

EXHIBIT 17
DATE 11/2/2011
HB 198

HOUSE BILL NO.198 COMMENTS

I have no problem with section one of this bill. I think a public utility regulated by the State of Montana should have the power of eminent domain as a last resort. The problem is in section two, which would grant the power of eminent domain to any holder of a certificate issued under the Major Facility Siting Act. A holder of a certificate under the Major Facility Siting Act does not have to be a public utility or be regulated as such. The holder does not have to serve the general public, but can pick and choose who to do business with. In some cases all beneficiaries of these situations, including the owners, could be out of state or even in a foreign country. Meanwhile the landowners whose property was "taken" have to live with the restrictions, inconvenience, and other problems caused by this action, for all practical purposes, forever.

Recently I have had experience with an electric transmission line company which would be affected by the passage of this bill. In fact, judging by the retroactive applicability date section of this bill, it was written specifically for this company. There are problems with picking the routes for electric power lines and probably a lot of other facility sitings, but a blanket eminent domain authority isn't the answer. When the company I have been dealing with thought they had eminent domain powers, they had no consideration whatsoever for landowner concerns. Their answer was, "that's the way it came out of Helena and that's the way it's going to be."

A better solution would be to personally involve the affected landowners during initial planning, rather than after the route is decided and any changes have to be made by a legal process. The people who own and live on the land are more familiar with their own situations than distant bureaucrats and most likely have some pretty good ideas how these kinds of problems can be resolved. In my case, the solution I proposed was unofficially acknowledged to be a better route than the preferred one by all concerned, but no one with the power to do it would make changes because they didn't have to. I oppose this bill and urge you to vote NO!

Bruce Maurer