

CHAPTER NO. 97

HOUSE BILL NO. 676

INTRODUCED BY NATHE

IN THE HOUSE

February 9, 1979	Introduced and referred to Committee on Natural Resources.
February 14, 1979	Committee recommend bill do pass. Report adopted.
February 15, 1979	Second reading, do pass.
February 16, 1979	Considered correctly engrossed.
February 17, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 19, 1979	Introduced and referred to Committee on Natural Resources.
March 1, 1979	Committee recommend bill be concurred in. Report adopted.
March 3, 1979	Second reading, concurred in.
March 6, 1979	Third reading, concurred in.

IN THE HOUSE

March 7, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 House BILL NO. 676
 2 INTRODUCED BY Dennis NATHAN

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RESTRICT THE NATURE
 5 OF THE ESTATE WHICH MAY BE OBTAINED BY EMINENT DOMAIN FOR
 6 RESERVOIR AND DAM PURPOSES; AMENDING SECTION 70-30-104,
 7 MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 70-30-104, MCA, is amended to read:

11 "70-30-104. What estates and rights in land may be
 12 taken. The following is a classification of the estates and
 13 rights in lands subject to be taken for the public use:

14 (1) such estate or rights as may be necessary up to
 15 and including a fee simple when taken for public buildings
 16 or grounds or for permanent buildings ~~for reservoirs or~~
 17 ~~dams and permanent flooding occasioned thereby~~ or for an
 18 outlet for a flow or a place for the deposit of debris or
 19 tailings of a mine or for the mining and extracting of ores,
 20 metals, or minerals when the same are owned by the plaintiff
 21 but located beneath or upon the surface of property where
 22 the title to said surface vests in others or for the
 23 underground storage of natural gas by a natural gas public
 24 utility as defined in 82-10-301. When the appropriation is
 25 for the underground storage of natural gas, all of the

1 right, title, interest, and estate in the real property and
 2 in the subsand stratum, formation, or reservoir so
 3 appropriated shall be determinable and for all purposes
 4 terminate upon abandonment or upon cessation for the period
 5 of 1 year of the use for which the same was appropriated,
 6 and thereupon the ownership of the residue of natural gas
 7 therein remaining shall likewise vest in the then owners of
 8 such reservoir space.

9 ~~(2) such estate or rights in the surface as are~~
 10 ~~necessary for a reservoir or dam and for the permanent~~
 11 ~~flooding that results, up to the edge of the maximum pool of~~
 12 ~~the reservoir;~~

13 ~~(2)(3) an easement when taken for any other use;~~
 14 ~~(3)(4) the right of entry upon and occupation of land~~
 15 ~~and the right to take therefrom such earth, gravel, stones,~~
 16 ~~trees, and timber as may be necessary for some public use."~~

-End-

HOUSE BILL NO. 676

INTRODUCED BY DENNIS NATHU

A BILL FOR AN ACT ENTITLED: "AN ACT TO RESTRICT THE NATURE OF THE ESTATE WHICH MAY BE OBTAINED BY EMINENT DOMAIN FOR RESERVOIR AND DAM PURPOSES; AMENDING SECTION 70-30-104, MCA."

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

Section 1. Section 70-30-104, MCA, is amended to read:

"70-30-104. What estates and rights in land may be taken. The following is a classification of the estates and rights in lands subject to be taken for the public use:

(1) such estate or rights as may be necessary up to and including a fee simple when taken for public buildings or grounds or for permanent buildings, ~~for reservoirs or dams and permanent flooding occasioned thereby~~, or for an outlet for a flow or a place for the deposit of debris or tailings of a mine or for the mining and extracting of ores, metals, or minerals when the same are owned by the plaintiff but located beneath or upon the surface of property where the title to said surface vests in others or for the underground storage of natural gas by a natural gas public utility as defined in 82-10-301. When the appropriation is for the underground storage of natural gas, all of the

right, title, interest, and estate in the real property and in the subsand stratum, formation, or reservoir so appropriated shall be determinable and for all purposes terminate upon abandonment or upon cessation for the period of 1 year of the use for which the same was appropriated, and thereupon the ownership of the residue of natural gas therein remaining shall likewise vest in the then owners of such reservoir space.

~~(2) such estate or rights in the surface as are necessary for a reservoir or dam and for the permanent flooding that results, up to the edge of the maximum pool of the reservoir;~~

~~(2)(3) an easement when taken for any other use;~~

~~(3)(4) the right of entry upon and occupation of land and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use."~~

-End-

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19 tailings of a mine or for the mining and extracting of ores,
20 metals, or minerals when the same are owned by the plaintiff
21 but located beneath or upon the surface of property where
22 the title to said surface vests in others or for the
23 underground storage of natural gas by a natural gas public
24 utility as defined in 82-10-301. When the appropriation is
25 for the underground storage of natural gas, all of the

1 right, title, interest, and estate in the real property and
2 in the subsand stratum, formation, or reservoir so
3 appropriated shall be determinable and for all purposes
4 terminate upon abandonment or upon cessation for the period
5 of 1 year of the use for which the same was appropriated,
6 and thereupon the ownership of the residue of natural gas
7 therein remaining shall likewise vest in the then owners of
8 such reservoir space.

9 ~~(2) such estate or rights in the surface as are~~
10 ~~necessary for a reservoir or dam and for the permanent~~
11 ~~flooding that results up to the edge of the maximum pool of~~
12 ~~the reservoir;~~

13 ~~(2)(3) an easement when taken for any other use;~~
14 ~~(3)(4) the right of entry upon and occupation of land~~
15 ~~and the right to take therefrom such earth, gravel, stones,~~
16 ~~trees, and timber as may be necessary for some public use."~~

-End-