

1 Zinn BILL NO. 62
 2 INTRODUCED BY Meloy, Ansel, Baudron
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ADDING CERTAIN
 5 PIPELINES AND RAILROAD TRACKS TO THE FACILITIES REGULATED
 6 UNDER THE UTILITY SITING ACT; AMENDING SECTION 70-803,
 7 R.C.M. 1947."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 70-803, R.C.M. 1947, is amended to
 11 read as follows:

12 "70-803. Definitions. The following words, when used
 13 in this act, shall have the following meanings unless
 14 otherwise clearly apparent from the context:

15 (1) the word "department" means the department of
 16 natural resources and conservation.

17 (2) the word "board" means the board of natural
 18 resources and conservation.

19 (3) the words "utility facility" or "facility" mean:

20 (a) any energy generating and conversion plant and
 21 associated facilities

22 (i) designed for, or capable of, generating at fifty
 23 (50) megawatts of electricity or more or any addition
 24 thereto (except pollution control facilities approved by the
 25 department of health and environmental sciences added to an

1 existing plant) having an estimated cost in excess of two
 2 hundred fifty thousand dollars (\$250,000), or

3 (ii) designed for, or capable of, producing one hundred
 4 million (100,000,000) cubic feet of gas per day or more or
 5 any addition thereto having an estimated cost in excess of
 6 two hundred fifty thousand dollars (\$250,000), with any
 7 associated pipeline transmission facilities, or

8 (iii) designed for, or capable of, producing fifty
 9 thousand (50,000) barrels of liquid hydrocarbon products per
 10 day or more or any addition thereto having an estimated cost
 11 in excess of two hundred fifty thousand dollars (\$250,000),
 12 with any associated pipeline transmission facilities, or

13 (iv) designed for or capable of enriching uranium
 14 minerals;

15 (b) an electric transmission line and associated
 16 facilities of a design capacity of thirty-four and one-half
 17 (34.5) kilovolts or more, except that the following
 18 transmission lines and associated facilities shall be
 19 subject to certain exceptions under the act:

20 (i) a transmission line and associated facilities with
 21 a design capacity of sixty-nine (69) kilovolts or less and
 22 which will be constructed above ground for a distance of ten
 23 (10) miles or less shall not be considered a utility
 24 facility within the definitions of this act,

25 (ii) a transmission line and associated facilities with

1 a design capacity of one hundred sixty-one (161) kilovolts
2 or less and which will be constructed underground for a
3 distance of five (5) miles or less shall not be considered a
4 utility facility within the definitions of this act,

5 (iii) a transmission line or associated facilities of a
6 design capacity of one hundred sixty-one (161) kilovolts or
7 less which does not meet the requirements of subsections (i)
8 and (ii) of this subsection shall be subject to the specific
9 time review requirements for transmission lines in section
10 6, subsection (1) [70-806 (1)] and section 7, subsection (1)
11 [70-807 (1)] of this act if the proposed length of the
12 transmission line will not exceed thirty (30) miles,

13 (iv) unless specifically covered by subsections (i),
14 (ii) or (iii) of this subsection, the construction of all
15 transmission lines and associated facilities shall be
16 subject to the two (2) year time requirement of section 6,
17 subsection (1) [70-806 (1)], and the six hundred (600) day
18 requirement of section 7, subsection (1) [70-807 (1)],

19 (v) the provisions of subsections (i) and (ii) of this
20 subsection shall not be construed as authorizing the
21 simultaneous construction of two (2) or more transmission
22 lines serving the same community or customer which would,
23 when constructed separately, come within the exceptions of
24 subsections (i) and (ii);

25 (c) a gas or liquid transmission line more than twenty

1 (20) inches in diameter and associated facilities designed
2 for, or capable of, transporting gas or ~~liquid-hydrocarbon~~
3 ~~products-from~~ petroleum, other than such pipelines as are
4 associated with a gasification or liquefaction facility of
5 the size indicated in subsections (a) (ii) and (a) (iii) of
6 this section.

7 (d) any use of geothermal resources, including the use
8 of underground space in existence or to be created, for the
9 creation, use or conversion of energy, or

10 (e) a railroad track at least one (1) mile in length.

11 (4) the words "associated facilities" include, but are
12 not limited to, transportation links of any kind, aqueducts,
13 diversion dams and any other device or equipment associated
14 with the production, or delivery of the energy form produced
15 by a facility.

