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\_\_\_\_H\_\_\_\_ BILL NO. 542 1 INTRODUCED BY L. Hind BY REQUEST OF THE GOVERNOR'S OFFICE 3 A BILL FOR AN ACT ENTITLED: MAN ACT AMENDING SECTION 70-806. R.C.M. 1947, PROVIDING FOR THE FILING OF A 1-YEAR 6 NOTICE OF INTENTION TO FILE AN APPLICATION FOR A CERTIFICATE 7 UNDER THE MAJOR FACILITY SITING ACT." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 70-806, R.C.M. 1947, is amended to 11 read as follows: 12 #70-806. Application for certification -- filing and 13 contents -- filing fees -- notice of completion of facility 14 15 -- further fees -- refund -- proof of service on municipalities -- amendment of application or certification 16 -- notice of filing. (1) (a) An applicant for a certificate 17 shall file with the department a verified application, in 18 such form as the board by rule or the department by order 19 prescribes, containing the following information: 20 21 (i) a description of the location and of the facility 22 to be built thereon; 23 (ii) a summary of any studies which have been made of the environmental impact of the facility; 24 (iii) a statement explaining the need for the facility;

(iv) a description of any reasonable alternate location or locations for the proposed facility, a description of the comparative merits and detriments of each location submitted, and a statement of the reasons why the primary proposed location is best suited for the facility; and

- (v) such other information as the applicant considers relevant or as the board by rule or the department by order requires. A copy or copies of the studies referred to in clause (ii) above shall be filed with the department, if ordered, and shall be available for public inspection.
- (b) An application may consist of an application for two (2) or more facilities in combination which are physically and directly attached to each other and are operationally a single operating entity.
- (2) (a) A filing fee shall be deposited in the earmarked revenue fund for the use of the department in administering this chapter. The applicant shall pay to the department a filing fee with the application, based upon the estimated cost of the facility according to the declining scale which follows: two percent (2%) of any estimated cost up to one million dollars (\$1,000,000); plus one percent (1%) of any estimated cost over a million dollars and up to twenty million dollars (\$20,000,000); plus one-half of one percent (0.5%) of any estimated cost over twenty million dollars (\$20,000,000); and up to one hundred

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million dollars (\$100,000,000); plus one-quarter of one 1 percent (0.25%) of any amount of estimated cost over one hundred million (\$100,000,000) and up to three hundred 3 million dollars (\$300,000,000); plus one-eighth of one percent (.125%) of any amount of estimated cost over three hundred million dollars (\$300,000,000). The revenues derived 6 from the filing fee shall be used by the department in 7 compiling the information required for rendering a decision on a certificate and for carrying out its other 9 responsibilities under this chapter with respect to the 10 facility covered by the certificate for a period not to 11 12 exceed five (5) years after the certificate is issued for facilities defined in 70-803 (3)(b) and (c) or not to exceed 13 14 ten (10) years after the certificate is issued for facilities defined in 70-803 (3)(a), (d), and (e). If an 15 application consists of a combination of two (2) or more 16 17 facilities, the filing fee shall be based on the total estimated cost of the combined facilities. 18

(b) The applicant is entitled to an accounting of moneys expended and to a refund of that portion of the filing fee not expended by the department in carrying out its responsibilities under this chapter.

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(c) The department may contract with a potential applicant under this chapter, in advance of the filing of a formal application, for the development of information or

provision of services required hereunder. Payments made to the department under such a contract shall be credited against the fee payable hereunder.

4 (3) An application shall be accompanied by proof of service of a copy of the application on the chief executive officer of each municipality and the head of each government agency, charged with the duty of protecting the environment or of planning land use, in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed. The copy of the application shall be accompanied by a notice specifying the date on or about which the application is to be filed.

13 (4) An application shall also be accompanied by proof
14 that public notice thereof was given to persons, residing in
15 the municipalities entitled to receive notice under
16 subsection (3) of this section, by the publication of a
17 summary of the application, and the date on or about which
18 it is to be filed, in those newspapers as will serve
19 substantially to inform those persons of the application.

