

SENATE BILL NO. 394

2/11 Introduced
2/12 Referred to Natural Resources
2/13 Rereferred to Business & Industry
2/20 Hearing
2/22 Committee Report-Bill Do Pass
2/26 2nd Reading Pass As Amended
2/27 3rd Reading Do Not Pass
2/27 Bill Killed

1 *Senate* BILL NO. *394*
 2 INTRODUCED BY *Lynne Keady, Jacqueline Kesting*
 3 *ANLESTAD* *Steve Dinger* *Paul Lane*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE ANY COUNTY
 5 MUNICIPALITY, OR SPECIAL DISTRICT PROPOSING TO CONSTRUCT, *Wardis*
 6 INSTALL, OPERATE, AND MAINTAIN HYDROELECTRIC GENERATION AND *Cap*
 7 ASSOCIATED FACILITIES OUTSIDE THE BOUNDARIES OF SUCH COUNTY,
 8 MUNICIPALITY, OR SPECIAL DISTRICT TO OBTAIN THE APPROVAL OF
 9 THE AFFECTED BOARD OF COUNTY COMMISSIONERS; AND PROVIDING AN
 10 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

12 Section 1. Approval of board of county commissioners
 13 required. (1) Any political subdivision that has the
 14 authority to construct, install, operate, and maintain
 15 facilities to generate, transmit, and sell electricity using
 16 the water power potential of irrigation projects, federally
 17 owned water impoundment projects, or other surface waters
 18 located outside the jurisdictional boundaries of such
 19 political subdivision must first obtain the prior written
 20 approval of a majority of the board of county commissioners
 21 of each affected foreign county authorizing the
 22 construction, installation, maintenance, and operation of
 23 any portion of such electrical generating project and
 24 associated facilities within the affected foreign county.
 25

1 (2) For purposes of this section, "political
 2 subdivision" includes:
 3 (a) a county as described and classified in Title 7,
 4 chapter 1, part 21;
 5 (b) a municipality as described and classified in
 6 Title 7, chapter 1, part 41;
 7 (c) any special district or local government body
 8 organized under Title 7;
 9 (d) any special district organized under Title 85,
 10 chapter 6, 7, 8, or 9; and
 11 (e) any county, city, special district, or local
 12 government body organized under the laws of any other state.
 13 Section 2. Applicability. This act does not apply to
 14 projects or associated facilities on which construction has
 15 begun on or before the effective date of this act or for
 16 which a license has been obtained from the federal energy
 17 regulatory commission on or before the effective date of
 18 this act.
 19 Section 3. Effective date. This act is effective on
 20 passage and approval.

-End-

INTRODUCED BILL
SB 394



STATE OF MONTANA

REQUEST NO. FNN 499-85

FISCAL NOTE

Form BD-15

In compliance with a written request received February 21, 19 85, there is hereby submitted a Fiscal Note for S.B. 393 Amended pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

S.B. 393 abolishes the Board of Labor Appeals and transfers the board's functions to the Commissioner of Labor and Industry.

ASSUMPTIONS:

1. 30-40 appeals would be filed monthly from referee decisions.
2. Clerical support costs, postage and operating expenses for the Board of Labor Appeals is in the current level budget for the Appeals Division and the attorney would utilize that current level operating expense budget for carrying out those duties previously handled by the Board.
3. It would be necessary to hire 1.0 FTE lawyer to handle the increased caseload.

FISCAL IMPACT:

Federal and Private Special Revenue	<u>FY86</u>	<u>FY87</u>	<u>Total Biennium</u>
Personal Services	\$ 19,670	\$ 19,670	\$ 39,340
Cut Board Travel	(2,211)	(2,211)	(4,422)
Total Expenditures	\$ 17,459	\$ 17,459	\$ 34,918

