

SENATE BILL NO. 322

Introduced: 01/29/83

Referred to Committee on Business & Industry: 01/29/83
Hearing: 2/11/83

Rereferred to Committee on Local Government: 02/11/83
Hearing: 2/15/83
Report: 02/18/83, Do Pass, As Amended

2nd Reading: 02/21/83

3rd Reading: 02/23/83

Transmitted to House: 02/23/83

Referred to Committee on Local Government: 02/28/83
Hearing: 3/10/83
Died in House Committee

Anne BILL NO. 322

1 INTRODUCED BY Holligan

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4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE

5 LAW PROVIDING FOR MUNICIPAL REGULATION OF MUNICIPALLY OWNED

6 UTILITIES; REMOVING THE LIMITATION ON ANNUAL RATE INCREASES

7 THAT MAY BE MADE BY THE MUNICIPALITY; PROVIDING FOR PUBLIC

8 REPORTS ON THE UTILITY; AUTHORIZING THE PUBLIC SERVICE

9 COMMISSION TO PROVIDE TECHNICAL ASSISTANCE; AMENDING

10 SECTIONS 69-7-101 AND 69-7-121, MCA; AND AMENDING CHAPTER

11 607, SECTION 9, LAWS OF 1981, IMMEDIATELY; REPEALING SECTION

12 69-7-102, MCA."

13

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

15 Section 1. Section 69-7-101, MCA, is amended to read:

16 "69-7-101. Municipal utilities — regulation by

17 municipality — limitation. A municipality has the power and

18 authority to regulate, establish, and change as it

19 considers proper, rates, charges, and classifications

20 imposed for utility services to its inhabitants and other

21 persons served by municipal utility systems. Rates, charges,

22 and classifications shall be reasonable and just and, except

23 as provided in 69-7-102, they may not be raised to yield

24 more than a 12% increase in total annual revenues or, in the

25 case of mandated federal and state capital improvements, the

1 increase may not exceed amounts necessary to meet the

2 requirements of bond indentures or loan agreements required

3 to finance the local government's share of the mandated

4 improvements."

5 Section 2. Section 69-7-121, MCA, is amended to read:

6 "69-7-121. Annual report to public service commission

7 on utility. A municipality regulating its utility services

8 must make an annual report to the public service commission

9 and on the operation of its utility services. Copies of the

10 report must be made available to the public, and the

11 municipality must furnish a copy thereof to the public

12 service commission and the Montana consumer counsel. The

13 report shall set forth the rates and number of users of each

14 service and classification, all rate increases, and the

15 total income and expenditures of the utility as provided in

16 69-3-203."

17 NEW SECTION. Section 3. Technical assistance. The

18 public service commission may provide, within its budgetary

19 and personnel resources, technical assistance to

20 municipalities regulating utilities under the provisions of

21 this chapter.

22 Section 4. Chapter 607, section 9, Laws of 1981, is

23 amended to read:

24 "Section 9. Effective date and termination date. This

25 act shall become effective on July 1, 1981. It shall

1 terminate-on-duty-in-1983."

2 NEW SECTION. Section 5. Repealer. Section 69-7-102,
3 MCA, is repealed.

4 NEW SECTION. Section 6. Codification instruction.
5 Section 3 is intended to be codified as an integral part of
6 Title 69, chapter 7.

7 NEW SECTION. Section 7. Effective date. Section 4 is
8 effective on passage and approval.

-End-

Rereferred and

Approved by Comm.
on Local Government

1 SENATE BILL NO. 322

2 INTRODUCED BY HALLIGAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE
5 LAW PROVIDING FOR MUNICIPAL REGULATION OF MUNICIPALLY OWNED
6 UTILITIES; REMOVING THE LIMITATION ON ANNUAL RATE INCREASES
7 THAT MAY BE MADE BY THE MUNICIPALITY; PROVIDING FOR PUBLIC
8 REPORTS ON THE UTILITY; AUTHORIZING THE PUBLIC SERVICE
9 COMMISSION TO PROVIDE TECHNICAL ASSISTANCE; AMENDING
10 SECTIONS 69-7-181 AND 69-7-182; AND AMENDING CHAPTER
11 607, SECTION 9, LAWS OF 1981; IMMEDIATELY REPEATING SECTION
12 69-7-182; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

14 Section 1. Section 69-7-181, MCA, is amended to read:
15 "69-7-181. Municipality--utilities--regulation--by
16 municipality--limitation--A municipality has the power
17 and authority to regulate, establish and change as it
18 considers proper rates, charges and classifications
19 imposed for utility services to its inhabitants and other
20 persons served by municipal utility systems. Rates, charges
21 and classifications shall be reasonable and just and except
22 as provided in 69-7-182, they may not be raised to yield
23 more than a 12% increase in total annual revenues or in the
24 case of mandated federal and state capital improvements the

1 increase may not exceed amounts necessary to meet the
2 requirements of bond indentures or loan agreements required
3 to finance the local government's share of the mandated
4 improvements."