(5) Inadvertent failure of service on, or notice to, any of the municipalities, government agencies or persons identified in subsections (3) and (4) of this section may be cured pursuant to orders of the department designed to afford them adequate notice to enable their effective participation in the proceeding. In addition, the department

(6) An application for an amendment of an application or a certificate shall be in such form and contain such information as the board by rule or the department by order prescribes. Notice of such an application shall be given as set forth in subsections (3) and (4) of this section. If an amendment to an original application would result in a substantial change of the original application, such an amendment shall be considered as a new application and a new filing fee shall be required.

17) A potential applicant for a certificate may file a notice of intent to file an application for a certificate for a facility defined in 70-803(3) at least 12 months prior to the actual filing of an application. The notice of intent shall specify the type and size of facility to be applied for, its preferred location, a description of reasonable alternative locations, and such information as the board by rule or department by order requires. An applicant complying with this subsection is entitled to a 5% reduction of the filing fee required under subsection (2)(a).\*

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Approved by Committee on Natural Resources

1	INTRODUCED BY L. Hind
2	INTRODUCED BY L. Heinel
3	BY REQUEST OF THE GOVERNOR'S OFFICE
4	
5	A BILL FOR AN ACT ENTITLED: MAN ACT AMENDING SECTION
6	70-806. R.C.M. 1947. PROVIDING FOR THE FILING OF A 1-YEAR
7	NOTICE OF INTENTION TO FILE AN APPLICATION FOR A CERTIFICATE
8	UNDER THE MAJOR FACILITY SITING ACT."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 70-806, R.C.M. 1947, is amended to
12	read as follows:
13	*70-806. Application for certification filing and
14	contents filing fees notice of completion of facility
15	further fees refund proof of service on
16	municipalities amendment of application or certification
17	notice of filing. (1) (a) An applicant for a certificate
18	shall file with the department a verified application, in
19	such form as the board by rule or the department by order
20	prescribes, containing the following information:
21	(i) a description of the location and of the facility
22	to be built thereon;
23	(ii) a summary of any studies which have been made of
24	the environmental impact of the facility;
25	(iii) a statement explaining the need for the facility;

ı	(iv) a description of any reasonable alternate location
2	or locations for the proposed facility, a description of the
3	comparative merits and detriments of each location
4	submitted, and a statement of the reasons why the primary
5	proposed location is best suited for the facility; and
6	(v) such other information as the applicant considers
7	relevant or as the board by rule or the department by order

ordered, and shall be available for public inspection. (b) An application may consist of an application for two (2) or more facilities in combination which are physically and directly attached to each other and are operationally a single operating entity.

requires. A copy or copies of the studies referred to in

clause (ii) above shall be filed with the department, if

(2) (a) A filing fee shall be deposited in the earmarked revenue fund for the use of the department in administering this chapter. The applicant shall pay to the department a filing fee with the application, based upon the estimated cost of the facility according to the declining scale which follows: two percent (2%) of any estimated cost up to one million dollars (\$1,000,000); plus one percent (1%) of any estimated cost over a million dollars and up to twenty million dollars (\$20,000,000); plus one-half of one percent (0.5%) of any estimated cost over twenty million dollars (\$20,000,000); and up to one hundred LC 1586/01 LC 1586/01

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million dollars (\$100,000,000); plus one-quarter of one percent (0.25%) of any amount of estimated cost over one hundred million (\$100,000,000) and up to three hundred million dollars (\$300,000,000); plus one-eighth of one percent (\*125%) of any amount of estimated cost over three hundred million dollars (\$300,000,000). The revenues derived from the filing fee shall be used by the department in compiling the information required for rendering a decision on a certificate and for carrying out its other responsibilities under this chapter with respect to the facility covered by the certificate for a period not to exceed five (5) years after the certificate is issued for facilities defined in 70-803 (3)(b) and (c) or not to exceed ten (10) years after the certificate is issued for facilities defined in 70-803 (3)(a), (d), and (e). If an application consists of a combination of two (2) or more facilities, the filing fee shall be based on the total estimated cost of the combined facilities.

