SENATE BILL NO. 156

INTRODUCED BY TOWE

IN THE SENATE

January 18, 1985 Introduced and referred to Committee on Taxation. February 22, 1985 Committee recommend bill do pass as amended. Report adopted. February 23, 1985 Bill printed and placed on members' desks. February 25, 1985 Second reading, do pass. February 26, 1985 Considered correctly engrossed. February 27, 1985 Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House. IN THE HOUSE March 7, 1985 Introduced and referred to Committee on Natural Resources. Committee recommend bill be March 26, 1985 concurred in. Report adopted. Second reading, concurred in. March 30, 1985 Third reading, concurred in. April 1, 1985 Returned to Senate.

IN THE SENATE

April 1, 1985

Received from House. Sent to enrolling. Reported correctly enrolled. LC 0145/01

Montana Legislative Counci

enste BILL NO. 156 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE 4 DESIGNATION CRITERIA FOR COAL BOARD GRANTS AND LOANS; 5 AMENDING SECTION 90-6-207, MCA; AND PROVIDING AN IMMEDIATE 6 7 EFFECTIVE DATE." в 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 90-6-207, MCA, is amended to read: "90-6-207. Priorities for impact grants. (1) The 11 department of commerce shall annually designate: 12 (a) counties each county, incorporated cities city and 13 towns town, school districts district, and other 14 governmental units unit which have has had or expect expects 15 to have as a result of the impact of coal development a net 16 increase in estimated population of at least 10% over one of 17 the 3-year periods specified in subsection (2): (4); 18 (b) each county and all local governmental units 19 20 within each county in which: (i) a mining permit in accordance with the Montana 21 22 Strip and Underground Mine Reclamation Act has been granted by the department of state lands for a project within the 23 county that will establish a new coal mine to produce at 24 least 1 million tons a year or that will increase the 25

1 production of an existing mine by at least 1 million tons a 2 year and for which the department of commerce determines 3 that the new or expanded production authorized by the permit 4 will commence within 3 years of the designation; or 5 (ii) a certificate of environmental compatibility and 6 public need in accordance with the Montana Major Facility 7 Siting Act has been granted by the board of natural 8 resources and conservation for a steam-generating or other 9 coal-burning facility that will consume at least 1 million 10 tons a year of Montana-mined coal and for which the 11 department of commerce determines the construction or 12 operation will commence within 3 years of the designation; 13 (c) each local governmental unit located within 50 14 miles, measured over the shortest all-weather public road, 15 of a mine or facility qualifying under subsection (1)(b)(i) 16 or (1)(b)(ii); and 17 (d) each local governmental unit in which: 18 (i) a mine that has produced 1 million tons or more of 19 coal a year and has ceased all significant mining or is 20 scheduled to cease within 1 year; or 21 (ii) a steam-generating or other coal-burning facility 22 that has operated under a certificate of environmental 23 compatibility and public need in accordance with the Montana 24 Major Facility Siting Act and that has consumed at least 1 25 million tons of Montana-mined coal a year has closed or is

> -2- INTRODUCED BILL SB 154

LC 0145/01

1 scheduled to close within 1 year. 2 (2) Designation under subsection (1) of: 3 (a) any local governmental unit extends to and includes 4 as a designated unit the county in which it is located; and 5 (b) a county extends to and includes as a designated 6 unit any local governmental unit in the county that contains 7 at least 10% of the total population of the county. 8 (3) The coal board shall, subject to the 9 appropriations of the legislature, award at least 50% of all grants awarded to governmental units and state agencies for 10 11 meeting the needs caused by coal development each year to 12 these designated governmental units. 13 (+2)(4) For the purposes of subsection (1), the 14 department of commerce shall use five 3-year periods as 15 follows: 16 (a) one consecutive 3-year period ending 2 calendar 17 years prior to the current calendar year; 18 (b) one consecutive 3-year period ending 1 calendar 19 year prior to the current calendar year; (c) one consecutive 3-year period ending with the 20 21 current calendar year; 22 (d) one consecutive 3-year period ending 1 calendar 23 year after the current calendar year; and 24 (e) one consecutive 3-year period ending 2 calendar 25 years after the current calendar year.

(3)(5) Attention should be given by the coal board to l the need for community planning before the full impact is 2 realized. Applicants should be able to show how their 3 request reasonably fits into an overall plan for the orderly 4 management of the existing or contemplated growth problems. 5 (4)(6) All funds placed in the local impact and 6 educational trust fund account established under this part, 7 subject to the limitations imposed by 90-6-211, shall be 8 subject to appropriations by the legislature for use related 9 10 to local impact or for transfer to a permanent trust for education." 11

NEW SECTION. Section 2. Effective date. This act is
effective on passage and approval.

