

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 23, 1987

The meeting of the Senate Natural Resources Committee was called to order by Chairman Thomas Keating on February 23, 1987, at 12:05 P.M., in Room 405 of the State Capitol.

ROLL CALL: All members were present.

RECONSIDERATION OF SENATE BILL 292: Sen. Keating stated that the committee was assembled to reconsider SB 292 grey bill which would amend the Facility Siting Act. Sen. Keating explained that the grey bill did not refer to pipe lines or power lines, but only takes into account the facility itself. Under present law, an investor would have to do a full Environmental Impact Statement on alternate sites for a facility. On February 19, committee discussed the ability of the department to deal with "voluntary" sites. If the requirement of alternate sites study were eliminated for the investor, and the applicant submits application for the primary site, the grey bill would not allow the Board of Natural Resources to review any alternate locations. Therefore, Sen. Keating announced that Sen. Halligan had an amendment to propose to the committee.

Sen. Halligan asked the members to look at title of bill on line 6, ". . . ELIMINATING CONSIDERATION OF ALTERNATE SITES" and to substitute ". . . ELIMINATE BASELINE STUDIES. . . ." Changing the title in this way would still allow for Board review, hence the title would explain what the bill would do.

Sen. Halligan asked Van Jamison, DNRC, to give a detailed explanation. Mr. Jamison said that as the grey bill was originally drafted, the opportunity for the Board or DNRC to look at alternate locations in a substantive way in terms of making a decision to minimize environmental effects would be eliminated. Sen. Halligan's amendments would eliminate the requirement of the applicant to study proposed alternate locations, yet leave open the license for the Department and the Board to review other alternate locations. Mr. Jamison stated that the applicant may choose to go to the DNRC with single site baseline data, but the Board could still consider all of the information that they otherwise would have considered under the FSA had it not been amended at all. The Board would then make a decision whether or not that site should be certified.

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DISPOSITION OF SENATE BILL 292: Sen. Halligan moved the amendment to the grey bill.

Sen. Lynch asked Sen. Halligan whether or not all the opponents to SB 292 concur with the bill as rewritten; and the reply was that Environmental Information Center or Northern Plains were not particularly happy with it, but Sen. Halligan said this was the direction both the department and industry were going.

Sen. Keating then reported that Northern Plains had indicated to him that they didn't have any objection to the amendment; and for all practical purposes, Sen. Keating stated that the amendment amounts to a compromise that "everybody" can live with.

Amendment was adopted unanimously.

Sen. Halligan moved that SB 292 AS AMENDED DO PASS.

Motion CARRIED unanimously.

There being no further business before the committee, Sen. Keating adjourned the meeting at 12:25 p.m.


THOMAS F. KEATING, Chairman

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ROLL CALL

NATURAL RESOURCES

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/23/87

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Keating, Chairman	X		
Sen. Cecil Weeding, Vice Chairman	X		
Sen. John Anderson	X		
Sen. Mike Halligan	X		
Sen. Delwyn Gage	X		
Sen. Lawrence Stimatz	X		
Sen. Larry Tveit	X		
Sen. "J.D." Lynch	X		
Sen. Sam Hofman	X		
Sen. William Yellowtail	X		
Sen. Elmer Severson	X		
Sen. Mike Walker	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

SB 292

.....February 23,..... 19...87..

MR. PRESIDENT

NATURAL RESOURCES

We, your committee on.....

SENATE BILL

292

having had under consideration..... No.....

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reading copy (.....)

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GENERALLY REVISE THE MONTANA MAJOR FACILITY SITING ACT

Respectfully report as follows: That.....**Senate Bill**..... No...**292**.....

BE AMENDED AS FOLLOWS:

1. Page 1, line 4 through line 13.

Following: "TO" on line 4

Strike: remainder of line 4 through "75-20-1202," on line 13

Insert: "ELIMINATE BASELINE STUDIES OF ALTERNATIVE SITES FOR ENERGY GENERATION AND CONVERSION FACILITIES FROM THE MONTANA MAJOR FACILITY SITING ACT; TO CLARIFY RULEMAKING AUTHORITY OF THE BOARD OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 75-20-105, 75-20-211, 75-20-216, 75-20-219, 75-20-301, 75-20-304,"

2. Page 1, line 17 through line 1, page 6.

Strike: section 1 in its entirety

ReNUMBER: subsequent section

3. Page 6, line 14 through line 14, page 8.

Strike: sections 3 and 4 in their entirety

ReNUMBER: subsequent sections

4. Page 9, lines 4 and 5.

Following: "75-20-104"

Strike: "(11) (b)" and "(11) (c)"

Insert: "(10) (b)" and "(10) (c)"

5. Page 9, line 6.

Following: "facility"

Insert: "for the facility"

DO PASS

DO NOT PASS

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CONTINUED

.....
Chairman.

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6. Page 9, line 10.

Following: "(v)"

Insert: "for facilities as defined in 75-20-104 (10) (b) and (10) (c)."

