

1 *Senate* BILL NO. 160
 2 INTRODUCED BY *Sen*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING STATE
 5 AGENCIES TO UTILIZE COAL BYPRODUCTS IN PUBLIC CONSTRUCTION
 6 WHERE FEASIBLE."

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

9 Section 1. Public construction to use coal byproducts
 10 — coal byproducts defined. (1) In any public works
 11 undertaken, directly or by contract, by a state agency, the
 12 design specifications shall provide for utilization of coal
 13 byproducts whenever such byproducts are reasonably available
 14 and reasonably suitable for some purpose in the
 15 construction.

16 (2) For purposes of this section, "coal byproducts"
 17 means materials such as fly ash which remain after and as a
 18 consequence of the utilization of mined coal in an
 19 industrial process.

20 Section 2. Publicity to potential bidders. The
 21 department of administration shall by rule provide
 22 procedures by which state agencies shall adequately
 23 publicize the requirements of [Section 1] to potential
 24 bidders and by which state agencies shall directly notify
 25 bidders whenever feasible.

-End-

INTRODUCED BILL

S.B. 160

STATE OF MONTANA

REQUEST NO. 128-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 21, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 160 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the state agencies to utilize coal byproducts in public construction where feasible.

ASSUMPTIONS:

1. Assume Department of Administration to provide procedures to state contracting agencies only.
2. Assume only one A.P.A. hearing is necessary to adopt rules.
3. The cost of an A.P.A. hearing varies widely. The Insurance & Legal Division, Department of Administration estimates an average, non-controversial hearing at around \$500.00.
4. Because of negligible impact on the construction industry, it is anticipated that any activity generated by S.B. 160 could be routinely handled by the contracting agencies without additional cost to the state.

FISCAL IMPACT:

The fiscal impact of the proposed legislation is estimated to be an additional expenditure of \$500 in FY 78 due to an Administrative Procedures Act hearing.

Richard L. Drury for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-24-77

Approved by Committee
on Highways & Transportation

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 14 byproducts are reasonably available and reasonably IT IS
 15 DETERMINED AFTER ENGINEERING TESTS suitable for some purpose
 16 ~~in the construction~~ WITHIN THE SCOPE OF THE INTENDED
 17 PROJECT.

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 3 ARE HEREBY WAIVED FOR THOSE AGENCIES HAVING ADEQUATE PUBLIC
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HOUSE OF REPRESENTATIVES

1. Amend page 1, section 1, subsection (1), line 13.

Following: "AGENCY"

Strike: "SHALL"

Insert: "MAY"

2. Amend page 1, section 1, subsection (1), line 14.

Following: "available"

Insert: ", "

Following: "reasonably"

Strike: "IT IS DETERMINED AFTER ENGINEERING TESTS suitable for some purpose ~~in the construction~~ WITHIN THE SCOPE OF THE INTENDED PROJECT"

Insert: "whenever it is determined after engineering tests that an additive is needed, the state agency shall use coal byproducts when they are the economically justified additive within the scope of the intended project"

3. Amend page 1, section 1, subsection (2), line 21.

Following: "process."

Insert: "Components of cement shall not be included in or affected by this act in any way."

4. Amend page 2.

Following: line 4

Insert: "Section 3. Reimbursement. The state shall be entitled to 1% of the wholesale price as a reimbursement for promoting the sale of the byproduct."

THE END