

SENATE BILL 84

INTRODUCED BY HAZELBAKER, AKLESTAD, KOLSTAD, ELLIOTT,
WILLIAMS, BERTELSEN, CURTISS, R. MANNING, H. HAMMOND,
E. SMITH, HAGER, MANUEL, FABREGA, CHRISTIAENS, UNDERDAL,
JACOBSEN, ROUSH, SCHULTZ, METCALF, VINCENT, HARRINGTON,
LANE, BOYLAN, D. BROWN, ELLISON, ASAY, HARPER, PISTORIA,
YARDLEY, CONOVER, THOMAS, BLISS, HAND, HARP, COMPTON,
HANSON, RYAN, SOLBERG, MENAHAN, VELEBER, KOEHNKE,
HEMSTAD, BENGTSON, TVEIT, MARKS, B. BROWN, GAGE, MILLER

IN THE SENATE

January 8, 1983	Introduced and referred to Committee on Business and Industry.
January 14, 1983	Fiscal Note requested.
January 21, 1983	Fiscal Note returned.
February 11, 1983	Committee recommend bill do pass as amended. Report adopted.
February 12, 1983	Bill printed and placed on members' desks.
February 14, 1983	Second reading, do pass as amended.
February 15, 1983	Correctly engrossed.
February 16, 1983	Third reading, passed, Ayes, 46; Noes, 3. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Business and Industry.
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March 23, 1983

Committee recommend bill be
concurrent in as amended.
Report adopted.

Statement of Intent attached.

March 26, 1983

Second reading, concurred in
as amended.

March 28, 1983

Third reading, concurred in.

IN THE SENATE

March 28, 1983

Returned to Senate with
amendments and Statement of
Intent.

March 31, 1983

Second reading, amendments
and Statement of Intent
concurrent in.

April 1, 1983

Third reading, amendments
and Statement of Intent
concurrent in. Ayes, 46;
Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 *Williams* *Senate* BILL NO. *84* *Bartleson* *Curtis*
2 INTRODUCED BY *Hayden* *AKLESTAD* *Katz* *Ell* *Johnson*
3 *Richard* *W. Manning* *Elmer* *Hammond* *E. Smith* *Hayden* *E. Olson*
4 *Manuel S.* *LaRue* *Unbuhel* *W. Jackson* *Hayden* *Ellis*
5 *Russell* *Swilla* *Melcar* *Vincent* *Patterson*
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
7 PERSONS, FIRMS, OR CORPORATIONS OWNING HOUSES, BUILDINGS,
8 DERRICKS, OR OTHER STRUCTURES SHALL PAY THE NECESSARY AND
9 REASONABLE EXPENSES OF RAISING OR CUTTING WIRES OR REMOVING
10 POLES TO FACILITATE THE MOVEMENT OF SUCH STRUCTURES UNLESS
11 THE OWNERS OF THE WIRES OR POLES REFUSE TO RAISE, CUT, OR
12 REMOVE THE SAME; AMENDING SECTION 69-4-603, MCA."
13 WHEREAS, Title 69, chapter 4, part 6, MCA, provides for
14 a procedure for moving houses and other structures under and
15 through existing electrical powerlines, telegraph cables,
16 and guy wires, requiring notice to the owner of the lines,
17 cables, or wires; and
18 WHEREAS, section 69-4-603, MCA, provides that the
19 necessary and reasonable expenses of cutting or raising the
20 lines, cables, or wires are generally to be borne by their
21 owners; and
22 WHEREAS, the payment for such services is an
23 unreasonable and unfair burden to place on utilities and
24 utility ratepayers, who cannot participate in decisions to
25 move structures that require interference with lines,
cables, and wires; and

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

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

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 ~~moving~~ such house,
23 building, derrick, or other structure, and in such case the
24 necessary and reasonable expenses of raising or cutting the

1 ~~wires or of removing the poles shall be paid by the person,~~
2 ~~firm, or corporation owning the house, building, derrick, or~~
3 ~~other structure.~~

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

-End-

STATE OF MONTANA

REQUEST NO. 106-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 14, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 84 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 84 requires the persons, firms, or corporations owning houses or other structures to pay the reasonable and necessary expenses of moving or cutting utility poles or wires.

