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House BILL NO. 396

INTRODUCED BY Hayne GRINDE Rehbein Stang  
Cole

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING WHO IS RESPONSIBLE FOR PAYING THE EXPENSES OF CUTTING OR RAISING UTILITY WIRES OR MOVING UTILITY POLES WHEN THE WIRES OR POLES IMPEDE THE MOVEMENT OF CERTAIN HOUSES, BUILDINGS, DERRICKS, OR OTHER STRUCTURES; AMENDING SECTION 69-4-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 69-4-603, MCA, is amended to read:

**"69-4-603. Procedure to accomplish move.** (1) ~~It shall then be~~ In order to accomplish moving a house, building, derrick, or other structure through an area in which utility poles or wires impede the movement, it is the duty of any the person, firm, or corporation owning or operating said who owns or controls the poles or wires after service of and who has received the notice, as required by 69-4-602, to furnish competent workmen or linemen workers to remove such poles or raise or cut such the wires or move the poles as will be necessary to facilitate moving such the house, building, derrick, or other structure.

(2) The necessary and reasonable expense of raising or cutting the wires or of ~~removing~~ moving 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 October 1, 1983, and~~ must be reviewed biennially. Except as provided in subsections (4) and (5), the necessary and reasonable expense of raising or cutting the wires or of ~~removing~~ moving the poles ~~shall~~ must 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~~ other than utilities subject to the jurisdiction of the public service commission, must be

1 apportioned as provided in subsection (2).

2 ~~(4) Owners of prefabricated structures built with the intention of moving shall pay the~~ To facilitate  
3 the movement of a house, building, derrick, or other structure, the necessary and reasonable costs of  
4 raising or cutting wires or cables or moving poles to facilitate the movement must be paid by the owner  
5 of:

6 (a) a prefabricated structure that is intended to be moved from the place of fabrication; or

7 (b) structures that exceed 25 feet in height while being moved and that are to be moved in  
8 numbers of six or greater, whether individually or in groups, from a single site. For the purposes of this  
9 subsection (4)(b), a single site includes but is not limited to a development complex, housing complex,  
10 military base, or institutional complex. The whole of an incorporated municipality is not a single site as the  
11 term is used in this subsection.

12 ~~(5) (a) No~~ A person, firm, or corporation owning who owns or engaged in moving any moves a  
13 house, building, derrick, or other structure shall may not raise, cut, or in any way interfere with any such  
14 poles or wires, unless the persons or authorities owning or having control of person, firm, or corporation  
15 who owns or controls the same shall refuse to do so poles or wires refuses, after having been notified,  
16 ~~as required by 69-4-602; then, to raise or cut the wires or move the poles.~~

17 (b) When the person who owns or controls the poles or wires refuses to raise or cut the wires or  
18 move the poles, the person, firm, or corporation who owns or moves the house, building, derrick, or other  
19 structure shall ensure that only competent and experienced workmen or linemen shall be employed in such  
20 work, and in such case workers raise or cut the wires or move the poles.

21 (c) The following procedure must be followed:

22 (i) the The necessary and reasonable expense shall incurred by the owner or mover of the house,  
23 building, derrick, or other structure as a result of raising or cutting the wires or moving the poles must be  
24 paid by the owners of the poles and or wires handled.

25 (ii) The work shall of raising or cutting the wires or moving the poles must be done in a careful and  
26 workmanlike manner, and,

27 (iii) the The poles and wires shall must be promptly replaced and the damages thereto any damage  
28 to the poles or wires must be promptly repaired."

29

30 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0396, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill clarifying who is responsible for paying the expenses of cutting or raising utility wires or moving utility poles when the wires or poles impede the movement of certain houses, buildings, derrick, or other structures.

ASSUMPTIONS:

1. The Public Service Commission role would not change and work load would not change.
2. There is no fiscal impact to the Public Service Commission.

FISCAL IMPACT:

There is no known fiscal impact.

