

1 H BILL NO. 431
 2 INTRODUCED BY Lesley Hooper
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MAJOR
 5 FACILITY SITING ACT BY REQUIRING THE FILING OF A NOTICE OF
 6 INTENTION TO FILE AN APPLICATION FOR A CERTIFICATE OF
 7 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED AND TO MAKE THE
 8 SUBMISSION OF FALSE INFORMATION IN THE LONG-RANGE PLAN
 9 SUBJECT TO THE PENALTIES OF SECTION 70-821, R.C.M. 1947;
 10 AMENDING 70-821, R.C.M. 1947."

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

13 Section 1. Notice of intent to file an application.
 14 (1) At least 12 months prior to filing an application for a
 15 certificate of environmental compatibility and public need
 16 required by 70-804, a prospective applicant must file with
 17 the department a notice of intent to file an application for
 18 a certificate.

19 (2) The notice shall indicate the proposed site
 20 location for an energy generation or conversion facility and
 21 the proposed general location for a transmission or
 22 transportation facility.

23 Section 2. Section 70-821, R.C.M. 1947, is amended to
 24 read as follows:

25 "70-821. Penalties for violation of chapter -- civil

1 action by attorney general. (1) Whoever
 2 (a) without first obtaining a certificate required
 3 under section 70-804, or a waiver thereof under section
 4 70-811 (4)(b) commences to construct or operate a facility;
 5 or
 6 (b) having first obtained a certificate, constructs,
 7 operates or maintains a facility other than in compliance
 8 with the certificate; or
 9 (c) violates any other provision of this chapter or
 10 any rule or order adopted thereunder, or knowingly submits
 11 false information in any report or application required by
 12 this chapter, including the long-range plan required by
 13 70-814, or rule or order adopted thereunder; or
 14 (d) causes any of the aforementioned acts to occur;
 15 shall be liable to a civil penalty of not more than ten
 16 thousand dollars (\$10,000) for each violation. Each day of a
 17 continuing violation shall constitute a separate offense.
 18 The penalty shall be recoverable in a civil suit brought by
 19 the attorney general on behalf of the state in the first
 20 district court of Montana.
 21 (2) Whoever knowingly and willfully violates
 22 subsection (1) shall be fined not more than ten thousand
 23 dollars (\$10,000) for each violation or imprisoned for not
 24 more than one (1) year, or both. Each day of a continuing
 25 violation shall constitute a separate offense.

1 (3) In addition to any penalty provided in subsections
2 (1) or (2), whenever the department determines that a person
3 is violating or is about to violate any of the provisions of
4 this section, it may refer the matter to the attorney
5 general who may bring a civil action on behalf of the state
6 in the first district court of Montana for injunctive or
7 other appropriate relief against the violation and to
8 enforce this chapter or a certificate issued hereunder, and
9 upon a proper showing a permanent or preliminary injunction
10 or temporary restraining order shall be granted without
11 bond. The department shall also enforce this chapter and
12 bring legal actions to accomplish the enforcement through
13 its own legal counsel.

14 (4) All fines and penalties collected shall be
15 deposited in the earmarked revenue fund for the use of the
16 department in administering this chapter.*

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