

Senate Bill 416

In The Senate

February 10, 1981

Introduced and referred  
to Committee on Highways  
and Transportation.

February 18, 1981

Committee recommend bill  
do not pass as amended.

1 *Senate* BILL NO. *416*  
 2 INTRODUCED BY *Mike Anderson Ochner*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT  
 5 PERSONS, FIRMS, AND CORPORATIONS ENGAGED IN MOVING HOUSES,  
 6 BUILDINGS, DERRICKS, OR OTHER STRUCTURES SHALL PAY THE  
 7 NECESSARY AND REASONABLE EXPENSES OF RAISING OR CUTTING  
 8 WIRES OR REMOVING POLES TO FACILITATE THE MOVEMENT THEREOF;  
 9 AMENDING SECTION 69-4-603, MCA."

10  
 11 WHEREAS, Title 69, chapter 7, part 6, MCA, provides for  
 12 a procedure for moving houses and other structures under and  
 13 through existing electrical power lines, telegraph cables,  
 14 and guy wires, requiring notice to the owner of the lines,  
 15 cables, or wires; and

16 WHEREAS, subsection (2) of section 69-4-603, MCA,  
 17 provides that the necessary and reasonable expenses of  
 18 cutting or raising the lines, cables, or wires are to be  
 19 borne by their owners; and

20 WHEREAS, the payment for such services is an  
 21 unreasonable and unfair burden to place on utilities and  
 22 utility ratepayers who cannot participate in decisions to  
 23 move structures that require interference with lines,  
 24 cables, and wires; and

25 WHEREAS, it is in the best interests of all electric,

1 telephone, or cable television ratepayers in Montana that  
 2 the necessary and reasonable expenses associated with  
 3 movement of structures requiring wires, cables, or poles to  
 4 be moved or raised pursuant to sections 69-4-601 through  
 5 69-4-604, MCA, be paid by the person, firm, or corporation  
 6 moving the structure rather than the person, firm, or  
 7 corporation owning or operating the wires, cables, or poles  
 8 required to be moved; and

9 WHEREAS, a public purpose will be served by requiring  
 10 that the person, firm, or corporation engaged in moving a  
 11 structure under these statutes pay all necessary and  
 12 reasonable expenses of raising or cutting wires and cables  
 13 or moving poles to accomplish such move.

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

16 Section 1. Section 69-4-603, MCA, is amended to read:  
 17 "69-4-603. Procedure to accomplish move. (1) It shall  
 18 then be the duty of any person, firm, or corporation owning  
 19 or operating said poles or wires after service of notice, as  
 20 required by 69-4-602, to furnish competent workmen or  
 21 linemen to remove such poles or raise or cut such wires as  
 22 will be necessary to facilitate removing such house,  
 23 building, derrick, or other structures, and in such case the  
 24 necessary and reasonable expenses of raising or cutting the  
 25 wires or of removing the poles shall be paid by the person,

1 ~~firm, or corporation engaged in moving the house, building,~~  
2 ~~derrick, or other structure.~~

3 (2) No person, firm, or corporation engaged in moving  
4 any house, building, derrick, or other structure shall  
5 raise, cut, or in any way interfere with any such poles or  
6 wires, unless the persons or authorities owning or having  
7 control of the same shall refuse to do so after having been  
8 notified, as required by 69-4-602; then, only competent and  
9 experienced workmen or linemen shall be employed in such  
10 work, and in such case the necessary and reasonable expense  
11 shall be paid by the owners of the poles and wires handled,  
12 ~~provided, however, that any person, firm, or corporation~~  
13 ~~engaged in moving such structure within the limits of any~~  
14 ~~city or town shall pay all necessary and reasonable expense~~  
15 ~~of raising or cutting such wires or removing such poles.~~ The  
16 work shall be done in a careful and workmanlike manner, and  
17 the poles and wires shall be promptly replaced and the  
18 damages thereto promptly repaired."

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