Dave Lewis 2.4.95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

Harriet Hayne  
HARRIET HAYNE, PRIMARY SPONSOR      DATE

Fiscal Note for HB0396, as introduced

**HB 396**

1  
2 INTRODUCED BY Hayne GRINDE Rebecca Strong  
3 Cole

House BILL NO. 396

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING WHO IS RESPONSIBLE FOR PAYING THE  
5 EXPENSES OF CUTTING OR RAISING UTILITY WIRES OR MOVING UTILITY POLES WHEN THE WIRES OR  
6 POLES IMPEDE THE MOVEMENT OF CERTAIN HOUSES, BUILDINGS, DERRICKS, OR OTHER STRUCTURES;  
7 AMENDING SECTION 69-4-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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10  
11 Section 1. Section 69-4-603, MCA, is amended to read:

12 "69-4-603. Procedure to accomplish move. (1) ~~It shall then be~~ In order to accomplish moving a  
13 house, building, derrick, or other structure through an area in which utility poles or wires impede the  
14 movement, it is the duty of any the person, firm, or corporation ~~owning or operating said~~ who owns or  
15 controls the poles or wires ~~after service of and who has received the notice,~~ as required by 69-4-602, to  
16 furnish competent ~~workmen or linemen~~ workers to ~~remove such poles or~~ raise or cut ~~such~~ the wires or  
17 move the poles as will be necessary to facilitate moving ~~such~~ the house, building, derrick, or other  
18 structure.

19 (2) The necessary and reasonable expense of raising or cutting the wires or of ~~removing~~ moving  
20 the poles for utilities subject to the jurisdiction of the public service commission must be fixed and  
21 determined by the public service commission on the average cost per line or pole for time and materials  
22 expended. These costs and expenses ~~must be determined at a hearing to be held within 180 days of~~  
23 ~~October 1, 1983,~~ and must be reviewed biennially. Except as provided in subsections (4) and (5), the  
24 necessary and reasonable expense of raising or cutting the wires or of ~~removing~~ moving the poles ~~shall~~  
25 must be shared equally by the person, firm, or corporation owning the structure and the person, firm, or  
26 corporation owning or operating the wires, cables, or poles required to be moved.

27 (3) The rates and charges of rural cooperative electric utilities, rural cooperative telephone utilities,  
28 and other persons who occupy and use utility or cooperative poles may not exceed the charges established  
29 by the public service commission for utilities subject to its jurisdiction. The charges assessed by ~~such~~  
30 utilities shall, other than utilities subject to the jurisdiction of the public service commission, must be

1 apporportioned as provided in subsection (2).

2 (4) ~~Owners of prefabricated structures built with the intention of moving shall pay the~~ To facilitate  
 3 the movement of a house, building, derrick, or other structure, the necessary and reasonable costs of  
 4 raising or cutting wires or cables or moving poles to facilitate the movement must be paid by the owner  
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7 (b) structures that exceed 25 feet in height while being moved and that are to be moved in  
 8 numbers of six or greater, whether individually or in groups, from a single site. For the purposes of this  
 9 subsection (4)(b), a single site includes but is not limited to a development complex, housing complex,  
 10 military base, or institutional complex. The whole of an incorporated municipality is not a single site as the  
 11 term is used in this subsection.

12 (5) (a) ~~No A~~ A person, firm, or corporation owning who owns or engaged in moving any moves a  
 13 house, building, derrick, or other structure shall may not raise, cut, or in any way interfere with any such  
 14 poles or wires, unless the persons or authorities owning or having control of person, firm, or corporation  
 15 who owns or controls the same shall refuse to do so poles or wires refuses, after having been notified, as  
 16 required by 69-4-602, ~~then,~~ to raise or cut the wires or move the poles.

17 (b) When the person who owns or controls the poles or wires refuses to raise or cut the wires or  
 18 move the poles, the person, firm, or corporation who owns or moves the house, building, derrick, or other  
 19 structure shall ensure that only competent and experienced workmen or linemen shall be employed in such  
 20 work, and in such case workers raise or cut the wires or move the poles.

