

# CHAPTER NO. 521.

## SENATE BILL NO. 323

INTRODUCED BY E. SMITH, STEPHENS, KOLSTAD, NELSON,  
AKLESTAD, THIESSEN, DOVER

### IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Natural Resources.
February 10, 1979	Committee recommend bill do pass as amended. Report adopted.
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. Transmitted to second house.

### IN THE HOUSE

February 19, 1979	Introduced and referred to Committee on Natural Resources.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 20, 1979	Second reading, pass consideration.
March 21, 1979	Second reading, concurred in as amended.
March 23, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 24, 1979

Returned from second house.  
Concurred in as amended.

March 26, 1979

Second reading, pass con-  
sideration until March 28,  
1979.

March 28, 1979

Second reading, amendments  
adopted.

March 29, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 323  
2 INTRODUCED BY E. Smith STEPHENS, Holwad NELSON  
3 *Related* Theresa, Don

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN  
5 NATURAL GAS OR CRUDE OIL FACILITIES AND ASSOCIATED  
6 FACILITIES ARE NOT WITHIN THE DEFINITION OF "FACILITY" UNDER  
7 THE MONTANA MAJOR FACILITY SITING ACT; AMENDING SECTION  
8 75-20-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

11 Section 1. Section 75-20-104, MCA, is amended to read:  
12 "75-20-104. Definitions. In this chapter, unless the  
13 context requires otherwise the following definitions apply:

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

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

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

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 and except for facilities and associated facilities designed  
9 for or capable of producing, gathering, processing,  
10 transmitting, transporting, or distributing natural gas or  
11 crude oil, that are designed for or capable of:

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

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

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

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

25 (v) utilizing, refining, or converting 500,000 tons of

1 coal per year or more or any addition thereto having an  
2 estimated cost in excess of \$250,000;

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

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

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

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

18 (8) "Municipality" means any county or municipality  
19 within this state.

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

24 (10) "Utility" means any person engaged in any aspect  
25 of the production, storage, sale, delivery, or furnishing of

1 heat, electricity, gas, hydrocarbon products, or energy in  
2 any form for ultimate public use."

3 Section 2. Effective date. This act is effective on  
4 passage and approval.

-End-

SB 323

STATE OF MONTANA

REQUEST NO. 502-79

FISCAL NOTE

*Form BD-15*

In compliance with a written request received March 22, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 323 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

Senate Bill 323 provides that certain natural gas or crude oil facilities and associated facilities are not within the definition of "facility" under the Montana Major Facility Siting Act.

Assumptions:

No dollar estimates have been provided. This bill clarifies that crude oil and natural gas facilities are exempt from the siting act. The Department has not studied this type of facility in the past.

*Richard O. Trenham*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3/22/79

Approved by Committee  
on Natural Resources

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2                   INTRODUCED BY E. SMITH, STEPHENS, KOLSTAD, NELSON,  
3                   AXLESTAD, THIESSEN, DOVER

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16                  machinery and equipment which would significantly change the  
17                  conditions under which the certificate was issued.

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

25                  (3) "Board" means the board of natural resources and

1                   conservation provided for in 2-15-3302.

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

6                  (5) "Commence to construct" means:

7                  (a) any clearing of land, excavation, construction, or  
8                  other action that would affect the environment of the site  
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10                 temporary use of sites or routes for nonutility purposes or  
11                 uses in securing geological data, including necessary  
12                 borings to ascertain foundation conditions;

13                  (b) the fracturing of underground formations by any  
14                  means if such activity is related to the possible future  
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20                  (c) the commencement of eminent domain proceedings  
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22                  or over which a facility may be constructed;

23                  (d) the relocation or upgrading of an existing  
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25                  upgrading to a design capacity covered by subsection (7)(b),

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 2 repair of an existing facility.

3 (6) "Department" means the department of natural  
 4 resources and conservation provided for in Title 2, chapter  
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6 (7) "Facility" means:

7 (a) EXCEPT FOR CRUDE OIL AND NATURAL GAS REFINERIES;  
 8 AND FACILITIES AND ASSOCIATED FACILITIES DESIGNED FOR OR  
 9 CAPABLE OF PRODUCING, GATHERING, PROCESSING, TRANSMITTING,  
 10 TRANSPORTING, OR DISTRIBUTING CRUDE OIL OR NATURAL GAS; each  
 11 plant, unit, or other facility and associated facilities;  
 12 except-for-off-and-gas-refineries-and-except-for-facilities  
 13 and--associated--facilities--designed--for--or--capable--of  
 14 producing----gathering----processing----transmitting  
 15 transporting--or--distributing--natural--gas--or--crude--oil--that  
 16 are designed for or capable of:

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

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 23 more or any addition thereto having an estimated cost in  
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 6 coal per year or more or any addition thereto having an  
 7 estimated cost in excess of \$250,000;

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

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 17 without this state of the size indicated in subsection  
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23 (8) "Municipality" means any county or municipality  
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2 government subdivision, government agency, local government,  
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7 any form for ultimate public use."

8 Section 2. Effective date. This act is effective on  
9 passage and approval.

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-End-

SB 323

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 9 AND-FACILITIES-AND-ASSOCIATED-FACILITIES-DESIGNED-FOR-OR  
 10 CAPABLE-OF-PRODUCING-GATHERING-PROCESSING-TRANSMITTING  
 11 TRANSPORTING,-OR-DISTRIBUTING-ERUPTIONS-BIT-OR-NATURAL-GAS  
 12 EXCEPT-FOR-CRUIDE-OIL-AND-NATURAL-GAS-REFINERIES-AND  
 13 FACILITIES-AND-ASSOCIATED-FACILITIES-DESIGNED-FOR-OR-CAPABLE  
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 15 TRANSPORTING,-OR-DISTRIBUTING-CRUIDE-OIL-OR-NATURAL-GAS; each  
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 25 approved by the department of health and environmental

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 22 ~~ERUPTIONS~~ (EXCEPT  
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13 any form for ultimate public use."

14 Section 2. Effective date. This act is effective on  
15 passage and approval.

-End-

HOUSE OF REPRESENTATIVES  
March 19, 1979

Natural Resource Committee Amendments to SB 323, 3rd Reading Copy,  
as follows:

1. Title, line 6.

Strike: "NATURAL"

Strike: "OR CRUDE OIL"

2. Page 3, lines 7 through 10.

Following: "(a)"

Strike: remainder of lines 7 through "GAS," on line 10

3. Page 3, line 16.

Following: "are"

Insert: ", except for oil and gas refineries,"

4. Page 3, line 22

Following: "gas"

Insert: "made from coal"

5. Page 4, line 15.

Following: "gas"

Insert: "made from coal"

AND AS AMENDED BE CONCURRED IN

HOUSE OF REPRESENTATIVES  
March 21, 1979

Committee of the Whole Amendments to Natural Resources Amendments,  
dated March 19, 1979, to Senate Bill No. 323, 3rd reading copy,  
as follows:

1. Amendments 1 through 4.

Strike: Amendments 1 through 4 in their entirety

2. Amendment 5

Following: "Insert:"

Strike: "made from coal"

Insert: "(except for natural gas)"

AND AS AMENDED  
BE CONCURRED IN