7. Page 9, line 11.

Following: "locations"

Strike: "proposed location"

Insert: "primary and reasonable alternate locations, or for facilities as defined in 75-20-104 (10)(a), (10)(d), and (10)(e), baseline data for the proposed location and, at the applicant's option, any alternative locations acceptable to the applicant for siting the facility"

8. Page 9, line 14.

Following: "other"

Strike: "relevant"

9. Page 9, line 15.

Following: "relevant"

Strike: "submits"

Insert: "considers relevant"

10. Page 10, line 7.

Following: "is proposed"

Insert: "or is alternatively proposed"

11. Page 10, line 23.

Following: "proposed"

Insert: "or is alternatively proposed"

12. Page 11, line 2 through line 25.

Strike: section 6 in its entirety

ReNumber: subsequent sections

13. Page 13, line 1.

Following: "health"

Strike: "and the board of health"

14. Page 13, line 2.

Following: "shall"

Strike: " & "

15. Page 13, line 3.

Following: "application"

Strike: " & "

16. Page 13, line 4.

Following: "months"

Insert: "and the board of health or department of health, if applicable, within an additional 6 months,"

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17. Page 13, line 11.
Following: " location "
Insert: "or any proposed alternate location"
18. Page 13, line 22.
Following: "75-20-301"
Strike: " (2) (b) and "
19. Page 14, line 5.
Following: " process "
Insert: "and shall be utilized as part of their final site selection process"
20. Page 14, line 10.
Following: "months"
Strike: "1 year"
Insert: "22 months"
21. Page 14, line 12.
Following: line 11
Strike: "75-20-104"
Following "4101"
Strike: " (11) "
22. Page 14, line 15.
Following: "length"
Insert: "(a) and (d) of 75-20-104 (10) and for facility as defined in (b) and (c) of 75-20-104 (10) which is more than 30 miles in length, and within 1 year for a facility as defined in (b) and (c) of 75-20-104 (10) which is 30 miles or less in length"
23. Page 14, line 18.
Following: "recommendation"
Insert: "recommendations,"
24. Page 14, line 20.
Following: "analysis"
Strike: ", if any, "
25. Page 14, line 25.
Following: "facilities"
Insert: ", if any. If the application is for a combination of two or more facilities, the department shall make its report to the board within the greater of the lengths of time provided for in this subsection for either of the facilities."
26. Page 15, line 7.
Following: "certificate"
Insert: "The report may include opinions as to the advisability of granting, denying, or modifying the certificate."
27. Page 15, line 11 through line 1, page 16.
Strike: section 8 in its entirety
Renumber: subsequent sections

CONTINUED

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..... 19.....

28. Page 16, line 10.
Following: "portion"
Insert: "of all or a portion"

29. Page 16, lines 11 and 12.
Following: "the" on line 11
Strike: "original application"
Insert: " certificate"

30. Page 16, line 24.
Following: "portion"
Insert: "of all or a portion"

31. Page 17, line 9.
Following: "portion"
Insert: "of all or a portion"

32. Page 17, line 15.
Following: "portion"
Insert: "of all or a portion"

33. Page 17, line 23.
Following: "portion"
Insert: " of all or a portion"

34. Page 17, line 24.
Following: "application"
Insert: "as set forth in the certificate"

35. Page 18, line 6 through line 22, page 25.
Strike: sections 10 through 14 in their entirety
Re-number: subsequent sections

36. Page 26, line 14.
Following: "facility"
Strike: "represents the minimum"
Insert: "minimizes"

37. Page 26, lines 16 and 17.
Following: "and" on line 16.
Strike: " , for facilities defined in 75-20-104 (11)(b) and (11)(c),"

38. Page 26, line 17.
Following: "economies"
Insert: "and economics"

39. Page 26, line 18.
Strike: "alternate locations"
Insert: "various alternatives"

40. Page 27, line 6.
Following: "local"
Insert: "and local"

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41. Page 27, line 13.

Following: "subdivisions"

Insert: ", except that the board may refuse to apply any local law or regulation if it finds that, as applied to the proposed facility, the law or regulation is unreasonably restrictive in view of the existing technology, of factors of cost or economics, or of the needs of consumers, whether located inside or outside of the directly affected government subdivisions"

42. Page 27, lines 19 and 20.

Following: "(1)"

Strike: "for facilities defined in 75-20-104 (1)(b) and (1)(c),"

43. Page 28, line 15 through line 14, page 31.

Strike: sections 16 and 17 in their entirety

Renumber: subsequent sections

44. Page 32, line 13.

Following: "75-20-301"

Strike: " "

Following: "and"

Insert: "and"

Following: "(5)"

Strike: " "

45. Page 32, line 14.

Following: " of "

Insert: "the requirements of subsections (1)(a)(iv) and (v) of"

Following: "75-20-211"

Strike: "(1)(a)(iv)"

Insert: ", 75-20-216(3), and 75-20-303 (3)(a)(iv)"

46. Page 33, line 16.

Following: " (10)(b) "

Strike: " subsection (b) "

Insert: "subsections (10)(b) "

Following: "75-20-104"

Strike: " (11) "

47. Page 33, line 19.

Following: " of "

Insert: "subsection (10)(a) of"

Strike: " (11)(a) "

48. Page 34, line 9 through line 13, page 44.

Strike: sections 19 through 25 in their entirety

Renumber: subsequent subsections

49. Page 44, line 18.

Following: "75-20-304 (2)"

Insert: "and (3)"

AND AS AMENDED,
DO PASS

Senator Keating