16 (5) the words "commence to construct" mean:

17 (a) any clearing of land, excavation, construction, or
18 other action that would affect the environment of the site
19 or route of a utility facility, but do not include changes
20 needed for temporary use of sites or routes for nonutility
21 purposes, or uses in securing geological data, including
22 necessary borings to ascertain foundation conditions. The
23 words do include the commencement of eminent domain
24 proceedings under Title 93, chapter 99, R.C.M. 1947, for
25 land or rights of way upon which a utility facility may be

1 constructed.

2 (b) the fracturing of underground formations by any
3 means, if any such activity is related to the possible
4 future development of an underground utility facility
5 employing geothermal resources, but do not include the
6 gathering of geological data by boring of test holes or
7 other underground exploration, investigation, or
8 experimentation.

9 (6) the words do include the commencement of eminent
10 domain proceedings under Title 93, chapter 99, R.C.M. 1947,
11 for land or rights-of-way upon which a utility facility may
12 be constructed.

13 (7) the word "person" includes any individual, group,
14 firm, partnership, corporation, cooperative, association,
15 government subdivision, government agency, local government,
16 or other organization.

17 (8) the words "public utility" or "utility" mean any
18 person engaged in any aspect of the production, storage,
19 sale, delivery or furnishing of heat, electricity, gas, or
20 energy in any form for ultimate public use.

21 (9) "certificate" means the certificate of
22 environmental compatibility and public need issued by the
23 board and required for the construction or operation of any
24 facility."

-End-

Approved by Committee
on Natural Resources

HOUSE BILL NO. 62

INTRODUCED BY MELOY, DRISCOLL, BARDANOUVE

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING CERTAIN PIPELINES AND RAILROAD TRACKS TO THE FACILITIES REGULATED UNDER THE UTILITY SITING ACT; AMENDING SECTION 70-803, R.C.M. 1947."

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

Section 1. Section 70-803, R.C.M. 1947, is amended to read as follows:

"70-803. Definitions. The following words, when used in this act, shall have the following meanings unless otherwise clearly apparent from the context:

(1) the word "department" means the department of natural resources and conservation.

(2) the word "board" means the board of natural resources and conservation.

(3) the words "utility facility" or "facility" mean:

(a) any energy generating and conversion plant and associated facilities

(i) designed for, or capable of, generating at fifty (50) megawatts of electricity or more or any addition thereto (except pollution control facilities approved by the department of health and environmental sciences added to an

existing plant) having an estimated cost in excess of two hundred fifty thousand dollars (\$250,000), or

(ii) designed for, or capable of, producing one hundred million (100,000,000) cubic feet of gas per day or more or any addition thereto having an estimated cost in excess of two hundred fifty thousand dollars (\$250,000), with any associated pipeline transmission facilities, or

(iii) designed for, or capable of, producing fifty thousand (50,000) barrels of liquid hydrocarbon products per day or more or any addition thereto having an estimated cost in excess of two hundred fifty thousand dollars (\$250,000), with any associated pipeline transmission facilities, or

(iv) designed for or capable of enriching uranium minerals;

(b) an electric transmission line and associated facilities of a design capacity of thirty-four and one-half (34.5) kilovolts or more, except that the following transmission lines and associated facilities shall be subject to certain exceptions under the act:

(i) a transmission line and associated facilities with a design capacity of sixty-nine (69) kilovolts or less and which will be constructed above ground for a distance of ten (10) miles or less shall not be considered a utility facility within the definitions of this act,

(ii) a transmission line and associated facilities with

1 a design capacity of one hundred sixty-one (161) kilovolts
2 or less and which will be constructed underground for a
3 distance of five (5) miles or less shall not be considered a
4 utility facility within the definitions of this act,

5 (iii) a transmission line or associated facilities of a
6 design capacity of one hundred sixty-one (161) kilovolts or
7 less which does not meet the requirements of subsections (i)
8 and (ii) of this subsection shall be subject to the specific
9 time review requirements for transmission lines in section
10 6, subsection (1) [70-806 (1)] and section 7, subsection (1)
11 [70-807 (1)] of this act if the proposed length of the
12 transmission line will not exceed thirty (30) miles,

13 (iv) unless specifically covered by subsections (i),
14 (ii) or (iii) of this subsection, the construction of all
15 transmission lines and associated facilities shall be
16 subject to the two (2) year time requirement of section 6,
17 subsection (1) [70-806 (1)], and the six hundred (600) day
18 requirement of section 7, subsection (1) [70-807 (1)],