ASSUMPTIONS:

- 1) Cost of moving power lines within city limits averages \$650 per move with a range of \$10,234 to \$250.
- 2) Cost of moving power lines in rural areas averages \$400 per move.
- 3) Cost of moving TV cable lines averages \$200 per move.
- 4) Cost of moving telephone lines averages \$1,000 per move with a range of \$80 to \$3,000.
- 5) Number of state-owned houses moved in 1982 is 29. Assume same number moved in 1984 and 1985.
- 6) Number of structures moved statewide in 1982 is 625.

FISCAL IMPACT:State

Total cost per move is $\$2,250 \times 29 = \$65,250$ per year to the state.

GENERAL PUBLIC:

Under present law, the utilities absorb the costs of moving wires. If this bill were to pass, anyone wanting to move a structure could have to pay an additional cost of \$2,250.

COMMENT:

The costs of moving utility wires are now being paid indirectly by consumers through their utility bills. This bill, however, would require the movers to charge for moving the wires.

FISCAL NOTE 5:N/1

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-83

STATE OF MONTANA

REQUEST NO. 504-83

FISCAL NOTE

Form BD-15

In compliance with a written request received March 24, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 84, amended pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 84, amended, requires that persons, firms or corporations owning houses buildings, derricks, or other structures shall pay 50% of the necessary and reasonable expenses, as determined by the Public Service Commission of raising or cutting wires or removing poles to facilitate the movement of such structures.

ASSUMPTIONS:

- 1) Two day hearing every two years.
- 2) Transcript cost based on 9-day Montana Power Company.

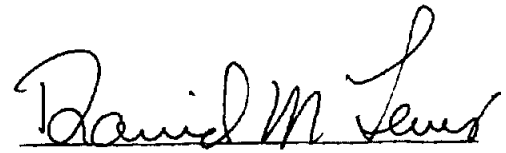
FISCAL IMPACT:

	<u>FY84</u>
<u>STATE</u>	
Court Reporter, Transcript	\$ 1,591
Hearing Room, Printing Orders	
and Noticing	500
Total Cost To General Fund	<u>\$ 2,091</u>

GENERAL PUBLIC

Under present law, the utilities absorb the costs of moving wires. If this bill were to pass, anyone wanting to move a structure would have to pay 50% of the expenses, as determined by the Public Service Commission.

FISCAL NOTE 17:V/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-24-83

Approved by Committee
on Business and Industry

SENATE BILL NO. 84

INTRODUCED BY HAZELBAKER, AKLESTAD, KOLSTAD, ELLIOTT,
WILLIAMS, BERTELSEN, CURTISS, R. MANNING, H. HAMMOND,
E. SMITH, HAGER, MANUEL, FABREGA, CHRISTIAENS, UNDERDAL,
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HANSON, RYAN, SOLBERG, MENAHAN, VELEBER, KOEHNKE,
HEMSTAD, BENGTSO, TVEIT, MARKS, B. BROWN, GAGE, MILLER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
PERSONS, FIRMS, OR CORPORATIONS OWNING HOUSES, BUILDINGS,
DERRICKS, OR OTHER STRUCTURES SHALL PAY THE CERTAIN
NECESSARY AND REASONABLE EXPENSES, AS DETERMINED BY THE
PUBLIC SERVICE COMMISSION, OF RAISING OR CUTTING WIRES OR
REMOVING POLES TO FACILITATE THE MOVEMENT OF SUCH STRUCTURES
UNLESS THE OWNERS OF THE WIRES OR POLES REFUSE TO RAISE,
CUT, OR REMOVE THE SAME; REQUIRING THAT AN ESTIMATE OF THE
COST BE GIVEN; AMENDING SECTION SECTIONS 69-4-602 AND
69-4-603, MCA."

