

CHAPTER NO. 516

HOUSE BILL NO. 57

INTRODUCED BY SPILKER

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE HOUSE

| | |
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| January 4, 1979 | Introduced and referred to Committee on Business and Industry. |
| January 6, 1979 | On motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to prefiled bill. |
| January 23, 1979 | Committee recommend bill do pass as amended. Report adopted. |
| January 24, 1979 | Printed and placed on members' desks. |
| January 25, 1979 | Second reading, do pass. |
| January 26, 1979 | Considered correctly engrossed. |
| January 27, 1979 | Third reading, passed. Transmitted to second house. |

IN THE SENATE

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| January 27, 1979 | Introduced and referred to Committee on Business and Industry. |
| March 14, 1979 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 16, 1979 | Second reading, concurred in. |
| March 19, 1979 | Third reading, concurred in as amended. |

IN THE HOUSE

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|----------------|--|
| March 20, 1979 | Returned from second house. Concurred in as amended. |
| March 21, 1979 | On motion, consideration passed until the 71st Legislative Day. |
| March 28, 1979 | Second reading, amendments adopted. |
| March 29, 1979 | Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled. |

1 HOUSE BILL NO. 57

2 INTRODUCED BY _____

3 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS

6 RELATING TO CONSTRUCTION STANDARDS FOR UTILITY LINES AND

7 FACILITIES TO CONFORM WITH THE NATIONAL ELECTRICAL SAFETY

8 CODE, INCREASING THE MAXIMUM ELECTRIC POTENTIAL FOR CERTAIN

9 EXEMPTIONS FROM 250 VOLTS TO 450 VOLTS AND REVISING THE

10 PENALTY FOR VIOLATIONS; AMENDING SECTIONS 69-4-201,

11 69-4-203, 69-4-204, AND 69-4-205, MCA; AND REPEALING

12 SECTIONS 69-4-202 AND 69-4-211 THROUGH 69-4-241, MCA."

13

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

15 Section 1. Section 69-4-201, MCA, is amended to read:

16 "69-4-201. Application of national electrical safety

17 code. The national electrical safety code standards shall

18 govern all future construction ~~where involving~~ wires for

19 power, heat, light, telephone, telegraph, or signal ~~cross~~

20 ~~each--other--or--cross--railroad--tracks~~ transmission or

21 reception. Hereafter--all--future Except as provided in

22 69-4-203, electrical construction of overhead and

23 underground electrical supply and communication lines in the

24 state ~~not-provided-for-by-the-provisions-of-this-part~~ shall

25 be in conformity with the rules ~~and-regulations~~ set forth in

1 the national electrical safety code approved by the American

2 ~~engineering-standards-committee~~ national standards institute

3 as published by the ~~department-of--commerce--of--the--United~~

4 ~~States--and--any--and--all-revisions--thereof--as--the--same--may~~

5 ~~exist--from--time--to--time--provided--that--this--section--shall~~

6 ~~not--be--held--to--apply--to--interstate-railroad-electrification~~

7 ~~construction--except--where--the--wire--or--wires--of--the--railroad~~

8 ~~cross--or--are--crossed--by--wires--belonging--to--others~~ American

9 institute of electrical and electronic engineers. ~~Said~~

10 ~~safety--code--shall--be--interpreted--and--enforced--by--the--public~~

11 ~~service--commission--as--furnishing--the--standards--of~~

12 ~~construction.~~ This section shall not be held to conflict

13 ~~with--any--of--the--specific--provisions--of--the--laws--of--Montana.~~

14 The national electrical safety code shall furnish

15 construction standards and shall be interpreted and enforced

16 by the public service commission."

