



AN ACT CLARIFYING A PUBLIC UTILITY'S POWER OF EMINENT DOMAIN; CLARIFYING THAT A PERSON ISSUED A CERTIFICATE UNDER THE MAJOR FACILITY SITING ACT HAS THE POWER OF EMINENT DOMAIN; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

**Section 1. Power of eminent domain.** A public utility as defined in 69-3-101 may acquire by eminent domain any interest in property, as provided in Title 70, chapter 30, for a public use authorized by law to provide service to the customers of its regulated service.

**Section 2. Power to exercise eminent domain.** A person issued a certificate pursuant to this chapter may acquire by eminent domain any interest in property, as provided in Title 70, chapter 30, for a public use authorized by law to construct a facility in accordance with the certificate.

**Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 69, chapter 3, part 1, and the provisions of Title 69, chapter 3, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 75, chapter 20, part 1, and the provisions of Title 75, chapter 20, part 1, apply to [section 2].

**Section 4. Contingent voidness.** If a repeal of the provisions of Title 75, chapter 1, parts 1 through 3, or a repeal of the provisions of Title 75, chapter 20, parts 1 through 4, is passed and approved during the 62nd legislative session, then [this act] is void.

**Section 5. Effective date.** [This act] is effective on passage and approval.

**Section 6. Retroactive applicability.** [Section 2] applies retroactively, within the meaning of 1-2-109,

to certificates issued after September 30, 2008.

- END -

I hereby certify that the within bill,  
HB 0198, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

HOUSE BILL NO. 198

INTRODUCED BY K. PETERSON, HOWARD, HOLLANDSWORTH, BERRY, ERICKSON, MCGILLVRAY,  
FITZPATRICK, REICHNER, DRISCOLL, O'HARA, BELCOURT, MEHLHOFF, C. SMITH, FACEY, KNOX,  
BUTTREY, F. SMITH

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