WHEREAS, Title 69, chapter 4, part 6, MCA, provides for
a procedure for moving houses and other structures under and
through existing electrical powerlines, telegraph cables,
and guy wires, requiring notice to the owner of the lines,

cables, or wires; and

WHEREAS, section 69-4-603, MCA, provides that the
necessary and reasonable expenses of cutting or raising the
lines, cables, or wires are generally to be borne by their
owners; and

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

WHEREAS, it is in the best interests of all electric,
telephone, or cable television ratepayers in Montana that
the necessary and reasonable expenses associated with
movement of structures requiring wires, cables, or poles to
be moved or raised pursuant to sections 69-4-601 through
69-4-604, MCA, be paid by the person, firm, or corporation
owning the structure rather than the person, firm, or
corporation owning or operating the wires, cables, or poles
required to be moved; and

WHEREAS, a public purpose will be served by requiring
that the person, firm, or corporation owning a structure
under these statutes pay ~~at~~ SOME OF THE necessary and
reasonable expenses of raising or cutting wires and cables
or moving poles to accomplish such move.

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

SECTION 1. ~~SECTION 69-4-602, MCA, IS AMENDED TO READ:~~

"69-4-602. Procedure to give required notice. ~~(1) The person, firm, or corporation moving any house, building, derrick, or other structure shall give the person, firm, or corporation owning or operating the wires or poles, at their principal office and their nearest office within the state, not less than 10 days' written notice of the proposed time and place of moving a structure. The owner of the wires or poles shall give the mover a written estimate of the cost of cutting, raising, or moving the wires or poles at least 3 days prior to the move.~~

~~(2) The person, firm, or corporation moving any house, building, derrick, or other structure shall give to the person, firm, or corporation owning or operating such wire or poles, at their nearest office and also at their principal office within the state, not less than 3 days' written notice of the time and place, when and where the removal of said poles or the cutting, raising, moving, or otherwise interfering with said poles or wires will be necessary."~~

Section 2. Section 69-4-603, MCA, is amended to read:

"69-4-603. Procedure to accomplish move. (1) It shall then be the duty of any person, firm, or corporation owning or operating said poles or wires after service of notice, as

required by 69-4-602, to furnish competent workmen or linemen to remove such poles or raise or cut such wires as will be necessary to facilitate removing moving such house, building, derrick, or other structure ~~and in such case the necessary and reasonable expenses of raising or cutting the wires or of removing the poles shall be paid by the person, firm, or corporation owning the house, building, derrick, or other structure.~~

~~(2) THE NECESSARY AND REASONABLE EXPENSE OF RAISING OR CUTTING THE WIRES OR OF REMOVING THE POLES FOR UTILITIES SUBJECT TO THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION MUST BE FIXED AND DETERMINED BY THE PUBLIC SERVICE COMMISSION ON THE AVERAGE COST PER LINE OR POLE FOR TIME AND MATERIALS EXPENDED. THESE COSTS AND EXPENSES MUST BE DETERMINED AT A HEARING TO BE HELD WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS ACT AND MUST BE REVIEWED BIENNIALY.~~

~~(3) THE RATES AND CHARGES OF RURAL COOPERATIVE ELECTRIC UTILITIES, RURAL COOPERATIVE TELEPHONE UTILITIES, AND OTHER PERSONS WHO OCCUPY AND USE UTILITY OR COOPERATIVE POLES MAY NOT EXCEED THE CHARGES ESTABLISHED BY THE PUBLIC SERVICE COMMISSION FOR UTILITIES SUBJECT TO ITS JURISDICTION.~~

~~(4) THE PUBLIC SERVICE COMMISSION SHALL APPORTION THE COSTS AND EXPENSES DETERMINED PURSUANT TO SUBSECTIONS (2) AND (3) AS IT DETERMINES PROPER.~~

1 (2)(5) No person, firm, or corporation ~~owning or~~
 2 engaged in moving any house, building, derrick, or other
 3 structure shall raise, cut, or in any way interfere with any
 4 such poles or wires, unless the persons or authorities
 5 owning or having control of the same shall refuse to do so
 6 after having been notified, as required by 69-4-602; then,
 7 only competent and experienced workmen or linemen shall be
 8 employed in such work, and in such case the necessary and
 9 reasonable expense shall be paid by the owners of the poles
 10 and wires handled; ~~provided, however, that any person, firm,~~
 11 ~~or corporation engaged in moving such structure within the~~
 12 ~~limits of any city or town shall pay all necessary and~~
 13 ~~reasonable expense of raising or cutting such wires or~~
 14 ~~removing such poles.~~ The work shall be done in a careful and
 15 workmanlike manner, and the poles and wires shall be
 16 promptly replaced and the damages thereto promptly
 17 repaired."

