

1 SENATE BILL NO. 432

2 INTRODUCED BY D. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING RELOCATION OF UTILITIES LAWS;
5 REVISING THE DEFINITION OF "UTILITY"; AND AMENDING SECTION 60-4-401, MCA."

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

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9 **Section 1.** Section 60-4-401, MCA, is amended to read:

10 **"60-4-401. Occupancy and relocation -- definitions.** For the purposes of this part, unless otherwise
11 indicated, the following definitions apply:

12 (1) (a) "Cost of relocation" means the amount paid by the utility for material, labor, and equipment
13 properly attributable to the relocation after deducting any increase in the value of the new facility and any
14 salvage value derived from the old facility.

15 (b) "Cost of relocation" does not mean engineering costs for designing, locating, staking,
16 inspecting, or any other incidental costs of engineering.

17 (2) "Facility" means a utility's tracks, pipes, mains, conduits, cables, wires, towers, poles, and other
18 equipment and appliances impacted by a project on a commission-designated highway system or state
19 highway.

20 (3) "Utility" includes publicly, privately, and cooperatively owned utilities, including water and sewer
21 facilities, as well as providers of cable service as defined in 47 U.S.C. 522 and providers of broadband service
22 as defined in 90-1-602."

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