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.
	2	IN THE SEN	ATE

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.

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1	House BILL NO. 253
_	INTRODUCED BY That Burney Frites Rote Kense
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF
5	NATURAL RESOURCES AND CONSERVATION TO ISSUE AS PART OF A
6	CERTIFICATE A TIME LIHIT DURING WHICH A FACILITY MUST BE
7	CONSTRUCTED; AMENDING SECTION 75-20-303, MCA; AND PROVIDING
8	AN EFFECTIVE DATE."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 75-20-303, MCA, is amended to read:
12	#75-20-303. Opinion issued with decision contents.
13	(1) In rendering a decision on an application for a
14	certificate, the board shall issue an opinion stating its
15	reasons for the action taken.
15	(2) If the board has found that any regional or local
17	law or regulation which would be otherwise applicable is
18	unreasonably restrictive pursuant to 75-20-301(2)(f). it
19	shall state in its opinion the reasons therefor.
20	(3) Any certificate issued by the board shall include
21	the following:

(a) an environmental evaluation statement related to

(i) the environmental impact of the proposed facility;

the facility being certified. The statement shall include

but not be limited to analysis of the following information:

1	(11) any addetse qualitonmental effects which cannot be
2	avoided by issuance of the certificate;
3	(iii) problems and objections raised by other federal
4	and state agencies and interested groups;
5	(iv) alternatives to the proposed facility; and
6	(v) a plan for monitoring environmental effects of the
7	proposed facility; and
8	(vi) a time limit as provided in subsection (4), during
9	which construction of the facility must be completed:
10	(b) a statement signed by the applicant showing
11	agreement to comply with the requirements of this chapter
12	and the conditions of the certificate.
13	(4) The board shall issue as part of the certificate
14	the following time limits during which construction of a
15	facility must be completed:
16	(a) for a facility defined in (a) or (d) of
1.7	15-20-104(7) and for a facility as defined in (b) or (c) of
18	15-20-104171 that is more than 30 miles in length: the time
19	limit is 10 years.
20	(b) For a facility as defined in (b) or (c) of
21	15-29-104(1) that is 30 miles or less in length: the time
22	limit is 5 years.
23	(c) The time limit shall be extended for a period of 2
24	years upon a showing by the applicant to the board that a
25	good faith effort is being undertaken to complete

LC 0866/01

1	construction.
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-

46th Legislature HB 0253/02 HB 0253/02

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limit is 5 yearsa

Approved by Committee on Natural Resources

1	HOUSE BILL NO. 253
2	INTRODUCED BY THOFT, BURNETT, FRATES, ROTH, KEYSER,
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF
6	NATURAL RESOURCES AND CONSERVATION TO ISSUE AS PART OF A
7	CERTIFICATE A TIME LIMIT DURING WHICH A FACILITY MUST BE
8	CONSTRUCTED; AMENDING SECTION 75-20-303, MCA; AND PROVIDING
9	AN EFFECTIVE DATE-
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 75-20-303. MCA, is amended to read:
13	475-20-303. Opinion issued with decision contents.
14	(1) In rendering a decision on an application for a
15	certificate, the board shall issue an opinion stating its
16	reasons for the action taken.
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:
2 3	(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	(i) the environmental impact of the proposed facility
2	(ii) any adverse environmental effects which cannot b
3	avoided by issuance of the certificate;
4	(iii) problems and objections raised by other federa
5	and state agencies and interested groups;
6	(iv) alternatives to the proposed facility; and
7	(v) a plan for monitoring environmental effects of th
8	proposed facility; <u>and</u>
9	(vi) a time limit as provided in subsection (4). durin
10	which construction of the facility must be completed:
11	(b) a statement signed by the applicant showin
12	agreement to comply with the requirements of this chapte
13	and the conditions of the certificate.
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15	the following time limits during which construction of
16	facility must be completed:
17	(a) For a facility defined in (a) or (d) o
18	75-20-10417) and for a facility as defined in (b) or (c) o
19	15-20-104(7) that is more than 30 miles in lengths the time
20	limit is 10 years.
21	(b) For a facility as defined in (b) or (c) o

75-20-104(7) that is 30 miles or less in length, the time

(c) The time limit shall be extended for a period PERIODS of 2 years EACH upon a showing by the applicant to

-2- SECOND READING HB 253

H8 0253/02

1	the board that a good falls effort is being undertaken to
2	complete_construction.
3	(5) The provisions of subsection (4) apply to any
4	facility for which a certificate has not been issued or for
5	which construction is yet to be commenced."
6	Section 2. Effective date. This act is effective on
7	passage and approval.

