

BALLOT LANGUAGE FOR INITIATIVE REFERENDUM NO. 125 (IR-125)

INITIATIVE REFERENDUM NO. 125

AN ACT OF THE LEGISLATURE REFERRED BY REFERENDUM PETITION

Eminent domain is the right of the state and state-authorized persons or entities to take private property for public uses, as determined by the Legislature. Due process must be observed and just compensation paid. House Bill 198, enacted in 2011, states that (1) public utilities and (2) persons or entities issued a certificate under state law to construct certain energy infrastructure facilities, are authorized to take private property for public use by eminent domain. Under HB 198, entities issued a certificate after September 30, 2008, may exercise eminent domain. Voters must determine whether to overturn or retain HB 198.

- FOR overturning House Bill 198, a bill which states that public utilities and certain state-certified entities may exercise the power of eminent domain.

- AGAINST overturning House Bill 198, a bill which states that public utilities and certain state-certified entities may exercise the power of eminent domain.

THE COMPLETE TEXT OF HOUSE BILL NO. 198

AN ACT CLARIFYING A PUBLIC UTILITY'S POWER OF EMINENT DOMAIN; CLARIFYING THAT A PERSON ISSUED A CERTIFICATE UNDER THE MAJOR FACILITY SITING ACT HAS THE POWER OF EMINENT DOMAIN; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Power of eminent domain. A public utility as defined in 69-3-101 may acquire by eminent domain any interest in property, as provided in Title 70, chapter 30, for a public use authorized by law to provide service to the customers of its regulated service.

Section 2. Power to exercise eminent domain. A person issued a certificate pursuant to this chapter may acquire by eminent domain any interest in property, as provided in Title 70, chapter 30, for a public use authorized by law to construct a facility in accordance with the certificate.

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 69, chapter 3, part 1, and the provisions of Title 69, chapter 3, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 75, chapter 20, part 1, and the provisions of Title 75, chapter 20, part 1, apply to [section 2].

Section 4. Contingent voidness. If a repeal of the provisions of Title 75, chapter 1, parts 1 through 3, or a repeal of the provisions of Title 75, chapter 20, parts 1 through 4, is passed and approved during the 62nd legislative session, then [this act] is void.

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Retroactive applicability. [Section 2] applies retroactively, within the meaning of 1-2-109, to certificates issued after September 30, 2008.