18 SECTION 3. SEVERABILITY. IF A PART OF THIS ACT IS
 19 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
 20 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN
 21 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT
 22 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
 23 INVALID APPLICATIONS.

-End-

SENATE BILL NO. 84

INTRODUCED BY HAZELBAKER, AKLESTAD, KOLSTAD, ELLIOTT,
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HANSON, RYAN, SOLBERG, MENAHAN, VELEBER, KOEHNKE,
HEMSTAD, BENGTSON, TVEIT, MARKS, B. BROWN, GAGE, MILLER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
PERSONS, FIRMS, OR CORPORATIONS OWNING HOUSES, BUILDINGS,
DERRICKS, OR OTHER STRUCTURES SHALL PAY THE CERTAIN 50% OF
THE NECESSARY AND REASONABLE EXPENSES, AS DETERMINED BY THE
PUBLIC SERVICE COMMISSION, OF RAISING OR CUTTING WIRES OR
REMOVING POLES TO FACILITATE THE MOVEMENT OF SUCH STRUCTURES
UNLESS THE OWNERS OF THE WIRES OR POLES REFUSE TO RAISE,
CUT, OR REMOVE THE SAME; REQUIRING THAT AN ESTIMATE OF THE
COST BE GIVEN; AMENDING SECTION SECTIONS 69-4-602 AND
69-4-603, MCA."

WHEREAS, Title 69, chapter 4, part 6, MCA, provides for
a procedure for moving houses and other structures under and
through existing electrical powerlines, telegraph cables,
and guy wires, requiring notice to the owner of the lines,

cables, or wires; and

WHEREAS, section 69-4-603, MCA, provides that the
necessary and reasonable expenses of cutting or raising the
lines, cables, or wires are generally to be borne by their
owners; and

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

WHEREAS, it is in the best interests of all electric,
telephone, or cable television ratepayers in Montana that
the necessary and reasonable expenses associated with
movement of structures requiring wires, cables, or poles to
be moved or raised pursuant to sections 69-4-601 through
69-4-604, MCA, be paid SHARED EQUALLY by the person, firm,
or corporation owning the structure rather than AND the
person, firm, or corporation owning or operating the wires,
cables, or poles required to be moved; and

WHEREAS, a public purpose will be served by requiring
that the person, firm, or corporation owning a structure
under these statutes pay at SOME 50% OF THE necessary and
reasonable expenses of raising or cutting wires and cables
or moving poles to accomplish such move.

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

SECTION 1. ~~SECTION 69-4-602, MCA, IS AMENDED TO READ:~~

~~"69-4-602. Procedure to give required notice. (1) The person, firm, or corporation moving any house, building, derrick, or other structure shall give the person, firm, or corporation owning or operating the wires or poles, at their principal office and their nearest office within the state, not less than 10 days' written notice of the proposed time and place of moving a structure. The owner of the wires or poles shall give the mover a written estimate of the cost of cutting, raising, or moving the wires or poles at least 3 days prior to the move.~~

~~(2) The person, firm, or corporation moving any house, building, derrick, or other structure shall give to the person, firm, or corporation owning or operating such wire or poles, at their nearest office and also at their principal office within the state, not less than 3 days' written notice of the time and place, when and where the removal of said poles or the cutting, raising, moving, or otherwise interfering with said poles or wires will be necessary."~~

Section 2. Section 69-4-603, MCA, is amended to read:

~~"69-4-603. Procedure to accomplish move. (1) It shall then be the duty of any person, firm, or corporation owning or operating said poles or wires after service of notice, as~~

~~required by 69-4-602, to furnish competent workmen or linemen to remove such poles or raise or cut such wires as will be necessary to facilitate removing moving such house, building, derrick, or other structure; and in such case the necessary and reasonable expenses of raising or cutting the wires or of removing the poles shall be paid by the person, firm, or corporation owning the house, building, derrick, or other structure.~~