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APPROVED BY COMMITTEE ON TAXATION

1	SENATE BILL NO. 156
2	INTRODUCED BY TOWE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE
5	DESIGNATION CRITERIA FOR COAL BOARD GRANTS AND LOANS;
6	AMENDING SECTION 90-6-207, MCA;-AND-PROVIDINGANIMMEDIATE
7	EPPECTIVE-DATE."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 90-6-207, MCA, is amended to read:
11	"90-6-207. Priorities for impact grants. (1) The
12	department of commerce shall annually designate:
13	(a) counties each county, incorporated cities city and
14	towns town, school districts <u>district</u> , and other
15	governmental units unit which have has had or expect expects
16	to have as a result of the impact of coal development a net
17	increase in estimated population of at least 10% over one of
18	the 3-year periods specified in subsection $+2+-$ (4);
19	(b) each county and all local governmental units
20	within each county in which:
21	(i) a mining permit in accordance with the Montana
22	Strip and Underground Mine Reclamation Act has been granted
23	by the department of state lands for a project within the
24	county that will establish a new coal mine to produce at
25	least 1 million tons a year or that will increase the

1	production of an existing mine by at least 1 million tons a
2	year and for which the department of commerce determines
3	that the new or expanded production authorized by the permit
4	will commence within 3 years of the designation; or
5	(ii) a certificate of environmental compatibility and
6	public need in accordance with the Montana Major Facility
7	Siting Act has been granted by the board of natural
8	resources and conservation for a steam-generating or other
9	coal-burning facility that will consume at least 1 million
10	tons a year of Montana-mined coal and for which the
11	department of commerce determines the construction or
12	operation will commence within 3 years of the designation;
13	(c) each local governmental unit located within 50
14	miles, measured over the shortest all-weather public road,
15	of a mine or facility qualifying under subsection (1)(b)(i)
16	or (1)(b)(ii); and
17	(d) each local governmental unit in which:
18	(i) a mine that has produced 1 million tons or more of
19	coal a year and has ceased all significant mining or is
20	scheduled to cease within 1 year; or
21	(ii) a steam-generating or other coal-burning facility
22	that has operated under a certificate of environmental
23	compatibility and public need in accordance with the Montana
24	Major Facility Siting Act and that has consumed at least 1
25	million tons of Montana-mined coal a year has closed or is

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SB 156 SECOND READING



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1 scheduled to close within 1 year. 2 (2) Designation under subsection (1) of: ' (a) any local governmental unit extends to and includes 3 as a designated unit the county in which it is located; and 4 5 (b) a county extends to and includes as a designated 6 unit any local governmental unit in the county that contains at least 10% of the total population of the county. 7 (3) The board shall, subject to 8 coal the appropriations of the legislature, award at least 50% of all 9 grants awarded to governmental units and state agencies for 10 meeting the needs caused by coal development each year to 11 12 these designated governmental units. (2)(4) For the purposes of subsection (1), 13 the department of commerce shall use five 3-year periods as 14 15 follows: (a) one consecutive 3-year period ending 2 calendar 16 years prior to the current calendar year; 17 (b) one consecutive 3-year period ending 1 calendar 18 19 year prior to the current calendar year; (c) one consecutive 3-year period ending with the 20 21 current calendar year; (d) one consecutive 3-year period ending 1 calendar 22 year after the current calendar year; and 23 (e) one consecutive 3-year period ending 2 calendar 24 years after the current calendar year. 25

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(3) (5) Attention should be given by the coal board to 1 the need for community planning before the full impact is 2 3 realized. Applicants should be able to show how their request reasonably fits into an overall plan for the orderly 4 management of the existing or contemplated growth problems. 5 (4)(6) All funds placed in the local impact and 6 educational trust fund account established under this part, 7 subject to the limitations imposed by 90-6-211, shall be 8 subject to appropriations by the legislature for use related 9 10 to local impact or for transfer to a permanent trust for education." , 11

