

EXHIBIT 1
DATE 4/11/11
SB Sd 21

Rachel Roberts, Government Affairs Lobbyist
Concerned Citizens Montana
Date: Monday, April 11, 2011
House Natural Resources – 3:00pm
Oppose - SJR21

The 62nd legislative body should not be placed in the middle of a quick fix for the Montana Alberta Tie-Line's resolution of the authority to condemn private property.

Let's revisit the Montana Ninth Judicial District Court case of the plaintiff, MATL and the defendant, Larry Salois as guardian & conservator of his mother. District Judge McKinnon ruled on our Montana eminent domain law. She did not rule on Canadian or International law. The court ruling was simply based on our Montana eminent domain law. The judge did not overturn our eminent domain law nor did the judge overturn legislative grants of eminent domain authority like eminent domain for open-pit mining; (Title 82, ch. 2, part 2, MCA), the power of eminent domain for railroads; (Section 69-14-539, MCA), power of eminent domain for pipeline carriers, etc. The Court simply found that the Legislature had not granted a private merchant line, an entity that could not even exist until after deregulation in the late 1990's, the authority to use the State's power of eminent domain. Generally, there is a strong prohibition against allowing a private entity to use the State's power of eminent domain to take private property for a private purpose.

The MATL condemnation controversy at hand should be left to the courts to decide as will be further determined soon in the Montana Supreme Court. MATL is double dipping by asking the Legislature and the Court to bail it out.

With all due respect to the sponsor, I don't see what this resolution will further accomplish.

Concerned Citizens Montana (www.concernedcitizensmontana.net), a non-partisan organization formed to support citizen involvement in promoting responsible and innovative energy solutions. Concerned Citizens Montana seeks to maintain Montana's unique and important lifestyle by empowering local governments and the citizens they serve to have a voice in the decision making process. The organization serves as a clearinghouse for public information, and unites citizen efforts and resources to ensure state and federal agencies, and elected officials are representing sound energy policies that are in the best interest of Montanans. CCM currently has approximately 3,000 supporters representing diverse issues, including ranching, small business, tourism, education, historical and cultural resources, government, recreation, real estate, public health and safety, and energy rates. Counties who have joined CCM: Beaverhead, Broadwater, Jefferson, Madison, Butte Silver-Bow