LINES WHEN THEY MEET ALL CODES.
3. COMMUNITY PROJECTS) THE MEMBERS ARE THE COMMUNITY IF HOUSE MOVERS WOULD NOT CHARGE, THE BOARD OF TRUSTEES WOULD NOT CHARGE.
4. PLEASE HELP THE CONSUMER CONTROL THEIR COSTS.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Phil Johnson Committee On _____
Address Beaumont, Texas Date _____
Representing U. S. House of Representatives Support ✓
Bill No. H.R. 147 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

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4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Arnold L. Erber
Address Great Falls Mont
Representing Dirks Moving
Bill No. H-B. 147

Committee On Business & Industry
Date Jan 21 1983
Support _____
Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

- Comments: I am not far paying, to have wires
1. Raised to move Building under them as it is not the Law - to have to pay in Montana
 2. if all the Homes I have Moved in my time I am sure the Company that moved wires for me,
 3. have been well paid from all the people that are living in these Homes
 - 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Ken Krueger Committee On Business Indus
Address 2410 W Spruce Rd Kalispell Date 1/21/83
Representing Mont. Assoc. Utilities Support X
Bill No. HB 147 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

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Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Wayne Becht Committee On Bar I
Address 1227 11th Ave Date 1/21/83
Representing MPSC Support X
Bill No. HB 236 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

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Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

HOUSE BILL NO. 236

Introduced by DOZIER

By Request of the Public Service Commission

STATEMENT OF SUPPORT

House Bill No. 236 is intended to exempt "car pools" from regulation by the Public Service Commission. The bill does this by adding paragraph (j) to the list of exemptions contained in Section 69-12-102(1).

This bill is necessary because the existing law without the proposed exemption would appear to mandate regulation of some ride-sharing agreements. For example, take a situation where one employee of a firm purchases a van. He then offers a ride to and from work to other employees of the firm who live in his neighborhood. They in turn pay him compensation to share the costs of the trip including gasoline, repairs and maintenance, licensing, taxes, insurance and depreciation. Because the existing law requires the regulation of all passenger movements for hire on a commercial basis, a strong argument could be made that this type of ride-sharing arrangement is required to obtain an operating authority from the Public Service Commission.

I would submit that it is not in the public interest to require that such ride-sharing arrangements must obtain operating authority. Because of the obvious energy saving benefits of ride-sharing, such efforts should be encouraged rather than discouraged by forcing them to comply with regulatory requirements. In fact, the Montana Department of Natural Resources and Conservation has a program encouraging employees to purchase vans and start ride-sharing groups.

House Bill No. 236 would exempt ride-sharing arrangements from regulation if the owner of the vehicle and the passengers are traveling between their residences and place of work, provided further that there are no more than 15 passengers and the owner conducts only one round trip in a day. Under these limited conditions the owner of a van or other vehicle would not be required to obtain an operating authority from the Public Service Commission even though he is receiving compensation from the passengers.

I urge the committee to support House Bill No. 236 thereby removing the cloud of regulatory uncertainty that currently hangs over these types of ride-sharing arrangements.

WITNESS STATEMENT

NAME Bill Opitz BILL No. HB-236
ADDRESS 1227 11th Ave DATE Jan 21, 1983
WHOM DO YOU REPRESENT PSC
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The bill is necessary so that
the people can car pool & not be
subject to PSC regulations.