~~(2) THE NECESSARY AND REASONABLE EXPENSE OF RAISING OR CUTTING THE WIRES OR OF REMOVING THE POLES FOR UTILITIES SUBJECT TO THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION MUST BE FIXED AND DETERMINED BY THE PUBLIC SERVICE COMMISSION ON THE AVERAGE COST PER LINE OR POLE FOR TIME AND MATERIALS EXPENDED. THESE COSTS AND EXPENSES MUST BE DETERMINED AT A HEARING TO BE HELD WITHIN 180 DAYS OF [THE EFFECTIVE DATE OF THIS ACT] AND MUST BE REVIEWED BIENNIALY. THE NECESSARY AND REASONABLE EXPENSE OF RAISING OR CUTTING THE WIRES OR OF REMOVING THE POLES SHALL BE SHARED EQUALLY BY THE PERSON, FIRM, OR CORPORATION OWNING THE STRUCTURE AND THE PERSON, FIRM, OR CORPORATION OWNING OR OPERATING THE WIRES, CABLES, OR POLES REQUIRED TO BE MOVED.~~

~~(3) THE RATES AND CHARGES OF RURAL COOPERATIVE ELECTRIC UTILITIES, RURAL COOPERATIVE TELEPHONE UTILITIES, AND OTHER PERSONS WHO OCCUPY AND USE UTILITY OR COOPERATIVE POLES MAY NOT EXCEED THE CHARGES ESTABLISHED BY THE PUBLIC~~

SERVICE COMMISSION FOR UTILITIES SUBJECT TO ITS JURISDICTION. THE CHARGES ASSESSED BY SUCH UTILITIES SHALL BE APPORTIONED AS IN SUBSECTION (2). PREFAB STRUCTURE OWNERS WILL PAY ALL COST OF MOVING PREFAB STRUCTURES.

~~(1) THE PUBLIC SERVICE COMMISSION SHALL APPORTION THE COSTS AND EXPENSES DETERMINED PURSUANT TO SUBSECTIONS (2) AND (3) AS IT DETERMINES PROPER.~~

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

SECTION 3. SEVERABILITY. IF A PART OF THIS ACT IS

INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATIONS.

-End-

MR. SPEAKER:

WE YOUR COMMITTEE ON BUSINESS AND INDUSTRY, HAVING HAD UNDER CONSIDERATION
SENATE BILL NO. 84, THIRD READING COPY BLUE, ATTACH THE FOLLOWING STATE-
MENT OF INTENT:

SENATE BILL #84
STATEMENT OF INTENT

A statement of intent is required for SB 84 because in subsection (2) of section 2 it amends 69-4-603 to give the Public Service Commission the authority to determine the average cost of raising or cutting wires or cables or of moving poles. It is the intention of the legislature that the Public Service Commission hold a hearing within 180 days after the effective date of SB 84 to discover the reasonable and necessary costs of those operations, after which the commission shall establish by rule the average costs, which shall remain in effect until modified by the commission after a subsequent biennial review.

BUSINESS & INDUSTRY COMMITTEE
AMENDMENTS TO SENATE BILL 84 THIRD READING COPY BLUE
MARCH 23, 1983

1. Title, line 19

Following: "GIVEN;"

Insert: "REQUIRING OWNERS OF PREFABRICATED STRUCTURES TO PAY REASONABLE
AND NECESSARY EXPENSES OF MOVING;"

2. Page 4, line 17

Following: "BIENNIALY." on line 16

Strike: "THE"

Insert: "Except as provided in subsections (4) and (5), the"

3. Page 5, line 3

Following: "(2)."

Strike: remainder of line 3 and line 4 in its entirety.

4. Page 5, line 8

Following: line 7

Insert: "(4) Owners of prefabricated structures built with the
intention of moving shall pay the necessary and reasonable costs
of raising or cutting wires or cables or moving poles to facilitate
the movement."

Renumber: subsequent subsection

AND AS AMENDED
BE CONCURRED IN
STATEMENT OF INTENT

HOUSE COMMITTEE OF THE WHOLE

March 26, 1983

Amendments to Senate Bill 84, Third Reading, Blue copy

1. Page 3, line 3.

Strike: "(1)"

2. Page 3, line 12.

Following: "move"

Insert: "or within 10 days upon receipt of the written notice of the move,
whichever time comes sooner"

3. Page 3, line 13 through 21.

Strike: subsection (2) in its entirety.