-End-

-3-HB 253 46th Legislature HB 0253/02 HB 0253/02

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1	HOUSE BILL NO. 253
2	INTRODUCED BY THOFT, BURNETT, FRATES, ROTH, KEYSER,
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6	NATURAL RESOURCES AND CONSERVATION TO ISSUE AS PART OF A
7	CERTIFICATE A TIME LIMIT DURING WHICH A FACILITY MUST BE
8	CONSTRUCTED; AMENDING SECTION 75-20-303, MCA; AND PROVIDING
9	AN EFFECTIVE DATE.
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 75-20-303, MCA, is amended to read:
13	#75-20-303. Opinion issued with decision contents.
14	(1) In rendering a decision on an application for a
15	certificate, the board shall issue an opinion stating its
16	reasons for the action taken.
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
	, -

but not be limited to analysis of the following information:

25

3	avoided by issuance of the certificate;
4	(iii) problems and objections raised by other federal
5	and state agencies and interested groups;
6	(iv) alternatives to the proposed facility; and
7	(v) a plan for monitoring environmental effects of the
8	proposed facility: and
9	(vi) a time limit, as provided in subsection (4) - during
10	which construction of the facility must be completed:
11	(b) a statement signed by the applicant showing
12	agreement to comply with the requirements of this chapter
13	and the conditions of the certificate.
14	(4) The board shall issue as part of the certificate
15	the following time limits during which construction of a
16	facility must be completed:
17	(a) For a facility defined in (a) or (d) of
18	75-20-104(7) and for a facility as defined in (b) or (c) of
19	75-20-104(7) that is more than 30 miles in length. the time
20	limit_is_10_years.
21	(b) For a facility as defined in (b) or (c) of
22	75-20-104(7) that is 30 miles or less in length: the time
23	limit is 5 years.
24	(c) The time limit shall be extended for a period
25	PERIODS of 2 years EACH upon a showing by the applicant to

(i) the environmental impact of the proposed facility;

(ii) any adverse environmental effects which cannot be

HB 253

HB 0253/02

- the board that a good faith effort is being undertaken to
- complete construction.
- 3 (5) The provisions of subsection (4) apply to any
- facility for which a certificate has not been issued or for
- which construction is yet to be commenced.
- 6 Section 2. Effective date. This act is effective on
- 7 passage and approval.

-End-

46th Legislature HB 0253/03

1	HOUSE BILL NO. 253
2	INTRODUCED BY THOFT, BURNETT, FRATES, ROTH, KEYSER,
3	DOZIER, HIRSCH. K. ROBBINS, EUDAILY, ELLIS, SEIFERT, MARKS
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7	CERTIFICATE A TIME LIMIT DURING WHICH A FACILITY MUST BE
8	CONSTRUCTED; AMENDING SECTION 75-20-303. MCA: AND PROVIDING
9	AN EFFECTIVE DATE."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 75-20-303, MCA, is amended to read:
13	775-20-303. Opinion issued with decision contents.
14	(1) In rendering a decision on an application for a
15	certificate, the board shall issue an opinion stating its
16	reasons for the action taken.
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:

(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
(vil 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.
141 The board shall issue as part of the certificate
the following time limits during which construction of a
facility must be completed:
Lal For samfacility-defined-in-tolertdlef
75-20-195171
15-20-104(I) that is more than 30 miles in length, the time
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(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.

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-2- HB 253

HB 0253/03

Icl The time limit shall be extended for a period

PERIODS of 2 years EACH upon a showing by the applicant to

HR 0253/03

1	the board that a good faith effort is being undertaken to
2	complete construction. UNDER THIS SUBSECTION: A GUOD 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."
.0	Section 2. Effective date. This act is effective on
.1	passage and approval.

-End-

-3-

HB 253

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."