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*Senate* BILL NO. 102  
*Manly Flynn*

INTRODUCED BY \_\_\_\_\_  
A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A  
PROCEDURE FOR THE RELOCATION OF OVERHEAD UTILITY LINES IN  
CERTAIN CASES."

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

Section 1. Definitions. As used in this act:

(1) "overhead utility line" means a facility for the  
transmission or distribution of electricity or telephone  
messages along wires or cables suspended above the ground  
between poles or towers, and

(2) "agricultural improvement" includes, without  
limitation, sprinkler irrigation systems.

Section 2. Petition for relocation of overhead line.

An owner of agricultural land across which an overhead  
utility line has been constructed may petition the district  
court for an order for relocation of the line for the  
purpose of installing an agricultural improvement. The  
petition shall set forth the nature of the proposed  
agricultural improvement, the increase in productivity of  
the land anticipated to result from the improvement, and a  
feasible alternative route, across other land to be provided  
by the petitioner at no cost to the owner of the overhead

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utility line.  
Section 3. Hearing and order. The district court  
shall, upon notice to the owner of the overhead utility  
line, hear evidence bearing upon the matters presented in  
the petition. The court shall grant, or modify and grant as  
modified, the petition and order the owner of the line to  
relocate the line, if the evidence establishes a substantial  
improvement in agricultural productivity and the feasibility  
of the relocated route.  
Section 4. Costs of relocation. The costs of  
relocating an overhead utility line as ordered under section  
[3 of this act] shall be paid by the owner of the line.  
However, if the person petitioning for the order fails for  
any reason to install the agricultural improvement within  
two (2) years following the date relocation is completed, he  
must reimburse the owner of the line the full cost of  
relocation, and the court has continuing jurisdiction over  
the parties for the purpose of ordering such reimbursement.

-End-

*SB102*

Approved by Committee  
on Agriculture Livestock  
& Irrigation

SENATE BILL NO. 102

INTRODUCED BY MANLEY, FLYNN

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Section 4. Costs of relocation. The costs of  
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-End-

HOUSE OF REPRESENTATIVES  
February 28, 1975

HOUSE COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION AMENDMENT  
TO SENATE BILL 102

1. Amend page 1, section 1, subsection 1, line 13.  
Following: "between"  
Strike: "~~poles or-towers~~ SHALL MEAN SINGLE POLE LINES ONLY"  
Insert: "single or double poles and their respective anchors"

AS SO AMENDED  
BE CONCURRED IN

1 SENATE BILL NO. 102

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-End-