5 Section 2. Section 69-7-181, MCA, is amended to read:
6 "69-7-181. Annual report to public service commission
7 on utility--A municipality regulating its utility services
8 must make an annual report to the public service commission
9 and on the operation of its utility services. Copies of the
10 report must be made available to the public and the
11 municipality must furnish a copy thereof to the public
12 service commission and the Montana consumer counsel. The
13 report shall set forth the rates and number of users of each
14 service and classification, all rate increases and the
15 total income and expenditures of the utility as provided in
16 69-3-203."

17 NEW SECTION--Section 3. Technical assistance--The
18 public service commission may provide within its budgetary
19 and personnel resources technical assistance to
20 municipalities regulating utilities under the provisions of
21 this chapter.

22 Section 1. Chapter 607, section 9, Laws of 1981, is
23 amended to read:

24 "Section 9. Effective date and termination date. This
25 act shall become effective on July 1, 1981. It shall

1 terminate-on-duty-ty-1983w"

2 NEW SECTION--Section-5--Repeals--Section--69-7-t02v

3 MAY-is-repeated

4 NEW SECTION--Section-6--Codification----instructions

5 Section-3-is-intended-to-be-codified-as-an-integrot-part--of

6 Title-69v-chapter-7v

7 NEW SECTION Section 2. Effective date. Section--4

8 THIS ACT is effective on passage and approval.

-End-

1 SENATE BILL NO. 322
2 INTRODUCED BY HALLIGAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE
5 LAW PROVIDING FOR MUNICIPAL REGULATION OF MUNICIPALLY OWNED
6 UTILITIES; REMOVING THE LIMITATION ON ANNUAL RATE INCREASES
7 THAT MAY BE MADE BY THE MUNICIPALITY; PROVIDING FOR PUBLIC
8 REPORTS ON THE UTILITY; AUTHORIZING THE PUBLIC SERVICE
9 COMMISSION TO PROVIDE TECHNICAL ASSISTANCE; AMENDING
10 SECTIONS 69-7-102 AND 69-7-121; MEASURING AND AMENDING CHAPTER
11 607, SECTION 9, LAWS OF 1981; IMMEDIATELY REPEALING SECTION
12 69-7-102; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 69-7-102, MCA, is amended to read:
16 "69-7-102. Municipality utility regulation by
17 municipality. A municipality has the power
18 and authority to regulate established and changing as it
19 considers property rates, charges, and classifications
20 imposed for utility services to its inhabitants and other
21 persons served by municipal utility systems. Rates, charges,
22 and classifications shall be reasonable and just and except
23 as provided in 69-7-102 they may not be raised to yield
24 more than a 12% increase in total annual revenues or in the
25 case of mandated federal and state capital improvements the

1 increase may not exceed amounts necessary to meet the
2 requirements of bond indentures or loan agreements required
3 to finance the total government's share of the mandated
4 improvements."

5 Section 2. Section 69-7-121, MCA, is amended to read:
6 "69-7-121. Annual report to public service commission
7 on utility. A municipality regulating its utility services
8 must make an annual report to the public service commission
9 and on the operation of its utility services. Copies of the
10 report must be made available to the public and the
11 municipality must furnish a copy thereof to the public
12 service commission and the Montana consumer counsel. The
13 report shall set forth the rates and number of users of each
14 service and classification, rate increases and the
15 total income and expenditures of the utility as provided in
16 69-3-203."

17 Section 3. Section 3. Technical assistance. The
18 public service commission may provide within its budgetary
19 and personnel resources technical assistance to
20 municipalities regulating utilities under the provisions of
21 this chapter.

22 Section 1. Chapter 607, section 9, Laws of 1981, is
23 amended to read:

24 "Section 9. Effective date and termination date. This
25 act shall become effective on July 1, 1981. It shall

1 terminate-on-duty--7-1983"

2 NEW SECTION--Section-5--Repeals--Section--69-7-102v

3 MAY-is-repeated

4 NEW SECTION--Section-6---Codification----instructions

5 Section-3-is-intended-to-be-codified-as-an-integral-part--of

6 title-69--chapter-7v

7 NEW SECTION. Section 2. Effective date. Section--4

8 THIS ACT is effective on passage and approval.

-End-