

HOUSE BILL NO. 294

INTRODUCED BY E. LIESER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE STATE OR ITS AGENT IN CHARGE OF A PUBLIC USE, WHEN PLANNING TO CONSTRUCT CERTAIN TRANSMISSION LINES, TO PROVIDE A DISCLOSURE OF ELECTRIC AND MAGNETIC FIELDS; REQUIRING THE DISCLOSURE FOR THE PURPOSES OF EMINENT DOMAIN; AMENDING SECTION 70-30-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Electric and magnetic field disclosure.** (1) Whenever the state or its agent in charge of a public use plans to construct an electric transmission line and associated facilities of a design capacity equal to or greater than 500 kilovolts, the state or its agent in charge of the public use shall provide an electric and magnetic field disclosure to residents of the area in which any portion of the transmission line may be located.

(2) The disclosure must:

(a) be provided no less than 60 days prior to the commencement of acquisition of right-of-way for the facility;

(b) substantially inform residents of the:

(i) electric and magnetic field levels and strength at a specified distance for the proposed facility;

(ii) potential impacts of electric and magnetic field levels;

(iii) be published in those newspapers that will substantially inform residents of the construction of the transmission line; and

(iv) be mailed directly to residents of the area that the state or its agent in charge of the public use believes may be affected by the transmission line.

(3) For the purposes of this part, "electric and magnetic field levels" means a field of force associated with a moving electric charge equivalent to an electric field and a magnetic field at right angles to each other and to the direction of propagation.

1           **Section 2.** Section 70-30-111, MCA, is amended to read:

2           **"70-30-111. Facts necessary to be found before condemnation.** Before property can be taken, the  
3     condemnor shall show by a preponderance of the evidence that the public interest requires the taking based on  
4     the following findings:

5           (1) the use to which the property is to be applied is a public use pursuant to 70-30-102;

6           (2) the taking is necessary to the public use;

7           (3) if already being used for a public use, that the public use for which the property is proposed to be  
8     used is a more necessary public use;

9           (4) an effort to obtain the property interest sought to be taken was made by submission of a written offer  
10    and the offer was rejected;

11          (5) if the public use is an electric transmission line and associated facilities of a design capacity equal  
12    to or greater than 500 kilovolts, that the requirements of [section 1] are satisfied."

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14          NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
15    integral part of Title 70, chapter 30, part 1, and the provisions of Title 70, chapter 30, part 1, apply to [section 1].

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17          NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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