No General Fund Impact

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 27, 1985

RE-REFERRED AND
APPROVED BY COMM. ON
BUSINESS & INDUSTRY

1 *Senate* BILL NO. *394*
 2 INTRODUCED BY *Lynch, Kates, J. Carlson, Kistner*
 3 *AKLESTAD* *Stines, Boyle* *LANE*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE ANY COUNTY
 5 MUNICIPALITY, OR SPECIAL DISTRICT PROPOSING TO CONSTRUCT *Harden*
 6 INSTALL, OPERATE, AND MAINTAIN HYDROELECTRIC GENERATION AND *Cap*
 7 ASSOCIATED FACILITIES OUTSIDE THE BOUNDARIES OF SUCH COUNTY,
 8 MUNICIPALITY, OR SPECIAL DISTRICT TO OBTAIN THE APPROVAL OF
 9 THE AFFECTED BOARD OF COUNTY COMMISSIONERS; AND PROVIDING AN
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 18 owned water impoundment projects, or other surface waters
 19 located outside the jurisdictional boundaries of such
 20 political subdivision must first obtain the prior written
 21 approval of a majority of the board of county commissioners
 22 of each affected foreign county authorizing the
 23 construction, installation, maintenance, and operation of
 24 any portion of such electrical generating project and
 25 associated facilities within the affected foreign county.

1 (2) For purposes of this section, "political
 2 subdivision" includes:
 3 (a) a county as described and classified in Title 7,
 4 chapter 1, part 21;
 5 (b) a municipality as described and classified in
 6 Title 7, chapter 1, part 41;
 7 (c) any special district or local government body
 8 organized under Title 7;
 9 (d) any special district organized under Title 85,
 10 chapter 6, 7, 8, or 9; and
 11 (e) any county, city, special district, or local
 12 government body organized under the laws of any other state.
 13 Section 2. Applicability. This act does not apply to
 14 projects or associated facilities on which construction has
 15 begun on or before the effective date of this act or for
 16 which a license has been obtained from the federal energy
 17 regulatory commission on or before the effective date of
 18 this act.
 19 Section 3. Effective date. This act is effective on
 20 passage and approval.

-End-



SENATE BILL NO. 394

INTRODUCED BY LYNCH, KOLSTAD, JACOBSON, KEATING,
AKLESTAD, IVERSON, GALT, STIMATZ, BOYLAN, B. WILLIAMS,
LANE, HARDING, GAGE, CRIPPEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE ANY COUNTY,
MUNICIPALITY, OR SPECIAL DISTRICT PROPOSING TO CONSTRUCT,
INSTALL, OPERATE, AND MAINTAIN HYDROELECTRIC GENERATION AND
ASSOCIATED FACILITIES OUTSIDE THE BOUNDARIES OF SUCH COUNTY,
MUNICIPALITY, OR SPECIAL DISTRICT TO OBTAIN THE APPROVAL OF
THE AFFECTED BOARD OF COUNTY COMMISSIONERS; AND PROVIDING AN
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authority to construct, install, operate, and maintain
facilities to generate, transmit, and sell electricity using
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owned water impoundment projects, or other surface waters
located outside the jurisdictional boundaries of such
political subdivision must first obtain the prior written
approval of a majority of the board of county commissioners
of each affected foreign county authorizing the
construction, installation, maintenance, and operation of

any portion of such electrical generating project and
associated facilities within the affected foreign county.
THIS SUBSECTION DOES NOT APPLY TO A POLITICAL SUBDIVISION
SEEKING TO CONSTRUCT, INSTALL, MAINTAIN, OR OPERATE AN
ELECTRICAL GENERATING PROJECT AND ASSOCIATED FACILITIES IN
ANY COUNTY IN WHICH A PORTION OF THE POLITICAL SUBDIVISION
IS LOCATED.

(2) For purposes of this section, "political
subdivision" includes:

- (a) a county as described and classified in Title 7,
chapter 1, part 21;
- (b) a municipality as described and classified in
Title 7, chapter 1, part 41;
- (c) any special district or local government body
organized under Title 7;
- (d) any special district organized under Title 85,
chapter 6, 7, 8, or 9; and
- (e) any county, city, special district, or local
government body organized under the laws of any other state.

Section 2. Applicability. This act does not apply to
projects or associated facilities:

- (1) on which construction has begun on or before the
effective date of this act; or
- (2) for which a license has--been--obtained from the
federal energy regulatory commission HAS BEEN OBTAINED OR

SB 0394/02

- 1 APPLIED FOR on or before the effective date of this act.
- 2 Section 3. Effective date. This act is effective on
- 3 passage and approval.

-End-