

HOUSE BILL 312

IN THE HOUSE

January 23, 1979

Introduced and referred to
Committee on Natural Resources.

February 21, 1979

Committee recommend bill, do
not pass.

February 22, 1979

Report adopted.

1 House BILL NO. 312
2 INTRODUCED BY Humphrey 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 MONTANA MAJOR FACILITY SITING ACT; AMENDING SECTION
7 75-20-104, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 75-20-104, MCA, is amended to read:

11 "75-20-104. Definitions. In this chapter, unless the
12 context requires otherwise the following definitions apply:

13 (1) "Addition thereto" means the installation of new
14 machinery and equipment which would significantly change the
15 conditions under which the certificate was issued.

16 (2) "Associated facilities" includes but is not
17 limited to transportation links of any kind, aqueducts,
18 diversion dams, transmission substations, storage ponds,
19 reservoirs, and any other device or equipment associated
20 with the production or delivery of the energy form or
21 product produced by a facility, except that the term does
22 not include a facility.

23 (3) "Board" means the ~~board of natural resources and~~
24 conservation public service commission provided for in
25 2-15-3302 Title 69, chapter 1, part 1.

1 (4) "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 (5) "Commence to construct" means:

6 (a) any clearing of land, excavation, construction, or
7 other action that would affect the environment of the site
8 or route of a facility but does not mean changes needed for
9 temporary use of sites or routes for nonutility purposes or
10 uses in securing geological data, including necessary
11 borings to ascertain foundation conditions;

12 (b) the fracturing of underground formations by any
13 means if such activity is related to the possible future
14 development of a gasification facility or a facility
15 employing geothermal resources but does not include the
16 gathering of geological data by boring of test holes or
17 other underground exploration, investigation, or
18 experimentation;

19 (c) the commencement of eminent domain proceedings
20 under Title 70, chapter 30, for land or rights-of-way upon
21 or over which a facility may be constructed;

22 (d) the relocation or upgrading of an existing
23 facility defined by (b) or (c) of subsection (7), including
24 upgrading to a design capacity covered by subsection (7)(b),
25 except that the term does not include normal maintenance or

1 repair of an existing facility.

2 (6) "Department" means the department of natural
3 resources and conservation provided for in Title 2, chapter
4 15, part 33.

5 (7) "Facility" means:

6 (a) each plant, unit, or other facility and
7 associated facilities, except for oil and gas refineries,
8 designed for or capable of:

9 (i) generating 50 megawatts of electricity or more or
10 any addition thereto (except pollution control facilities
11 approved by the department of health and environmental
12 sciences added to an existing plant) having an estimated
13 cost in excess of \$250,000;

14 (ii) producing 25 million cubic feet of gas per day or
15 more or any addition thereto having an estimated cost in
16 excess of \$250,000;

17 (iii) producing 25,000 barrels of liquid hydrocarbon
18 products per day or more or any addition thereto having an
19 estimated cost in excess of \$250,000;

20 (iv) enriching uranium minerals or any addition thereto
21 having an estimated cost in excess of \$250,000; or

22 (v) utilizing, refining, or converting 500,000 tons of
23 coal per year or more or any addition thereto having an
24 estimated cost in excess of \$250,000;

25 (b) each electric transmission line and associated

1 facilities of a design capacity of more than 69 kilovolts,
2 except that the term does not include an electric
3 transmission line and associated facilities of a design
4 capacity of 230 kilovolts or less and 10 miles or less in
5 length;

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

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

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

15 (8) "Municipality" means any county or municipality
16 within this state.

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

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

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