12 NEW-SECTION:--Section-2:--Effective--date:--This-act-is

13 effective-on-passage-and-approval-

-End-

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1	SENATE BILL NO. 156	1	production of an existing mine by at least 1 million tons a
2	INTRODUCED BY TOWE	2	year and for which the department of commerce determines
3		3	that the new or expanded production authorized by the permit
4	A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE	4	will commence within 3 years of the designation; or
5	DESIGNATION CRITERIA FOR COAL BOARD GRANTS AND LOANS;	5	(ii) a certificate of environmental compatibility and
6	AMENDING SECTION 90-6-207, MCA7-AND-PROVIDINGANIMMEDIATE	6	public need in accordance with the Montana Major Facility
7	BPPBCTIVE-DATS."	7	Siting Act has been granted by the board of natural
8		8	resources and conservation for a steam-generating or other
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	coal-burning facility that will consume at least 1 million
10	Section 1. Section 90-6-207, MCA, is amended to read:	10	tons a year of Montana-mined coal and for which the
11	"90-6-207. Priorities for impact grants. (1) The	11	department of commerce determines the construction or
12	department of commerce shall annually designate:	12	operation will commence within 3 years of the designation;
13	(a) counties each county, incorporated eities city and	. 13	(c) each local governmental unit located within 50
14	towns town, school districts district, and other	14	miles, measured over the shortest all-weather public road,
15	governmental units unit which have has had or expect expects	15	of a mine or facility qualifying under subsection (1)(b)(i)
16	to have as a result of the impact of coal development a net	16	or (1)(b)(ii); and
17	increase in estimated population of at least 10% over one of	17	<pre>{d} each local governmental unit in which:</pre>
18	the 3-year periods specified in subsection $(2)_{\tau}$ (4);	18	(i) a mine that has produced 1 million tons or more of
19	(b) each county and all local governmental units	19	coal a year and has ceased all significant mining or is
20	within each county in which:	20	scheduled to cease within 1 year; or
21	(i) a mining permit in accordance with the Montana	21	(ii) a steam-generating or other coal-burning facility
22	Strip and Underground Mine Reclamation Act has been granted	22	that has operated under a certificate of environmental
23	by the department of state lands for a project within the	23	compatibility and public need in accordance with the Montana
24	county that will establish a new coal mine to produce at	24	Major Facility Siting Act and that has consumed at least 1
25	least 1 million tons a year or that will increase the	25	million tons of Montana-mined coal a year has closed or is
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			THIRD READING

THIRD READING

SB 0156/02

1	scheduled to close within 1 year.	1	+3+(5) Attention should be given by the coal board to
2	(2) Designation under subsection (1) of:	2	the need for community planning before the full impact is
3	(a) any local governmental unit extends to and includes	3	realized. Applicants should be able to show how their
4	as a designated unit the county in which it is located; and	4	request reasonably fits into an overall plan for the orderly
5	(b) a county extends to and includes as a designated	5	management of the existing or contemplated growth problems.
6	unit any local governmental unit in the county that contains	6	<pre>f4+(6) All funds placed in the local impact and</pre>
7	at least 10% of the total population of the county.	7	educational trust fund account established under this part,
8	(3) The coal board shall, subject to the	8	subject to the limitations imposed by 90-6-211, shall be
9	appropriations of the legislature, award at least 50% of all	9	subject to appropriations by the legislature for use related
10	grants awarded to governmental units and state agencies for	10	to local impact or for transfer to a permanent trust for
11	meeting the needs caused by coal development each year to	11	education."
12	these designated governmental units.	12	<u>NEW-SECTION-</u> Section-2BffectivedateThis-act-is
13	(2) For the purposes of subsection (1), the	13	effective-on-passage-and-approval.
14	department of commerce shall use five 3-year periods as		-End-
15	follows:		
16	(a) one consecutive 3-year period ending 2 calendar		
17	years prior to the current calendar year;		
18	(b) one consecutive 3-year period ending 1 calendar		
19	year prior to the current calendar year;		
20	(c) one consecutive 3-year period ending with the		
21	current calendar year;		
22	(d) one consecutive 3-year period ending L calendar		
23	year after the current calendar year; and		
24	(e) one consecutive 3-year period ending 2 calendar		
25	years after the current calendar year.		

