

HOUSE BILL NO. 703

INTRODUCED BY R. RIPLEY

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING APPLICATION REQUIREMENTS FOR AN EASEMENT ON STATE LAND FOR A REGIONAL WATER AUTHORITY; AND AMENDING SECTION 77-2-102, MCA."

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

**Section 1.** Section 77-2-102, MCA, is amended to read:

**"77-2-102. Application for easement.** (1) Application for an easement on state land must be made to the department. Except as provided in subsections (3) ~~and (4)~~ through (5), the application must describe the proposed right-of-way according to survey, show the necessity for the proposed highway or street or other easement, and give any additional information that the department requires.

(2) This application must be accompanied by two exact copies of the official plat of the proposed highway, street, or other easement, verified by the affidavit of the engineer or surveyor who prepared the application. These plats must show the quantity of land taken by the proposed highway or street or other easement for each 40-acre tract or government lot of state land over or through which it passes and also the amount of land remaining in each portion of that 40-acre tract or government lot. When considered necessary by the department, these plats must show all these facts for smaller subdivisions as the circumstances may render desirable for the state.

(3) The application must include the affidavit of a licensed engineer or professional surveyor stating that the methodology used is known to be accurate to within 5 meters. The survey must be tied to an established section corner or 1/4 corner monument. The department may request greater accuracy if the department determines that the information is needed to adequately describe the easement.

(4) If the purpose of the right-of-way applied for is the transmission or distribution of electrical energy or the construction and operation of pipelines or telephone, telegraph, or radio systems, the plats and measurements need not be given. An exact geographical survey is not required, but the application must include the description of the location of the center line of the right-of-way that refers to an established monument within a filed corner recordation form, certificate of survey, or subdivision plat. The accuracy requirements of subsection

1 (3) must be met. The entire right-of-way may be applied for in one application with only one plat of the entire  
2 right-of-way required. An archaeological survey is not required if, in the opinion of the department, heritage  
3 property would not be impacted.

4 (5) (a) If the purpose of the right-of-way applied for is a regional water authority provided for in Title 75,  
5 chapter 6, part 3, the plats and measurements need not be given. An exact geographical survey is not required,  
6 but the application must include the description of the location of the center line of the right-of-way.

7 (b) The application provided for in subsection (5)(a) must be accompanied by electronic global positioning  
8 system data in the Montana coordinate system, easement location depicted on a topographical map to a scale  
9 of 1:24,000, easement coordinates, and the quantity of land taken in each quarter-quarter section."

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