

Montana House of Representatives

PO Box 200400

Helena, MT. 59620-0400

January 12, 2011

Federal Relations, Energy, and Telecommunications Committee Members: Chairman: Harry Klock, Vice Chair: Keith Regier, Vice Chair: Robyn Driscoll, Carlie Boland, Douglas Kary, James Knox, Gary MacLaren, Mary McNally, Mike Menahan, Jesse O'Hara, Ken Peterson, Mike Phillips, Derek Skees, Sterling Small, and Wayne Stahl:

Subject: HB 198 – Introduced by Ken Peterson;

I'm here today to speak about eminent domain abuse and urge you to reject House Bill 198. My property and many in the Broadwater County area may become poster properties for eminent domain abuse in the future. The first threat of eminent domain or "government taking" took place when the railroad dissected the ranch/farm on which I now live. The second taking of land occurred around 1939 when the highway went through. In the late 1980's NorthWestern Energy and Bonneville Power constructed transmission towers to carry high-voltage (500 kV) power lines through farms throughout Broadwater County to service out-of-state consumers.

Currently I am living through the fourth condemnation or eminent domain process affecting this ranch. I have to tell you that the current process has been unfair. In my opinion, the agency that I am dealing with has misrepresented my land to devalue it and obtain it for a fraction of what it is worth. I was first offered less than \$5,000 per acre for land with highway frontage and Missouri River view. I have been repeatedly told I have to give up ALL RIGHTS OF INGRESS AND EGRESS TO THE REMAINDER OF LAND THAT IS NOT BEING TAKEN. Note: Many of the people received \$4,800 for their highway frontage land because they either could not afford to hire an attorney or didn't want the stress and hardship that comes along with condemnation and eminent domain proceedings. I want to ask you, what do you think the utility companies will pay for land that is not highway frontage? I've heard that some landowners received as low as \$70.00 per tower for the 500 kV lines that run thru their land and others received \$300.00 per tower. This is the effect that eminent domain and a condemnation threat have on private property owners' rights for fair compensation. When these lines came through, condemnation and eminent domain were threatened or used. My guess is that utility companies will assess land for much less than \$5,000 per acre, but who really

knows until the time comes how people will be treated or what these companies will offer or pay for land.

When you give eminent domain power to a party, the willing buyer and willing seller transaction really does not come into play. By enacting eminent domain on private property there is not one of you that can guarantee a landowner will be protected or treated fairly by these companies that would be given condemning authority. I live in an area where farmers have lived on their ranches for over 40 years and others have farmed their land generation after generation. I beg you to let private property owners negotiate their own deals and not allow government intervention with eminent domain and condemnation.

Before I leave/close, I want to inform you of another threat and/or multiple threats of condemnation and/or eminent domain that is proposed to steam roll private property owners in Broadwater County. A 100-acre electrical substation (with no watchful eye because substations have been exempt from the Major Facilities Siting Act) is proposed in this same area. The two existing high-voltage power lines nearby are not enough, so at least two more 500 kV lines are proposed and at least six 230 kV lines are projected.

I believe the reasoning behind eminent domain and condemnation is so, that land can be taken quickly and without the true willing buyer and willing seller process. Again, I ask that you reject House Bill 198. Allow landowners to be treated fairly and protected from eminent domain abuse. I pray that you will allow the landowners affected to negotiate land like you would expect to do in a fair market transaction.

Thank you for your time and for listening to my concerns with which House Bill 198 imposes on private property rights of landowners that may be impacted by eminent domain and condemnation.

Sincerely,

Micki Vardell

PO Box 13

Townsend, Montana 59644

Broadwater County Resident