LC 0344

Limite BILL NO. 102 1 2 INTRODUCED BY 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A 5 PROCEDURE FOR THE RELOCATION OF OVERHEAD UTILITY LINES IN 6 CERTAIN CASES." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Definitions. As used in this act: 10 (1) "overhead utility line" means a facility for the 11 transmission or distribution of electricity or telephone 12 messages along wires or cables suspended above the ground 13 between poles or towers, and (2) "agricultural improvement" includes, 14 without limitation, sprinkler irrigation systems. 15 16 Section 2. Petition for relocation of overhead line. 17 An owner of agricultural land across which an overhead

18 utility line has been constructed may petition the district 19 court for an order for relocation of the line for the 20 purpose of installing an agricultural improvement. The 21 petition shall set forth the nature of the proposed agricultural improvement, the increase in productivity of 22 23 the land anticipated to result from the improvement, and a 24 feasible alternative route, across other land to be provided 25 by the petitioner at no cost to the owner of the overhead 1 utility line.

2 Section 3. Hearing and order. The district court 3 shall, upon notice to the owner of the overhead utility 4 line, hear evidence bearing upon the matters presented in 5 the petition. The court shall grant, or modify and grant as 6 modified, the petition and order the owner of the line to 7 relocate the line, if the evidence establishes a substantial 8 improvement in agricultural productivity and the feasibility 9 of the relocated route.

10 Section 4. Costs of relocation. The costs of 11 relocating an overhead utility line as ordered under section 12 [3 of this act] shall be paid by the owner of the line. 13 However, if the person petitioning for the order fails for 14 any reason to install the agricultural improvement within 15 two (2) years following the date relocation is completed, he must reimburse the owner of the line the full cost of 16 17 relocation, and the court has continuing jurisdiction over 18 the parties for the purpose of ordering such reimbursement. -End-

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3B102

INTRODUCED BILL

LC 0344

Approved by Committee on Agriculture Livestock & Irrigation

1 SENATE BILL NO. 102 2 INTRODUCED BY MANLEY, FLYNN 3 A BILL FOR AN ACT ENTITLED: 4 "AN ACT ESTABLISHING A PROCEDURE FOR THE RELOCATION OF OVERHEAD UTILITY LINES IN 5 CERTAIN CASES." 6 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Definitions. As used in this act: 10 (1) "overhead utility line" means a facility for the 11 transmission or distribution of electricity or telephone messages along wires or cables suspended above the ground 12 13 between poles or-towers SHALL MEAN SINGLE POLE LINES ONLY, and 14 15 (2) "agricultural improvement" includes, without limitation. sprinkler irrigation systems. 16 Section 2. Petition for relocation of overhead line. 17 An owner of agricultural land across which an overhead 18 19 utility line has been constructed may petition the district court for an order for relocation of the line for the 20 21 purpose of installing an agricultural improvement. The petition shall set forth the nature of the 22 proposed agricultural improvement, the increase in productivity of 23 the land anticipated to result from the improvement, and a 24 25 feasible alternative route, across other land to be provided SB 0102/02

by the petitioner at no cost to the owner of the overhead utility line.

3 Section 3. Hearing and order. The district court 4 shall, upon notice to the owner of the overhead utility 5 line, hear evidence bearing upon the matters presented in 6 the petition. The court shall grant, or modify and grant as 7 modified, the petition and order the owner of the line to 8 relocate the line, if the evidence establishes a substantial 9 improvement in agricultural productivity and the feasibility 10 of the relocated route.

Section 4. Costs of relocation. 11 The costs of 12 relocating an overhead utility line as ordered under section [3 of this act] shall be paid by-the-owner-of-the-line FIFTY 13 14 PERCENT (50%) BY THE UTILITY AND FIFTY PERCENT (50%) BY THE OWNER OF THE LAND. However, if the person petitioning for 15 16 the order fails for any reason to install the agricultural 17 improvement within two (2) years following the date relocation is completed, he must reimburse the owner of the 18 19 line the full cost of relocation, and the court has 20 continuing jurisdiction over the parties for the purpose of 21 ordering such reimbursement.

