

SENATE BILL 320

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Natural Resources.
February 10, 1979	Committee recommend bill, as amended.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Motion, pass consideration.
February 15, 1979	Second reading, do pass.
February 16, 1979	Considered correctly engrossed.
February 17, 1979	Third reading, passed.

IN THE HOUSE

February 19, 1979	Introduced and referred to Committee on Natural Resources
March 19, 1979	Committee recommend bill, not concurred.
March 20, 1979	Report adopted.

IN THE SENATE

March 21, 1979	Returned from House, not concurred.
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1 *State* BILL NO. *320*
 2 INTRODUCED BY *Stacy Masley Neely Thomas*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 75-20-104, MCA, CLARIFYING DEFINITIONS UNDER THE MONTANA
 6 MAJOR FACILITY SITING ACT."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

10 "75-20-104. Definitions. In this chapter, unless the
 11 context requires otherwise the following definitions apply:

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

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

22 (3) "Board" means the board of natural resources and
 23 conservation provided for in 2-15-3302.

24 (4) "Certificate" means: ~~the certificate of~~
 25 ~~environmental compatibility and public need issued by the~~

1 ~~board under this chapter that is required for the~~
 2 ~~construction or operation of a facility;~~

3 (a) for utility facilities, the certificate of public
 4 needs, location, type, and environmental compatibility issued
 5 by the board under this chapter, required for and
 6 authorizing the construction, operation, and maintenance of
 7 a utility facility; and

8 (b) for nonutility facilities, the certificate of
 9 environmental compatibility issued by the board under this
 10 chapter, required for and authorizing the construction,
 11 operation, and maintenance of a nonutility facility;

12 (5) "Commence to construct" means:

13 (a) any clearing of land, excavation, construction, or
 14 other action that would affect the environment of the site
 15 or route of a facility but does not mean changes needed for
 16 temporary use of sites or routes for nonutility purposes or
 17 uses in securing geological data, including necessary
 18 borings to ascertain foundation conditions;

19 (b) the fracturing of underground formations by any
 20 means if such activity is related to the possible future
 21 development of a gasification facility or a facility
 22 employing geothermal resources but does not include the
 23 gathering of geological data by boring of test holes or
 24 other underground exploration, investigation, or
 25 experimentation;

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

4 (d) the relocation or upgrading of an existing
5 facility defined by (b) or (c) of subsection (7), including
6 upgrading to a design capacity covered by subsection (7)(b),
7 except that the term does not include normal maintenance or
8 repair of an existing facility.

9 (6) "Department" means the department of natural
10 resources and conservation provided for in Title 2, chapter
11 15, part 33.

12 (7) "Facility" means:

13 (a) each plant, unit, or other facility and
14 associated facilities, except for oil and gas refineries,
15 designed for or capable of:

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

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

24 (iii) producing 25,000 barrels of liquid hydrocarbon
25 products per day or more or any addition thereto having an

1 estimated cost in excess of \$250,000;

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

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

7 (b) each electric transmission line and associated
8 facilities of a design capacity of more than 69 kilovolts,
9 except that the term does not include an electric
10 transmission line and associated facilities of a design
11 capacity of 230 kilovolts or less and 10 miles or less in
12 length;

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

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

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

22 (8) "Gas" means commercial grade pipeline gas with a
23 heating value exceeding 900 British thermal units (Btu) per
24 cubic foot under standard conditions of temperature and
25 pressure.

1 ~~107~~ "Municipality" means any county or municipality
2 within this state.

3 ~~109~~~~110~~ "Person" means any individual, group, firm,
4 partnership, corporation, cooperative, association,
5 government subdivision, government agency, local government,
6 or other organization or entity.

7 111 "Standard conditions" means a temperature of 60
8 degrees F (15.5 degrees C) and a pressure of 14.73 pounds
9 per square inch absolute.

10 ~~112~~ "Utility" means any person engaged in any
11 aspect of the production, storage, sale, delivery, or
12 furnishing of heat, electricity, gas, hydrocarbon products,
13 or energy in any form for ultimate public use."

-End-

Approved by Committee
on Natural Resources

1 SENATE BILL NO. 320

2 INTRODUCED BY STORY, MANLEY, HEALY, THIESSEN

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14 conditions under which the certificate was issued.

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17 diversion dams, transmission substations, storage ponds,
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20 product produced by a facility, except that the term does
21 not include a facility.

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1 ~~board under this chapter that is required for the~~
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3 or over which a facility may be constructed;

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6 upgrading to a design capacity covered by subsection (7)(b),
7 except that the term does not include normal maintenance or
8 repair of an existing facility.

9 (6) "Department" means the department of natural
10 resources and conservation provided for in Title 2, chapter
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20 cost in excess of \$250,000;

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22 more or any addition thereto having an estimated cost in
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25 products per day or more or any addition thereto having an

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20 creation, use, or conversion of energy;

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22 (8) "Gas" means commercial grade pipeline gas with a
23 heating value exceeding 900 British thermal units (Btu) per
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