

SENATE BILL NO. 444

Introduced: 02/16/83

Referred to Committee on Natural Resources: 02/16/83

Hearing: 2/18/83

Died in Committee.

1 *Senate* BILL NO. *444*
2 INTRODUCED BY *Harold Cagle* *Bob Brown*
3 *Burton Beam*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLIC
5 UTILITY TO IDENTIFY THE REAL PROPERTY ACTUALLY REQUIRED BY
6 UTILITY INSTALLATIONS CROSSING PRIVATE PROPERTY UNDER A
7 RIGHT-OF-WAY EASEMENT FOR WHICH NO DEFINITE LOCATION WAS
8 IDENTIFIED AT THE TIME OF GRANT OF THE EASEMENT; AND
9 RELEASING THE REMAINDER OF SUCH PROPERTY FROM THE EASEMENT."

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

12 Section 1. Public utility grantees to identify land
13 subject to right-of-way easements -- filing --
14 applicability. (1) Within 1 year after the date on which the
15 purpose for which a right-of-way easement was granted to a
16 public utility, as defined in 69-3-101, is effected or 10
17 years after [the effective date of this act], whichever
18 occurs later, the public utility grantee of a right-of-way
19 easement shall file with the county clerk and recorder of
20 the county in which the servient tenement is located an
21 identification of the real property actually utilized by the
22 right-of-way easement.

23 (2) Upon the filing of an identification as required
24 by subsection (1), the right-of-way easement on real
25 property not actually utilized by that right-of-way is

1 extinguished.

2 (3) A filing under this section must be verified and
3 mailed by certified mail by the county clerk and recorder to
4 the record owner of real property subject to the
5 right-of-way easement.

6 (4) The provisions of this section apply only to a
7 right-of-way easement granted to a public utility and for
8 which a definite right-of-way was not identified at the time
9 the easement was granted.

-End-

-2- INTRODUCED BILL
SB 444