17 Section 2. Section 69-4-203, MCA, is amended to read:

18 "69-4-203. Scope of law. ~~(1) Nothing in Chapter 137,~~

19 ~~laws of 1941, shall be construed as applying to~~ Section

20 69-4-201 shall not apply to:

21 (1) interstate railroad electrification construction

22 except where the wires of the railroad cross or are crossed

23 by wires belonging to others; and

24 (2) any electrical construction of any person using

25 such the construction for power wires where:

1 (a) ~~such the~~ construction and wires and the power
 2 plant furnishing electricity therefor are wholly owned by
 3 ~~such this~~ person and the electricity conducted thereby is
 4 produced and used solely by ~~such this~~ person on his own
 5 premises and not sold or delivered to any other person off
 6 his premises;

7 (b) the wires or construction are not ~~upon-or-do-not~~
 8 ~~cross over or across~~ any highway or public place or the
 9 property of others; and

10 (c) ~~such these~~ wires ~~carry have a potential of~~ less
 11 than ~~250450~~ volts of ~~electricity between any phases.~~

12 ~~{2}--Nothing contained in this part shall be construed~~
 13 ~~to repeal 69-4-202.~~

14 Section 3. Section 69-4-204, MCA, is amended to read:

15 "69-4-204. Repeating--clause Effect of local
 16 ordinances. All ~~acts-or-parts-of-acts-and-all~~ ordinances or
 17 parts of ordinances of cities and towns in the state in
 18 conflict with ~~Chapter--171--Laws--of--1917,~~ the national
 19 electrical safety code are hereby repealed--and--hereafter
 20 ~~no.~~ No ordinance in conflict with any provisions of ~~Chapter~~
 21 ~~171--Laws--of--1917--shall~~ the national electrical safety code
 22 may be enacted or passed in any city or town in the state."

23 Section 4. Section 69-4-205, MCA, is amended to read:

24 "69-4-205. Violations. Every corporation or
 25 joint-stock company or individual which ~~shall violate any of~~

1 ~~the--provisions--of--Chapter--171--Laws--of--1917--shall--be~~
 2 violates 69-4-201 is guilty of a misdemeanor and--upon
 3 conviction--thereof--shall--be--punished--by--a--fine--of--not--less
 4 ~~than--\$100--or--more--than--\$1,000."~~

5 Section 5. Severability. If a part of this act is
 6 invalid, all valid parts that are severable from the invalid
 7 part remain in effect. If a part of this act is invalid in
 8 one or more of its applications, the part remains in effect
 9 in all valid applications that are severable from the
 10 invalid applications.

11 Section 6. Repealer. Sections 69-4-202 and 69-4-211
 12 through 69-4-241, MCA, are repealed.

-End-

Approved by Committee
on Business and Industry

HOUSE BILL NO. 57

INTRODUCED BY SPILKER

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO CONSTRUCTION STANDARDS FOR UTILITY LINES AND FACILITIES TO CONFORM WITH THE NATIONAL ELECTRICAL SAFETY CODE, INCREASING THE MAXIMUM ELECTRIC POTENTIAL FOR CERTAIN EXEMPTIONS FROM 250 VOLTS TO 450 VOLTS AND REVISING THE PENALTY FOR VIOLATIONS; AMENDING SECTIONS 69-4-201, 69-4-203, 69-4-204, AND 69-4-205, MCA; AND REPEALING SECTIONS 69-4-202 AND 69-4-211 THROUGH 69-4-241, MCA."

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

Section 1. Section 69-4-201, MCA, is amended to read:

"69-4-201. Application of national electrical safety code. The national electrical safety code standards shall govern all future construction where involving wires for each other or cross railroad tracks transmission or reception. Hereafter ~~all~~ future Except as provided in 69-4-203, electrical construction of overhead and underground electrical supply and communication lines in the state ~~not provided for by the provisions of this part~~ shall be in conformity with the rules ~~and regulations~~ set forth in

~~the national electrical safety code approved by the American engineering standards committee national standards institute as published by the department of commerce of the United States and any and all revisions thereof as the same may exist from time to time; provided, that this section shall not be held to apply to interstate railroad electrification construction except where the wire or wires of the railroad cross or are crossed by wires belonging to others American institute of electrical and electronic engineers. Said safety code shall be interpreted and enforced by the public service commission as furnishing the standards of construction. This section shall not be held to conflict with any of the specific provisions of the laws of Montana. The national electrical safety code shall furnish construction standards and shall be interpreted and enforced by the public service commission."~~