1 STATEMENT OF INTENT

2 SENATE BILL 84

3 Senate Business and Industry Committee

4

5 A statement of intent is required for SB 84 because in
6 subsection (2) of section 2 it amends 69-4-603 to give the
7 Public Service Commission the authority to determine the
8 average cost of raising or cutting wires or cables or of
9 moving poles. It is the intention of the legislature that
10 the Public Service Commission hold a hearing within 180 days
11 after the effective date of SB 84 to discover the reasonable
12 and necessary costs of those operations, after which the
13 commission shall establish by rule the average costs, which
14 shall remain in effect until modified by the commission
15 after a subsequent biennial review.

REFERENCE BILL

SB 84

SENATE BILL NO. 84

INTRODUCED BY HAZELBAKER, AKLESTAD, KOLSTAD, ELLIOTT,
WILLIAMS, BERTELSEN, CURTISS, R. MANNING, H. HAMMOND,
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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
PERSONS, FIRMS, OR CORPORATIONS OWNING HOUSES, BUILDINGS,
DERRICKS, OR OTHER STRUCTURES SHALL PAY ~~THE CERTAIN 50~~
~~PERCENT OF THE~~ NECESSARY AND REASONABLE EXPENSES, ~~AS~~
~~DETERMINED BY THE PUBLIC SERVICE COMMISSION,~~ OF RAISING OR
CUTTING WIRES OR REMOVING POLES TO FACILITATE THE MOVEMENT
OF SUCH STRUCTURES UNLESS THE OWNERS OF THE WIRES OR POLES
REFUSE TO RAISE, CUT, OR REMOVE THE SAME; ~~REQUIRING THAT AN~~
~~ESTIMATE OF THE COST BE GIVEN; REQUIRING OWNERS OF~~
~~PREEXISTING STRUCTURES TO PAY REASONABLE AND NECESSARY~~
~~EXPENSES OF MOVING; AMENDING SECTION SECTIONS 69-4-602 AND~~
69-4-603, MCA."

WHEREAS, Title 69, chapter 4, part 6, MCA, provides for
a procedure for moving houses and other structures under and

through existing electrical powerlines, telegraph cables,
and guy wires, requiring notice to the owner of the lines,
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WHEREAS, section 69-4-603, MCA, provides that the
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lines, cables, or wires are generally to be borne by their
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WHEREAS, the ~~IDIAL~~ payment for such services is an
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move structures that require interference with lines,
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movement of structures requiring wires, cables, or poles to
be moved or raised pursuant to sections 69-4-601 through
69-4-604, MCA, be paid ~~SHARED EQUALLY~~ by the person, firm,
or corporation owning the structure ~~rather--than AND~~ the
person, firm, or corporation owning or operating the wires,
cables, or poles required to be moved; and

WHEREAS, a public purpose will be served by requiring
that the person, firm, or corporation owning a structure
under these statutes pay ~~at~~ ~~SOME 50% OF THE~~ necessary and
reasonable expenses of raising or cutting wires and cables

or moving poles to accomplish such move.

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

SECTION 1. SECTION 69-4-602, MCA, IS AMENDED TO READ:

"69-4-602. Procedure to give required notice. ~~It~~ The person, firm, or corporation moving any house, building, derrick, or other structure shall give the person, firm, or corporation owning or operating the wires or poles, at their principal office and their nearest office within the state, not less than 10 days' written notice of the proposed time and place of moving a structure. The owner of the wires or poles shall give the mover a written estimate of the cost of cutting, raising, or moving the wires or poles at least 3 days prior to the move OR WITHIN 10 DAYS UPON RECEIPT OF THE WRITTEN NOTICE OF THE MOVE, WHICHEVER TIME COMES SOONER.

~~It--the person, firm, or corporation moving any house, building, derrick, or other structure--shall--give--to--the person, firm, or corporation owning or operating such wire or poles--at--their--nearest--office--and--also--at--their principal--office--within--the--state, not less than 3 days' written notice of the time and place, when and where the removal of said poles or the cutting, raising, moving, or otherwise interfering with said poles or wires will be necessary."~~

Section 2. Section 69-4-603, MCA, is amended to read:

"69-4-603. Procedure to accomplish move. (1) It shall then be the duty of any person, firm, or corporation owning or operating said poles or wires after service of notice, as required by 69-4-602, to furnish competent workmen or linemen to remove such poles or raise or cut such wires as will be necessary to facilitate removing moving such house, building, derrick, or other structure, ~~and in such case the necessary and reasonable expenses of raising or cutting the wires or of removing the poles shall be paid by the person, firm, or corporation owning the house, building, derrick, or other structure.~~

