

# CHAPTER NO. 120.

## HOUSE BILL NO. 253

INTRODUCED BY THOFT, BURNETT, FRATES, ROTH, KEYSER,  
DOZIER, HIRSCH, K. ROBBINS, EUDAILY, ELLIS, SEIFERT, MARKS

### IN THE HOUSE

January 18, 1979	Introduced and referred to Committee on Natural Resources.
January 29, 1979	Committee recommend bill do pass as amended. Report adopted.
January 30, 1979	Printed and placed on members' desks.
January 31, 1979	Second reading, do pass.
February 1, 1979	Considered correctly engrossed.
February 2, 1979	Third reading, passed. Transmitted to second house.

### IN THE SENATE

February 3, 1979	Introduced and referred to Committee on Natural Resources.
February 23, 1979	Committee recommend bill be concurred in as amended. Report adopted.
February 28, 1979	Motion pass consideration.
March 1, 1979	Second reading, concurred in as amended.
March 3, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 5, 1979	Returned from second house. Concurred in as amended.
March 6, 1979	Second reading, pass consideration.
March 7, 1979	Second reading, amendments adopted.
March 8, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

House BILL NO. 253

INTRODUCED BY Jeff Bennett Frates Pat Hepper  
Diane L. Hinck John E. Ladd Edith E. Ladd  
Mark

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF NATURAL RESOURCES AND CONSERVATION TO ISSUE AS PART OF A CERTIFICATE A TIME LIMIT DURING WHICH A FACILITY MUST BE CONSTRUCTED; AMENDING SECTION 75-20-303, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 75-20-303, MCA, is amended to read: "75-20-303. Opinion issued with decision -- contents. (1) In rendering a decision on an application for a certificate, the board shall issue an opinion stating its reasons for the action taken.

(2) If the board has found that any regional or local law or regulation which would be otherwise applicable is unreasonably restrictive pursuant to 75-20-301(2)(f), it shall state in its opinion the reasons therefor.

(3) Any certificate issued by the board shall include the following:

(a) an environmental evaluation statement related to the facility being certified. The statement shall include but not be limited to analysis of the following information:

(i) the environmental impact of the proposed facility;

(ii) any adverse environmental effects which cannot be avoided by issuance of the certificate;

(iii) problems and objections raised by other federal and state agencies and interested groups;

(iv) alternatives to the proposed facility; and

(v) a plan for monitoring environmental effects of the proposed facility; and

(vi) a time limit as provided in subsection (4), during which construction of the facility must be completed;

(b) a statement signed by the applicant showing agreement to comply with the requirements of this chapter and the conditions of the certificate.

(4) The board shall issue as part of the certificate the following time limits during which construction of a facility must be completed:

(a) For a facility defined in (a) or (d) of 75-20-104(7) and for a facility as defined in (b) or (c) of 75-20-104(7) that is more than 30 miles in length, the time limit is 10 years.

(b) For a facility as defined in (b) or (c) of 75-20-104(7) that is 30 miles or less in length, the time limit is 5 years.

(c) The time limit shall be extended for a period of 2 years upon a showing by the applicant to the board that a good faith effort is being undertaken to complete

1 constructions

2       (5) The provisions of subsection (4) apply to any  
3       facility for which a certificate has not been issued or for  
4       which construction is yet to be commenced."

5       Section 2. Effective date. This act is effective on  
6       passage and approval.

-End-

Approved by Committee  
on Natural Resources

**HOUSE BILL NO. 253**

2 INTRODUCED BY THOFT, BURNETT, FRATES, ROTH, KEYSER,  
3 DOZIER, HIRSCH, ROBBINS, EUDAILY, ELLIS, SEIFERT, MARKS

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13 ~~75-20-303. Opinion issued with decision — contents.~~

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15 certificate, the board shall issue an opinion stating its  
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17 (2) If the board has found that any regional or local  
18 law or regulation which would be otherwise applicable is  
19 unreasonably restrictive pursuant to 75-20-301(2)(f), it  
20 shall state in its opinion the reasons therefor.

21 (3) Any certificate issued by the board shall include  
22 the following:

23 (a) an environmental evaluation statement related to  
24 the facility being certified. The statement shall include  
25 but not be limited to analysis of the following information:

1 the board that a good faith effort is being undertaken to  
2 complete construction.

3 (5) The provisions of subsection (4) apply to any  
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KOZTER, HIRSCH, ROBBINS, FUDATLY, FILTS, SEIFFERT, MARKS

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23 (a) an environmental evaluation statement related to  
24 the facility being certified. The statement shall include  
25 but not be limited to analysis of the following information:

1 the board that a good faith effort is being undertaken to  
2 complete construction. UNDER THIS SUBSECTION, A GOOD FAITH  
3 EFFORT TO COMPLETE CONSTRUCTION INCLUDES THE PROCESS OF  
4 ACQUIRING ANY NECESSARY STATE OR FEDERAL PERMIT OR  
5 CERTIFICATE FOR THE FACILITY AND THE PROCESS OF JUDICIAL  
6 REVIEW OF ANY SUCH PERMIT OR CERTIFICATE.

7 (5) The provisions of subsection (4) apply to any  
8 facility for which a certificate has not been issued or for  
9 which construction is yet to be commenced."

10 Section 2. Effective date. This act is effective on  
11 passage and approval.

-End-

February 23, 1979

SENATE STANDING COMMITTEE REPORT  
(Natural Resources)

That House Bill No. 253 be amended as follows:

1. Page 2, lines 17 and 18.

Following: "For" on line 17

Strike: "remainder of line 17 through "for" on line 18

March 1, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 253 be amended as follows:

1. Page 3, line 2.

Following: "construction."

Insert: "Under this subsection, a good faith effort to complete construction includes the process of acquiring any necessary state or federal permit or certificate for the facility and the process of judicial review of any such permit or certificate."