

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.
March 26, 1985	Committee recommend bill be concurred in. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

April 1, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 156  
2 INTRODUCED BY DW

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 PROVIDING AN IMMEDIATE  
7 EFFECTIVE 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 district, 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

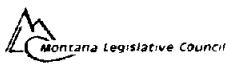
5 (ii) a certificate of environmental compatibility and  
6 public need in accordance with the Montana Major Facility  
7 Siting Act has been granted by the board of natural  
8 resources and conservation for a steam-generating or other  
9 coal-burning facility that will consume at least 1 million  
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



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  
10 grants awarded to governmental units and state agencies for  
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;

20 (c) one consecutive 3-year period ending with the  
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.

1 ~~(3)~~(5) Attention should be given by the coal board to  
2 the need for community planning before the full impact is  
3 realized. Applicants should be able to show how their  
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  
9 subject to appropriations by the legislature for use related  
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-

APPROVED BY COMMITTEE  
ON TAXATION

SENATE BILL NO. 156

INTRODUCED BY TOWE

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DESIGNATION CRITERIA FOR COAL BOARD GRANTS AND LOANS; AMENDING SECTION 90-6-207, MCA, ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

Section 1. Section 90-6-207, MCA, is amended to read:

"90-6-207. Priorities for impact grants. (1) The department of commerce shall annually designate:

(a) counties each county, incorporated cities city and towns town, school districts district, and other 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 county that will establish a new coal mine to produce at least 1 million tons a year or that will increase the

production of an existing mine by at least 1 million tons a year and for which the department of commerce determines that the new or expanded production authorized by the permit will commence within 3 years of the designation; or

(ii) a certificate of environmental compatibility and public need in accordance with the Montana Major Facility Siting Act has been granted by the board of natural resources and conservation for a steam-generating or other coal-burning facility that will consume at least 1 million tons a year of Montana-mined coal and for which the department of commerce determines the construction or operation will commence within 3 years of the designation;

(c) each local governmental unit located within 50 miles, measured over the shortest all-weather public road, of a mine or facility qualifying under subsection (1)(b)(i) or (1)(b)(ii); and

(d) each local governmental unit in which:

(i) a mine that has produced 1 million tons or more of coal a year and has ceased all significant mining or is scheduled to cease within 1 year; or

(ii) a steam-generating or other coal-burning facility that has operated under a certificate of environmental compatibility and public need in accordance with the Montana Major Facility Siting Act and that has consumed at least 1 million tons of Montana-mined coal a year has closed or is



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  
10 grants awarded to governmental units and state agencies for  
11 meeting the needs caused by coal development each year to  
12 these designated governmental units.

13 (4) For the purposes of subsection (1), the  
14 department of commerce shall use five 3-year periods as  
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17 years prior to the current calendar year;

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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  
9 subject to appropriations by the legislature for use related  
10 to local impact or for transfer to a permanent trust for  
11 education."

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