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1	SENATE BILL NO. 156
2	INTRODUCED BY TOWE
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15 16	governmental unit which have has had or expect expects to have as a result of the impact of coal development a net
15 16 17	governmental units unit which have has had or expect expects to have as a result of the impact of coal development a net increase in estimated population of at least 10% over one of
15 16 17 18	governmental units unit which have has had or expect expects to have as a result of the impact of coal development a net increase in estimated population of at least 10% over one of the 3-year periods specified in subsection (2) :
15 16 17 18 19	governmental units unit which have has had or expect expects to have as a result of the impact of coal development a net increase in estimated population of at least 10% over one of the 3-year periods specified in subsection (2): (b) each county and all local governmental units
15 16 17 18 19 20	<pre>governmental units unit which have has had or expect expects to have as a result of the impact of coal development a net increase in estimated population of at least 10% over one of the 3-year periods specified in subsection (2): (4): (b) each county and all local governmental units within each county in which:</pre>
15 16 17 18 19 20 21	<pre>governmental units unit which have has had or expect expects to have as a result of the impact of coal development a net increase in estimated population of at least 10% over one of the 3-year periods specified in subsection (2)+ (4): (b) each county and all local governmental units within each county in which: (i) a mining permit in accordance with the Montana</pre>
15 16 17 18 19 20 21 22	<pre>governmental units unit which have has had or expect expects to have as a result of the impact of coal development a net increase in estimated population of at least 10% over one of the 3-year periods specified in subsection (2): (4): (b) each county and all local governmental units within each county in which: (i) a mining permit in accordance with the Montana Strip and Underground Mine Reclamation Act has been granted</pre>
15 16 17 18 19 20 21 21 22 23	<pre>governmental units unit which have has had or expect expects to have as a result of the impact of coal development a net increase in estimated population of at least 10% over one of the 3-year periods specified in subsection (2)+ (4): (b) each county and all local governmental units within each county in which: (i) a mining permit in accordance with the Montana Strip and Underground Mine Reclamation Act has been granted by the department of state lands for a project within the</pre>

1	production of an existing mine by at least 1 million tons a
2	year and for which the department of commerce determines
3	that the new or expanded production authorized by the permit
4	will commence within 3 years of the designation; or
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6	public need in accordance with the Montana Major Facility
7	Siting Act has been granted by the board of natural
8	resources and conservation for a steam-generating or other
9	coal-burning facility that will consume at least 1 million
10	tons a year of Montana-mined coal and for which the
17	department of commerce determines the construction or
12	operation will commence within 3 years of the designation;
13	(c) each local governmental unit located within 50
14	miles, measured over the shortest all-weather public road,
15	of a mine or facility qualifying under subsection (1)(b)(i)
16	or (1)(b)(ii); and
17	(d) each local governmental unit in which:
18	(i) a mine that has produced 1 million tons or more of
19	coal a year and has ceased all significant mining or is
20	scheduled to cease within 1 year; or
21	(ii) a steam-generating or other coal-burning facility
22	that has operated under a certificate of environmental
23	compatibility and public need in accordance with the Montana
24	Major Facility Siting Act and that has consumed at least 1
25	million tons of Montana-mined coal a year has closed or is

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REFERENCE BILL

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1 scheduled to close within 1 year. 2 (2) Designation under subsection (1) of: (a) any local governmental unit extends to and includes 3 as a designated unit the county in which it is located; and 4 (b) a county extends to and includes as a designated 5 unit any local governmental unit in the county that contains 6 7 at least 10% of the total population of the county. (3) The coal board shall, subject to 8 the appropriations of the legislature, award at least 50% of all 9 grants awarded to governmental units and state agencies for 10 meeting the needs caused by coal development each year to 11 12 these designated governmental units. 13 (4) For the purposes of subsection (1), the department of commerce shall use five 3-year periods as 14 follows: 15 (a) one consecutive 3-year period ending 2 calendar 16 years prior to the current calendar year; 17 (b) one consecutive 3-year period ending 1 calendar 18 19 year prior to the current calendar year; (c) one consecutive 3-year period ending with the 20 current calendar year; 21 (d) one consecutive 3-year period ending 1 calendar 22 year after the current calendar year; and 23 24 (e) one consecutive 3-year period ending 2 calendar 25 years after the current calendar year.

1 (3) (5) Attention should be given by the coal board to 2 the need for community planning before the full impact is realized. Applicants should be able to show how their 3 4 request reasonably fits into an overall plan for the orderly 5 management of the existing or contemplated growth problems. 6 (4)(6) All funds placed in the local impact and 7 educational trust fund account established under this part, 8 subject to the limitations imposed by 90-6-211, shall be subject to appropriations by the legislature for use related 9 10 to local impact or for transfer to a permanent trust for 11 education." 12 NEW-SECTION---Section-2---Effective--date---This-act-is

13 effective-on-passage-and-approval;

-End-

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