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- (b) The applicant is entitled to an accounting of moneys expended and to a refund of that portion of the filing fee not expended by the department in carrying out its responsibilities under this chapter.
- (c) The department may contract with a potential applicant under this chapter, in advance of the filing of a formal application, for the development of information or

provision of services required hereunder. Payments made to
the department under such a contract shall be credited
against the fee payable hereunder.

- (3) An application shall be accompanied by proof of service of a copy of the application on the chief executive officer of each municipality and the head of each government agency, charged with the duty of protecting the environment or of planning land use, in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed. The copy of the application shall be accompanied by a notice specifying the date on or about which the application is to be filed.
- (4) An application shall also be accompanied by proof that public notice thereof was given to persons, residing in the municipalities entitled to receive notice under subsection (3) of this section, by the publication of a summary of the application, and the date on or about which it is to be filed, in those newspapers as will serve substantially to inform those persons of the application.
- (5) Inadvertent failure of service on, or notice to, any of the municipalities, government agencies or persons identified in subsections (3) and (4) of this section may be cured pursuant to orders of the department designed to afford them adequate notice to enable their effective participation in the proceeding. In addition, the department

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(6) An application for an amendment of an application or a certificate shall be in such form and contain such information as the board by rule or the department by order prescribes. Notice of such an application shall be given as set forth in subsections (3) and (4) of this section. If an amendment to an original application would result in a substantial change of the original application, such an amendment shall be considered as a new application and a new filing fee shall be required.

notice of intent to file an application for a certificate for a facility defined in 70-803(3) at least 12 months prior to the actual filing of an application. The notice of intent shall specify the type and size of facility to be applied for its preferred location; a description of reasonable alternative locations; and such information as the board by rule or department by order requires. An applicant complying with this subsection is entitled to a 5% reduction of the filing fee required under subsection (2)(a).\*

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1 H BILL NO. 542
2 INTRODUCED BY L. Heisel
3 BY REQUEST OF THE GOVERNOR'S OFFICE

4

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 70-806, R.C.M. 1947, PROVIDING FOR THE FILING OF A 1-YEAR NOTICE OF INTENTION TO FILE AN APPLICATION FOR A CERTIFICATE UNDER THE MAJOR FACILITY SITING ACT."

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

11 Section 1. Section 70-806, R.C.M. 1947, is amended to 12 read as follows:

\*70-806. Application for certification -- filing and contents -- filing fees -- notice of completion of facility -- further fees -- refund -- proof of service on municipalities -- amendment of application or certification -- notice of filing. (1) (a) An applicant for a certificate shall file with the department a verified application, in such form as the board by rule or the department by order prescribes, containing the following information:

- (i) a description of the location and of the facility to be built thereon;
- (ii) a summary of any studies which have been made ofthe environmental impact of the facility;
  - (iii) a statement explaining the need for the facility;

1 (iv) a description of any reasonable alternate location
2 or locations for the proposed facility, a description of the
3 comparative merits and detriments of each location
4 submitted, and a statement of the reasons why the primary
5 proposed location is best suited for the facility; and

(v) such other information as the applicant considers relevant or as the board by rule or the department by order requires. A copy or copies of the studies referred to in clause (ii) above shall be filed with the department, if ordered, and shall be available for public inspection.

(b) An application may consist of an application for two (2) or more facilities in combination which are physically and directly attached to each other and are operationally a single operating entity.