19 (v) the provisions of subsections (i) and (ii) of this
20 subsection shall not be construed as authorizing the
21 simultaneous construction of two (2) or more transmission
22 lines serving the same community or customer which would,
23 when constructed separately, come within the exceptions of
24 subsections (i) and (ii);

25 (c) a gas or liquid transmission line more than twenty

1 ~~(20)~~ SIX (6) inches in diameter and associated facilities
2 designed for, or capable of, transporting gas or ~~liquid~~
3 ~~hydrocarbon--products--from~~ petroleum, other than such
4 pipelines as are associated with a gasification or
5 liquefaction facility of the size indicated in subsections
6 (a) (ii) and (a) (iii) of this section, AND OTHER THAN
7 TRANSMISSION PIPELINES CONSTRUCTED TO REPLACE, MODIFY,
8 INTERCONNECT, EXTEND OR LOOP EXISTING PIPELINES OR NEEDED TO
9 JOIN ONE OR MORE NEW WELLS LOCATED IN MONTANA OR IN A
10 CONTIGUOUS STATE OR CANADIAN PROVINCE TO AN EXISTING OIL OR
11 GAS PIPELINE TO PROVIDE NEW SERVICE OR SERVICE EXTENSION TO
12 CUSTOMERS OR SHIPPERS. SAID INTERCONNECTING AND LOOPING
13 TRANSMISSION LINES AS EXCLUDED HEREBY SHALL NOT EXCEED ONE
14 HUNDRED (100) MILES IN LENGTH.

15 (d) any use of geothermal resources, including the use
16 of underground space in existence or to be created, for the
17 creation, use or conversion of energy, or

18 (e) a railroad track ~~at least one (1) mile in length~~
19 MORE THAN THIRTY (30) MILES IN LENGTH, WHICH IS NOT WITHIN
20 THE PURVIEW OF THE STRIP MINE SITING ACT OR THE CONSTRUCTION
21 OF WHICH WAS COMMENCED BEFORE JANUARY 1, 1975.

22 (4) the words "associated facilities" include, but are
23 not limited to, transportation links of any kind, aqueducts,
24 diversion dams and any other device or equipment associated
25 with the production, or delivery of the energy form produced

1 by a facility.

2 (5) the words "commence to construct" mean:

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21 domain proceedings under Title 93, chapter 99, R.C.M. 1947,
22 for land or rights-of-way upon which a utility facility may
23 be constructed.

24 (7) the word "person" includes any individual, group,
25 firm, partnership, corporation, cooperative, association,

1 government subdivision, government agency, local government,
2 or other organization.

3 (8) the words "public utility" or "utility" mean any
4 person engaged in any aspect of the production, storage,
5 sale, delivery or furnishing of heat, electricity, gas, or
6 energy in any form for ultimate public use.

7 (9) "certificate" means the certificate of
8 environmental compatibility and public need issued by the
9 board and required for the construction or operation of any
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 19 MORE THAN THIRTY (30) MILES IN LENGTH, WHICH IS NOT WITHIN
 20 THE PURVIEW OF THE STRIP MINE SITING ACT, NOT A RELOCATION
 21 OF EXISTING TRACK, OR THE CONSTRUCTION OF WHICH WAS
 22 COMMENCED BEFORE JANUARY 1, 1975.

23 (4) the words "associated facilities" include, but are
 24 not limited to, transportation links of any kind, aqueducts,
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7 energy in any form for ultimate public use.

8 (9) "certificate" means the certificate of
9 environmental compatibility and public need issued by the
10 board and required for the construction or operation of any
11 facility."

-End-

March 21, 1975

SENATE COMMITTEE ON BUSINESS AND INDUSTRY

AMENDMENTS TO HOUSE BILL NO. 62

That House Bill No. 62, third reading, be amended as follows:

1. Amend page 4, section 1, line 3.
Following: "petroleum,"
Insert: "(i)"
2. Amend page 4, section 1, line 6.
Following: "AND"
Insert: "(ii)"
3. Amend page 4, section 1, line 19.
Following: "WHICH"
Insert: "(i)"
4. Amend page 4, section 1, line 20.
Following: "ACT,"
Insert: "(ii)is"
5. Amend page 4, section 1, line 21.
Following: "OR"
Insert: "(iii)"
6. Amend page 4, section 1, line 22.
Following: "COMMENCED"
Strike: "BEFORE"
Insert: "after"