Section 2. Section 69-4-203, MCA, is amended to read:

"69-4-203. Scope of law. ~~Nothing in Chapter 137, Laws of 1941, shall be construed as applying to Section 69-4-201 shall not apply to:~~

- (1) interstate railroad electrification construction except where the wires of the railroad cross or are crossed by wires belonging to others; and
- (2) any electrical construction of any person using such ~~the~~ construction for power wires where:

1 (a) such ~~the~~ construction and wires and the power
 2 plant furnishing electricity therefor are wholly owned by
 3 such ~~this~~ person and the electricity conducted thereby is
 4 produced and used solely by such ~~this~~ person on his own
 5 premises and not sold or delivered to any other person off
 6 his premises;

7 (b) the wires or construction are not upon-or-do-not
 8 cross ~~over or across~~ any highway or public place or the
 9 property of others; and

10 (c) such ~~these~~ wires carry ~~have a potential of less~~
 11 than ~~250550~~ volts of ~~electricity between any phases.~~

12 ~~(2) Nothing contained in this part shall be construed~~
 13 ~~to repeal 69-4-202.~~"

14 Section 3. Section 69-4-204, MCA, is amended to read:

15 "69-4-204. Repealing---clause Effect of local
 16 ordinances. All acts-or-parts-of-acts-and-~~all~~ ordinances or
 17 parts of ordinances of cities and towns in the state in
 18 conflict with ~~Chapter--1717--Laws--of--1917,~~ the national
 19 electrical safety code are hereby repealed;--end--hereafter
 20 ~~no.~~ No ordinance in conflict with any provisions of ~~Chapter~~
 21 ~~1717-Laws-of-1917-shall~~ the national electrical safety code
 22 may be enacted or-passed in any city or town in the state."

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 25 joint-stock company or individual which shall-violate-any-of

1 ~~the--provisions--of--Chapter--1717--Laws--of--1917--shall--be~~
 2 ~~violates 69-4-201 is~~ guilty of a misdemeanor and--upon
 3 conviction--thereof--shall-be-punished-by-a-fine-of-not-less
 4 ~~than-\$100-or-more-than-\$1000."~~

5 Section 5. Severability. If a part of this act is
 6 invalid, all valid parts that are severable from the invalid
 7 part remain in effect. If a part of this act is invalid in
 8 one or more of its applications, the part remains in effect
 9 in all valid applications that are severable from the
 10 invalid applications.

11 Section 6. Repealer. Sections 69-4-202 and 69-4-211
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22 69-4-203, electrical construction of overhead and
23 underground electrical supply and communication lines in the
24 state ~~not-provided-for-by-the-provisions-of-this-part~~ shall
25 be in conformity with the rules and ~~regulations~~ set forth in

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5 ~~exist--from--time--to--time; provided, that this--section--shall~~
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9 institute of electrical and electronic engineers. Said
10 safety--code--shall--be--interpreted--and--enforced--by--the--public
11 service--commission--as--furnishing--the--standards--of
12 construction--This--section--shall--not--be--held--to--conflict
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25 such ~~the~~ construction for power wires where:

1 (a) such ~~the~~ construction and wires and the power
 2 plant furnishing electricity therefor are wholly owned by
 3 such ~~this~~ person and the electricity conducted thereby is
 4 produced and used solely by such ~~this~~ person on his own
 5 premises and not sold or delivered to any other person off
 6 his premises;

7 (b) the wires or construction are not upon or do not
 8 cross ~~over or across~~ any highway or public place or the
 9 property of others; and

10 (c) such ~~these~~ wires carry ~~have a potential of~~ less
 11 than ~~250±50~~ volts of ~~electricity between any phases.~~

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 18 conflict with Chapter ~~--171v--~~ Laws of ~~--1917v~~ the national
 19 electrical safety code are hereby repealed, ~~and hereafter~~
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-End-

March 14, 1979

SENATE STANDING COMMITTEE REPORT
(Business & Industry)

That House Bill No. 57 be amended as follows:

1. Page 2, line 15.

Following: "be"

Strike: "interpreted and"