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SECOND READING

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SENATE BILL NO. 102 INTRODUCED BY MANLEY, FLYNN 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:

9 Section 1. Definitions. As used in this act: (1) "overhead utility line" means a facility for the 10 transmission or distribution of electricity or telephone 11 12 messages along wires or cables suspended above the ground

between poles er-towers SHALL MEAN SINGLE POLE LINES ONLY, 13 14 and

(2) "agricultural improvement" includes, without 15 limitation, sprinkler irrigation systems. 16

Section 2. Petition for relocation of overhead line. 17 An owner of agricultural land across which an overhead 18 utility line has been constructed may petition the district 19 20 court for an order for relocation of the line for the 21 purpose of installing an agricultural improvement. The petition shall set forth the nature of the proposed 22 agricultural improvement, the increase in productivity of 23 the land anticipated to result from the improvement, and a 24 25 feasible alternative route, across other land to be provided 1 by the petitioner at no cost to the owner of the overhead 2 utility line.

3 Section 3. Hearing and order. The district court 4 shall, upon notice to the owner of the overhead utility 5 line, hear evidence bearing upon the matters presented in 6 the petition. The court shall grant, or modify and grant as 7 modified, the petition and order the owner of the line to 8 relocate the line, if the evidence establishes a substantial 9 improvement in agricultural productivity and the feasibility 10 of the relocated route. Section 4. Costs of relocation. The costs of

11 12 relocating an overhead utility line as ordered under section [3 of this act] shall be paid by-the-owner-of-the-line FIFTY 13 14 PERCENT (50%) BY THE UTILITY AND FIFTY PERCENT (50%) BY THE 15 OWNER OF THE LAND. However, if the person petitioning for 16 the order fails for any reason to install the agricultural 17 improvement within two (2) years following the date 18 relocation is completed, he must reimburse the owner of the 19 line the full cost of relocation, and the court has 20 continuing jurisdiction over the parties for the purpose of

21 ordering such reimbursement.

-End-

THIRD READING

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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

l	SENATE BILL NO. 102	1	by the petition
2	INTRODUCED BY MANLEY, FLYNN	2	utility line.
3		3	Section 3.
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A	4	shall, upon not
5	PROCEDURE FOR THE RELOCATION OF OVERHEAD UTILITY LINES IN	5	line, hear eviden
б	CERTAIN CASES."	б	the petition. Th
7		7	modified, the p
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	relocate the line
9	Section 1. Definitions. As used in this act:	9	improvement in ag
10	(1) "overhead utility line" means a facility for the	10	of the relocated
11	transmission or distribution of electricity or telephone	11	Section 4.
12	messages along wires or cables suspended above the ground	12	relocating an ove
13	between polesortowers BHALL-MEAN-GINGLE-POLE-LINEG-ONLY	13	[3 of this act] s
14	SINGLE OR DOUBLE POLES AND THEIR RESPECTIVE ANCHORS, and	14	PERCENT (50%) BY
15	(2) "agricultural improvement" includes, without	15	OWNER OF THE LAND
16	limitation, sprinkler irrigation systems.	16	the order fails
17	Section 2. Petition for relocation of overhead line.	17	improvement with
18	An owner of agricultural land across which an overhead	1.8	relocation is co
19	utility line has been constructed may petition the district	19	line the full
20	court for an order for relocation of the line for the	20	continuing juris
21	purpose of installing an agricultural improvement. The	21	ordering such rei
22	petition shall set forth the nature of the proposed		
23	agricultural improvement, the increase in productivity of		
24	the land anticipated to result from the improvement, and a		
25	feasible alternative route, across other land to be provided		

REFERENCE BILL

by the petitioner at no cost to the owner of the overhead utility line.

Hearing and order. The district court tice to the owner of the overhead utility ence bearing upon the matters presented in The court shall grant, or modify and grant as petition and order the owner of the line to ne, if the evidence establishes a substantial agricultural productivity and the feasibility à route. Costs of relocation. The costs of verhead utility line as ordered under section shall be paid by-the-owner-of-the-line FIFTY Y THE UTILITY AND FIFTY PERCENT (50%) BY THE ID. However, if the person petitioning for s for any reason to install the agricultural hin two (2) years following the date completed, he must reimburse the owner of the cost of relocation, and the court has sdiction over the parties for the purpose of eimbursement.

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