15 (2) (a) A filing fee shall be deposited in the 16 earmarked revenue fund for the use of the department in 17 administering this chapter. The applicant shall pay to the 18 department a filing fee with the application, based upon the 19 estimated cost of the facility according to the declining 20 scale which follows: two percent (2%) of any estimated 21 cost up to one million dollars (\$1,000,000); plus one percent (1%) of any estimated cost over a million dollars 22 23 and up to twenty million dollars (\$20.000.000); plus one-half of one percent (0.5%) of any estimated cost over 24 25 twenty million dollars (\$20,000,000); and up to one hundred

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million dollars (\$100,000,000); plus one-quarter of one partent (0.25%) of any amount of estimated cost over one hundred million (\$190,000,000) and up to three hundred million dollars (\$300,000,000); plus one-eighth of one percent (\*125%) of any amount of estimated cost over three hundred million dollars (\$300,000,000). The revenues derived from the filing fee shall be used by the department in compiling the information required for rendering a decision on a certificate and for carrying out its other responsibilities under this chapter with respect to the facility covered by the certificate for a period not to exceed five (5) years after the certificate is issued for facilities defined in 70-803 (3)(b) and (c) or not to exceed ten (10) years after the certificate is issued for facilities defined in 70-803 (3)(a), (d), and (e). If an application consists of a combination of two (2) or more facilities, the filing fee shall be based on the total estimated cost of the combined facilities.

- (b) The applicant is entitled to an accounting of moneys expended and to a refund of that portion of the filing fee not expended by the department in carrying out its responsibilities under this chapter.
- (c) The department may contract with a potential applicant under this chapter, in advance of the filing of a formal application, for the development of information or

provision of services required hereunder. Payments made to the department under such a contract shall be credited against the fee payable hereunder.

- (3) An application shall be accompanied by proof of service of a copy of the application on the chief executive officer of each municipality and the head of each government agency, charged with the duty of protecting the environment or of planning land use, in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed. The copy of the application shall be accompanied by a notice specifying the date on or about which the application is to be filed.
- (4) An application shall also be accompanied by proof that public notice thereof was given to persons, residing in the municipalities entitled to receive notice under subsection (3) of this section, by the publication of a summary of the application, and the date on or about which it is to be filed, in those newspapers as will serve substantially to inform those persons of the application.
- (5) Inadvertent failure of service on or notice to any of the municipalities, government agencies or persons identified in subsections (3) and (4) of this section may be cured pursuant to orders of the department designed to afford them adequate notice to enable their effective participation in the proceeding. In addition, the department

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(6) An application for an amendment of an application or a certificate shall be in such form and contain such information as the board by rule or the department by order prescribes. Notice of such an application shall be given as set forth in subsections (3) and (4) of this section. If an amendment to an original application would result in a substantial change of the original application, such an amendment shall be considered as a new application and a new filing fee shall be required.

171 A potential applicant for a certificate may file a notice of intent to file an application for a certificate for a facility defined in 70-803(3) at least 12 months prior to the actual filing of an application. The notice of intent shall specify the type and size of facility to be applied for: its preferred location: a description of reasonable alternative locations: and such information as the board by rule or department by order requires. An applicant complying with this subsection is entitled to a 53 reduction of the filing fee required under subsection (2)(a):

-End-

HB 0542/02

45th Legislature

HB 0542/02

1	HOUSE BILL NO. 542
4	INTRODUCED BY HIRSCH
3	BY REQUEST OF THE GOVERNOR'S OFFICE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
6	10-805, R.C.M. 1947, PROVIDING FOR THE FILING OF A 1-YEAR
ı	NUTICE OF INTENTION TO FILE AN APPLICATION FOR A CERTIFICATE
8	UNDER THE MAJOR FACILITY SITING ACT."
ý	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 70-806, R.C.M. 1947, is amended to
12	read as tollows:
13	#70-806. Application for certification filing and
14	contents filing fees notice of completion of facility
15	turther fees refund proof of service on
16	municipalities amendment of application or certification
17	== notice of filing. (1) (a) An applicant for a certificate
ls	small rile with the department a verified application. in
19	such form as the board by rule or the department by order
20	prescribes, containing the following information:
21	(i) a description of the location and of the facility
24	to be built thereon;
23	(ii) a summary of any studies which have been made of
24	the environmental impact of the facility;
25	(iii) a statement explaining the need for the facility;

