

HOUSE BILL NO. 292

INTRODUCED BY LARSON
BY REQUEST OF THE PUBLIC SERVICE COMMISSION

IN THE HOUSE

JANUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 3, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 4, 1993	PRINTING REPORT.
FEBRUARY 5, 1993	SECOND READING, DO PASS.
FEBRUARY 6, 1993	ENGROSSING REPORT.
FEBRUARY 8, 1993	THIRD READING, PASSED. AYES, 92; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 2, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 3, 1993	SECOND READING, CONCURRED IN.
MARCH 4, 1993	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

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2 INTRODUCED BY Lamm
3 BY REQUEST OF THE PUBLIC SERVICE COMMISSION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE PUBLIC
6 SERVICE COMMISSION TO ADOPT RULES IMPLEMENTING LAWS ON
7 CONSTRUCTION STANDARDS FOR UTILITIES LINES AND FACILITIES;
8 AUTHORIZING THE COMMISSION TO ADOPT BY RULE REVISED EDITIONS
9 OF THE NATIONAL ELECTRICAL SAFETY CODE; AND AMENDING SECTION
10 69-4-201, MCA."

11
12 STATEMENT OF INTENT

13 A statement of intent is needed for this bill because
14 [section 1] authorizes the public service commission to
15 adopt rules to implement and enforce Title 69, chapter 4,
16 part 2, and to adopt by rule revised editions of the
17 national electrical safety code. The legislature intends
18 that the commission may adopt those revisions of the safety
19 code or parts of a revised safety code that the commission
20 determines necessary or appropriate for the protection of
21 public health, safety, or welfare. The commission may also
22 adopt other requirements either more or less stringent than
23 the national safety code. The commission may adopt
24 procedural rules that it considers necessary or appropriate
25 to implement and enforce Title 69, chapter 4, part 2.

1
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

3 **Section 1.** Section 69-4-201, MCA, is amended to read:

4 "69-4-201. Application of national electrical safety
5 code. (1) The national electrical safety code standards
6 shall govern all future construction involving wires for
7 power, heat, light, telephone, telegraph, or signal
8 transmission or reception. Except as provided in 69-4-203,
9 electrical construction of overhead and underground
10 electrical supply and communication lines in the state shall
11 must be in conformity with the rules set forth in the
12 national electrical safety code approved by the American
13 national standards institute as published by the institute
14 of electrical and electronic engineers. The national
15 electrical safety code shall-furnish provides construction
16 standards and shall must be enforced by the public--service
17 commission. Proof of compliance with the requirements of an
18 applicable national electrical safety code standard
19 establishes due care in the defense of a negligence claim
20 alleging a violation of that standard.

21 (2) The commission may adopt rules to implement and
22 enforce this part. The commission may, in its discretion,
23 adopt by rule revised editions of the national electrical
24 safety code."

-End-

-2-



HB 292
INTRODUCED BILL

STATE OF MONTANA - FISCAL NOTE

Form BD-15

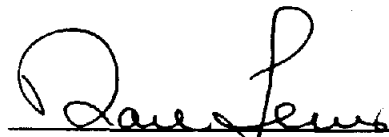
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0292, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: Authorizes the Public Service Commission to adopt rules implementing laws on construction standards for utilities lines and facilities.


ASSUMPTIONS:

1. The Commission will adopt by rule revised editions of the National Electric Safety Code.
2. Sufficient funds for rule changes are included in the recommended budget.

FISCAL IMPACT: None.

 1-23-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-5-93

DON LARSON, PRIMARY SPONSOR DATE

Fiscal Note for HB0292, as introduced

HB 292

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE PUBLIC SERVICE COMMISSION TO ADOPT RULES IMPLEMENTING LAWS ON CONSTRUCTION STANDARDS FOR UTILITIES LINES AND FACILITIES; AUTHORIZING THE COMMISSION TO ADOPT BY-RULE-REVISED-EDITIONS OF RULES BASED ON THE NATIONAL ELECTRICAL SAFETY CODE; AND AMENDING SECTION 69-4-201, MCA."

STATEMENT OF INTENT

A statement of intent is needed for this bill because [section 1] authorizes the public service commission to adopt rules to implement and enforce Title 69, chapter 4, part 2, and to adopt by rule revised editions of the national electrical safety code. The legislature intends that the commission may adopt those revisions of the safety code or parts of a revised safety code that the commission determines necessary or appropriate for the protection of public health, safety, or welfare. The commission may also adopt other requirements either more or less stringent than the national safety code. The commission may adopt procedural rules that it considers necessary or appropriate to implement and enforce Title 69, chapter 4, part 2.

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

Section 1. Section 69-4-201, MCA, is amended to read:

"69-4-201. Application of national electrical safety code. (1) The national electrical safety code standards shall govern all future construction involving wires for power, heat, light, telephone, telegraph, or signal transmission or reception. Except as provided in 69-4-203, electrical construction of overhead and underground electrical supply and communication lines in the state shall must be in conformity with the rules set forth in the national electrical safety code approved by the American national standards institute as published by the institute of electrical and electronic engineers. The national electrical safety code shall furnish provides construction standards and shall must be enforced by the public-service commission. Proof of compliance with the requirements of an applicable national electrical safety code standard establishes due care in the defense of a negligence claim alleging a violation of that standard.

(2) The commission may SHALL adopt rules to implement and enforce this part. The commission may---in---its discretion, SHALL adopt by rule revised-editions STANDARDS FOR ELECTRICAL SAFETY. THE STANDARDS MUST BE BASED ON STANDARDS PUBLISHED IN THE MOST RECENT EDITION of the

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1 national electrical safety code."

-End-

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18 that the commission may adopt those revisions of the safety
19 code or-parts-of-a-revised-safety-code-that--the--commission
20 determines--necessary--or--appropriate-for-the-protection-of
21 public-health-safety-or-welfare-The-commission-may--also
22 adopt--other-requirements-either-more-or-less-stringent-than
23 the--national--safety--code. The commission may adopt
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