21 (c) The following procedure must be followed:

22 (i) ~~the~~ The necessary and reasonable expense shall incurred by the owner or mover of the house,  
 23 building, derrick, or other structure as a result of raising or cutting the wires or moving the poles must be  
 24 paid by the owners of the poles and or wires handled.

25 (ii) The work shall of raising or cutting the wires or moving the poles must be done in a careful and  
 26 workmanlike manner, and,

27 (iii) ~~the~~ The poles and wires shall must be promptly replaced and the damages thereto any damage  
 28 to the poles or wires must be promptly repaired."

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-END-

House BILL NO. 396

INTRODUCED BY

Hayne GRINDE Rebecca King  
Cole

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14 poles or wires, unless the persons or authorities owning or having control of person, firm, or corporation  
15 who owns or controls the same shall refuse to do so poles or wires refuses, after having been notified, ~~as~~  
16 required by 69-4-602; then, to raise or cut the wires or move the poles.

17 (b) When the person who owns or controls the poles or wires refuses to raise or cut the wires or  
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24 paid by the owners of the poles and or wires handled.

25 (ii) The work shall of raising or cutting the wires or moving the poles must be done in a careful and  
26 workmanlike manner, and,

27 (iii) the The poles and wires shall must be promptly replaced and the damages thereto any damage  
28 to the poles or wires must be promptly repaired."

30 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 23, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration HB 396 (third reading copy -- blue), respectfully report that HB 396 be amended as follows and as so amended be concurred in.

Signed: Sen. Tveit  
Senator Larry Tveit, Chair

That such amendments read:

1. Title, line 7.

Following: line 6

Insert: "AND"

Following: "MCA"

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 2.

Following: "(4)"

Insert: "(a)"

Strike: "To"

Insert: "Except as provided in subsection (4)(b), to"

3. Page 2, line 6.

Strike: "(a)"

Insert: "(i)"

4. Page 2, line 7.

Strike: "(b)"

Insert: "(ii)"

Strike: "structures"

Insert: "the sixth and each subsequent structure"

Strike: "exceed"

Insert: "exceeds"

Strike: "are"

Insert: "is"

5. Page 2, lines 7 and 8.

Following: "be moved" on line 7

Strike: remainder of line 7 through "groups." on line 8

6. Page 2, line 8.

Following: "site."

Insert: "When structures are moved in a group or in a continuous caravan formation and when only a single line cut or movement is necessary, the move must count as only a single-structure move for purposes of this subsection (4)(a)(ii)."

Amd. Coord.  
Sec. of Senate

Sen. Singsgaard  
Senator Carrying Bill

HB 396

SENATE



7. Page 2, line 9.

Strike: "(4)(b)"

Insert: "(4)(a)(ii)"

8. Page 2, line 12.

Following: line 11

Insert: "(b) The necessary and reasonable costs of raising or cutting wires or cables or moving poles to facilitate the movement of a structure by a person for occupancy by that person must be shared equally as provided in subsection (2)."

9. Page 2, line 30.

Strike: section 2 in its entirety

-END-

## 1 HOUSE BILL NO. 396

2 INTRODUCED BY HAYNE, GRINDE, REHBEIN, STANG, COLE

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 5 EXPENSES OF CUTTING OR RAISING UTILITY WIRES OR MOVING UTILITY POLES WHEN THE WIRES OR  
 6 POLES IMPEDE THE MOVEMENT OF CERTAIN HOUSES, BUILDINGS, DERRICKS, OR OTHER STRUCTURES;  
 7 AND AMENDING SECTION 69-4-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 14 movement, it is the duty of any the person, firm, or corporation ~~owning or operating said~~ who owns or  
 15 controls the poles or wires ~~after service of~~ and who has received the notice, as required by 69-4-602, to  
 16 furnish competent ~~workmen or linemen~~ workers to ~~remove such poles or~~ raise or cut ~~such~~ the wires or  
 17 move the poles as ~~will be~~ necessary to facilitate moving ~~such~~ the house, building, derrick, or other  
 18 structure.