(2) THE NECESSARY AND REASONABLE EXPENSE OF RAISING OR CUTTING THE WIRES OR OF REMOVING THE POLES FOR UTILITIES SUBJECT TO THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION MUST BE FIXED AND DETERMINED BY THE PUBLIC SERVICE COMMISSION ON THE AVERAGE COST PER LINE OR POLE FOR TIME AND MATERIALS EXPENDED. THESE COSTS AND EXPENSES MUST BE DETERMINED AT A HEARING TO BE HELD WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS ACT AND MUST BE REVIEWED BIENNIALY, THE EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (5). THE NECESSARY AND REASONABLE EXPENSE OF RAISING OR CUTTING THE WIRES OR OF REMOVING THE POLES SHALL BE SHARED EQUALLY BY THE PERSON, FIRM, OR CORPORATION OWNING THE STRUCTURE AND THE PERSON, FIRM, OR CORPORATION OWNING OR OPERATING THE WIRES, CABLES, OR POLES REQUIRED TO BE MOVED.

1 ~~(3) THE RATES AND CHARGES OF RURAL COOPERATIVE~~
 2 ~~ELECTRIC UTILITIES, RURAL COOPERATIVE TELEPHONE UTILITIES,~~
 3 ~~AND OTHER PERSONS WHO OCCUPY AND USE UTILITY OR COOPERATIVE~~
 4 ~~POLES MAY NOT EXCEED THE CHARGES ESTABLISHED BY THE PUBLIC~~
 5 ~~SERVICE COMMISSION FOR UTILITIES SUBJECT TO ITS~~
 6 ~~JURISDICTION. THE CHARGES ASSESSED BY SUCH UTILITIES SHALL~~
 7 ~~BE APPORTIONED AS IN SUBSECTION (2). PREFAB-STRUCTURE-OWNERS~~
 8 ~~WILL PAY ALL COST OF MOVING PREFAB-STRUCTURES.~~

9 ~~(4) THE PUBLIC SERVICE COMMISSION SHALL APPORTION THE~~
 10 ~~COSTS AND EXPENSES DETERMINED PURSUANT TO SUBSECTIONS (2)~~
 11 ~~AND (3) AS IT DETERMINES PROPER.~~

12 ~~(4) OWNERS OF PREFABRICATED STRUCTURES BUILT WITH THE~~
 13 ~~INTENTION OF MOVING SHALL PAY THE NECESSARY AND REASONABLE~~
 14 ~~COSTS OF RAISING OR CUTTING WIRES OR CABLES OR MOVING POLES~~
 15 ~~TO FACILITATE THE MOVEMENT.~~

16 ~~(2)(5)(4)(5) No person, firm, or corporation owning or~~
 17 ~~engaged in moving any house, building, derrick, or other~~
 18 ~~structure shall raise, cut, or in any way interfere with any~~
 19 ~~such poles or wires, unless the persons or authorities~~
 20 ~~owning or having control of the same shall refuse to do so~~
 21 ~~after having been notified, as required by 69-4-602; then,~~
 22 ~~only competent and experienced workmen or linemen shall be~~
 23 ~~employed in such work, and in such case the necessary and~~
 24 ~~reasonable expense shall be paid by the owners of the poles~~
 25 ~~and wires handled; provided, however, that any person, firm,~~

1 ~~or corporation engaged in moving such structure within the~~
 2 ~~limits of any city or town shall pay all necessary and~~
 3 ~~reasonable expense of raising or cutting such wires or~~
 4 ~~removing such poles. The work shall be done in a careful and~~
 5 ~~workmanlike manner, and the poles and wires shall be~~
 6 ~~promptly replaced and the damages thereto promptly~~
 7 ~~repaired."~~

8 ~~SECTION 3. SEVERABILITY. IF A PART OF THIS ACT IS~~
 9 ~~INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID~~
 10 ~~PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN~~
 11 ~~ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT~~
 12 ~~IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE~~
 13 ~~INVALID APPLICATIONS.~~

-End-