

1 Amended BILL NO. 697
2 INTRODUCED BY Hannelman Vincent

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DESIGNATE THE PUBLIC
5 SERVICE COMMISSION AS THE DECISIONMAKING AUTHORITY UNDER THE
6 MAJOR FACILITY SITING ACT; AMENDING SECTION 70-803, R.C.M.
7 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. In this chapter, unless the
13 context requires otherwise:

14 (1) "Department" means the department of natural
15 resources and conservation provided for in Title 82A,
16 chapter 15.

17 (2) "Board" means the ~~board of natural resources and~~
18 ~~conservation provided for in section 82A-1509~~ public service
19 commission provided for in 70-101.

20 (3) "Facility" means:

21 (a) each plant, unit, or other facility and
22 associated facilities, except for oil and gas refineries,

23 (i) designed for, or capable of, generating fifty (50)
24 megawatts of electricity or more, or any addition thereto
25 (except pollution control facilities approved by the

1 department of health and environmental sciences added to an
2 existing plant) having an estimated cost in excess of two
3 hundred fifty thousand dollars (\$250,000), or

4 (ii) designed for, or capable of, producing twenty-five
5 million (25,000,000) cubic feet of gas per day or more, or
6 any addition thereto having an estimated cost in excess of
7 two hundred fifty thousand dollars (\$250,000), or

8 (iii) designed for, or capable of, producing
9 twenty-five thousand (25,000) barrels of liquid hydrocarbon
10 products per day or more, or any addition thereto having an
11 estimated cost in excess of two hundred fifty thousand
12 dollars (\$250,000), or

13 (iv) designed for, or capable of, enriching uranium
14 minerals, or any addition thereto having an estimated cost
15 in excess of two hundred fifty thousand dollars (\$250,000),
16 or

17 (v) designed for, or capable of, utilizing, refining,
18 or converting five hundred thousand (500,000) tons of coal
19 per year or more, or any addition thereto having an
20 estimated cost in excess of two hundred fifty thousand
21 dollars (\$250,000);

22 (b) each electric transmission line and associated
23 facilities of a design capacity of more than sixty-nine
24 (69) kilovolts, except that the term does not include an
25 electric transmission line and associated facilities of a

1 design capacity of two hundred thirty (230) kilovolts or
2 less and ten (10) miles or less in length;

3 (c) each pipeline and associated facilities designed
4 for, or capable of, transporting gas, water, or liquid
5 hydrocarbon products from or to a facility located within or
6 without this state of the size indicated in subsection
7 (3)(a) of this section;

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

11 (e) any underground in situ gasification of coal.

12 (4) "Associated facilities" include, but are not
13 limited to, transportation links of any kind, aqueducts,
14 diversion dams, transmission substations, storage ponds,
15 reservoirs, and any other device or equipment associated
16 with the production or delivery of the energy form or
17 product produced by a facility, except that the term does
18 not include a facility.

19 (5) "Commence to construct" means:

20 (a) any clearing of land, excavation, construction, or
21 other action that would affect the environment of the site
22 or route of a facility, but does not mean changes needed for
23 temporary use of sites or routes for nonutility purposes, or
24 uses in securing geological data, including necessary
25 borings to ascertain foundation conditions;

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

8 (c) the commencement of eminent domain proceedings
9 under Title 93, chapter 99, for land or rights-of-way upon
10 or over which a facility may be constructed;

11 (d) the relocation or upgrading of an existing
12 facility defined by subsection (3)(b) or (c), including
13 upgrading to a design capacity covered by subsection (3)(b),
14 except that the term does not include normal maintenance or
15 repair of an existing facility.

16 (6) "Municipality" means any county or municipality
17 within this state.

18 (7) "Person" means any individual, group, firm,
19 partnership, corporation, cooperative, association,
20 government subdivision, government agency, local government,
21 or other organization or entity.

22 (8) "Utility" means any person engaged in any aspect
23 of the production, storage, sale, delivery or furnishing of
24 heat, electricity, gas, hydrocarbon products or energy in
25 any form for ultimate public use.

1 (9) "Certificate" means the certificate of
2 environmental compatibility and public need issued by the
3 board under this chapter that is required for the
4 construction or operation of a facility.

5 (10) "Addition thereto" means the installation of new
6 machinery and equipment which would significantly change the
7 conditions under which the certificate was issued."

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Approved by Committee
on Natural Resources

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