19 (2) The necessary and reasonable expense of raising or cutting the wires or of ~~removing~~ moving  
 20 the poles for utilities subject to the jurisdiction of the public service commission must be fixed and  
 21 determined by the public service commission on the average cost per line or pole for time and materials  
 22 expended. These costs and expenses ~~must be determined at a hearing to be held within 180 days of~~  
 23 ~~October 1, 1983, and~~ must be reviewed biennially. Except as provided in subsections (4) and (5), the  
 24 necessary and reasonable expense of raising or cutting the wires or of ~~removing~~ moving the poles ~~shall~~  
 25 must be shared equally by the person, firm, or corporation owning the structure and the person, firm, or  
 26 corporation owning or operating the wires, cables, or poles required to be moved.

27 (3) The rates and charges of rural cooperative electric utilities, rural cooperative telephone utilities,  
 28 and other persons who occupy and use utility or cooperative poles may not exceed the charges established  
 29 by the public service commission for utilities subject to its jurisdiction. The charges assessed by ~~such~~  
 30 utilities shall, other than utilities subject to the jurisdiction of the public service commission, must be

1 apportioned as provided in subsection (2).

2 (4) ~~(A) Owners of prefabricated structures built with the intention of moving shall pay the To~~  
 3 EXCEPT AS PROVIDED IN SUBSECTION (4)(B), TO facilitate the movement of a house, building, derrick,  
 4 or other structure, the necessary and reasonable costs of raising or cutting wires or cables or moving poles  
 5 to facilitate the movement must be paid by the owner of:

6 ~~(a)(I) a prefabricated structure that is intended to be moved from the place of fabrication; or~~

7 ~~(b)(II) structures~~ THE SIXTH AND EACH SUBSEQUENT STRUCTURE that exceeds EXCEEDS 25 feet  
 8 in height while being moved and that are IS to be moved in numbers of six or greater, whether individually  
 9 or in groups, from a single site. WHEN STRUCTURES ARE MOVED IN A GROUP OR IN A CONTINUOUS  
 10 CARAVAN FORMATION AND WHEN ONLY A SINGLE LINE CUT OR MOVEMENT IS NECESSARY, THE  
 11 MOVE MUST COUNT AS ONLY A SINGLE-STRUCTURE MOVE FOR PURPOSES OF THIS SUBSECTION  
 12 (4)(A)(II). For the purposes of this subsection (4)(b) (4)(A)(II), a single site includes but is not limited to a  
 13 development complex, housing complex, military base, or institutional complex. The whole of an  
 14 incorporated municipality is not a single site as the term is used in this subsection.

15 (B) THE NECESSARY AND REASONABLE COSTS OF RAISING OR CUTTING WIRES OR CABLES  
 16 OR MOVING POLES TO FACILITATE THE MOVEMENT OF A STRUCTURE BY A PERSON FOR OCCUPANCY  
 17 BY THAT PERSON MUST BE SHARED EQUALLY AS PROVIDED IN SUBSECTION (2).

18 (5) ~~(a) No A person, firm, or corporation owning who owns or engaged in moving any moves a~~  
 19 house, building, derrick, or other structure shall may not raise, cut, or in any way interfere with any such  
 20 poles or wires, unless the persons or authorities owning or having control of person, firm, or corporation  
 21 who owns or controls the same shall refuse to do so poles or wires refuses, after having been notified, as  
 22 required by 69-4-602; then, to raise or cut the wires or move the poles.

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 24 move the poles, the person, firm, or corporation who owns or moves the house, building, derrick, or other  
 25 structure shall ensure that only competent and experienced workmen or linemen shall be employed in such  
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 30 paid by the owners of the poles and or wires handled.

1           (ii) The work shall of raising or cutting the wires or moving the poles must be done in a careful ~~and~~  
2 ~~workmanlike manner, and,~~

3           (iii) ~~the~~ The poles and wires shall must be promptly replaced and ~~the damages thereto~~ any damage  
4 to the poles or wires must be promptly repaired."

5

6           ~~NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.~~

7

-END-