or locations for the proposed facility, a description of the comparative merits and detriments of each location 3 submitted, and a statement of the reasons why the primary proposed location is best suited for the facility; and (v) such other information as the applicant considers relevant or as the board by rule or the department by order requires. A copy or copies of the studies referred to in clause (ii) above shall be filed with the department, if ordered, and shall be available for public inspection. (b) An application may consist of an application for two (2) or more facilities in combination which are 12 physically and directly attached to each other and are operationally a single operating entity. (2) (a) A filing fee shall be deposited in the earmarked revenue fund for the use of the department in administering this chapter. The applicant shall pay to the department a filing fee with the application, based upon the estimated cost of the facility according to the declining scale which follows: two percent (2%) of any estimated cost up to one million dollars (\$1,000,000); plus one percent (1%) of any estimated cost over a million dollars and up to twenty million dollars (\$20,000,000); plus

(iv) a description of any reasonable alternate location

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one-half of one percent (0.5%) of any estimated cost over

twenty million dollars (\$20,000,000); and up to one hundred

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million dollars (\$100,000,000); plus one-quarter of one 1 2 percent (0.25%) of any amount of estimated cost over one hundred million (\$100,000,000) and up to three hundred 3 4 million dollars (\$300,000,000); plus one-eighth of one 5 percent (\*125%) of any amount of estimated cost over three hundred million dollars (\$300,000,000). The revenues derived 7 from the filing fee shall be used by the department in 8 compiling the information required for rendering a decision 9 on a certificate and for carrying out its other responsibilities under this chapter with respect to the 10 11 facility covered by the certificate for a period not to 12 exceed five (5) years after the certificate is issued for 13 facilities defined in 70-803 (3)(b) and (c) or not to exceed 14 ten (10) years after the certificate is issued for 15 facilities defined in 70-803 (3)(a), (d), and (e). If an 16 application consists of a combination of two (2) or more 17 facilities, the filing fee shall be based on the total 18 estimated cost of the combined facilities.

(b) The applicant is entitled to an accounting of moneys expended and to a refund of that portion of the filing fee not expended by the department in carrying out its responsibilities under this chapter.

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(c) The department may contract with a potential applicant under this chapter, in advance of the filing of a formal application, for the development of information or

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provision of services required hereunder. Payments made to 1 the department under such a contract shall be credited against the fee payable hereunder.

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- (3) An application shall be accompanied by proof of service of a copy of the application on the chief executive officer of each municipality and the head of pach government agency, charged with the duty of protecting the environment or of planning land use, in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed. The copy of the application shall be accompanied by a notice specifying the date on or about which the application is to be filed.
- (4) An application shall also be accompanied by proof that public notice thereof was given to persons, residing in the municipalities entitled to receive notice under subsection (3) of this section, by the publication of a summary of the application, and the date on or about which it is to be filed, in those newspapers as will serve substantially to inform those persons of the application.
- (5) Inadvertent failure of service on, or notice to, any or the municipalities, government agencies or persons identified in subsections (3) and (4) of this section may be cured pursuant to orders of the department designed to afford them adequate notice to enable their effective participation in the proceeding. In addition, the department

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(6) An application for an amendment of an application or a certificate shall be in such form and contain such information as the board by rule or the department by order prescribes. Notice of such an application shall be given as set forth in subsections (3) and (4) of this section. If an amendment to an original application would result in a substantial change of the original application, such an amendment shall be considered as a new application and a new filling fee shall be required.

(7) A potential applicant for a certificate may file a notice of intent to file an application for a certificate for a facility defined in 70-80313) at least 12 months prior to the actual filing of an application. The notice of intent shall specify the type and size of facility to be applied for its preferred location, a description of reasonable alternative locations, and such information as the board by rule or department by order requires. An applicant complying with this subsection is entitled to a 5% reduction of the filing fee required under subsection (2)(a).\*

-End-

~5~ HB 54?