

House Bill 426

In The House

January 22, 1981	Introduced and referred to Committee on Natural Resources.
January 23, 1981	Fiscal note requested.
January 27, 1981	Fiscal note returned.
April 23, 1981	Died in Committee.

1 HOUSE BILL NO. 426
2 INTRODUCED BY *H. ...*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE CERTAIN
5 MINERAL PROCESSING PLANTS UNDER THE MAJOR FACILITY SITING
6 ACT; AMENDING SECTIONS 75-20-102 AND 75-20-104, MCA."

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

9 Section 1. Section 75-20-102, MCA, is amended to read:

10 "75-20-102. Policy and legislative findings. (1) It is
11 the constitutionally declared policy of this state to
12 maintain and improve a clean and healthful environment for
13 present and future generations, to protect the environmental
14 life-support system from degradation and prevent
15 unreasonable depletion and degradation of natural resources,
16 and to provide for administration and enforcement to attain
17 these objectives.

18 (2) The legislature finds that the construction of
19 additional ~~power---~~ energy conversion or industrial
20 facilities may be necessary to meet the increasing need for
21 electricity, energy, and other products and that these
22 facilities have an effect on the environment, an impact on
23 population concentration, and an effect on the welfare of
24 the citizens of this state. Therefore, it is necessary to
25 ensure that the location, construction, and operation of

1 ~~power-and~~ energy conversion and industrial facilities will
2 produce minimal adverse effects on the environment and upon
3 the citizens of this state by providing that a power or
4 energy conversion or industrial facility may not be
5 constructed or operated within this state without a
6 certificate of environmental compatibility and public need
7 acquired pursuant to this chapter."

8 Section 2. Section 75-20-104, MCA, is amended to read:

9 "75-20-104. Definitions. In this chapter, unless the
10 context requires otherwise, the following definitions apply:

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

14 (2) "Application" means an application for a
15 certificate submitted in accordance with this chapter and
16 the rules adopted hereunder.

17 (3) "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 (4) "Board" means the board of natural resources and
25 conservation provided for in 2-15-3302.

1 (5) "Board of health" means the board of health and
2 environmental sciences provided for in 2-15-2104.

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

7 (7) "Commence to construct" means:

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

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

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

24 (d) the relocation or upgrading of an existing
25 facility defined by (b) or (c) of subsection (10), including

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

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

7 (9) "Department of health" means the department of
8 health and environmental sciences provided for in Title 2,
9 chapter 15, part 21.

10 (10) "Facility" means:

11 (a) except for crude oil and natural gas refineries,
12 and facilities and associated facilities designed for or
13 capable of producing, gathering, processing, transmitting,
14 transporting, or distributing crude oil or natural gas, each
15 plant, unit, or other facility and associated facilities
16 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;

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

25 (iii) producing 25,000 barrels of liquid hydrocarbon

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

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

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

14 (c) each pipeline and associated facilities designed
15 for or capable of transporting gas (except for natural gas),
16 water, or liquid hydrocarbon products from or to a facility
17 located within or without this state of the size indicated
18 in subsection (10)(a) of this section;

19 (d) any use of geothermal resources, including the use
20 of underground space in existence or to be created, for the
21 creation, use, or conversion of energy, designed for or
22 capable of producing geothermally derived power equivalent
23 to 25 million Btu per hour or more or any addition thereto
24 having an estimated cost in excess of \$250,000;

25 (e) any underground in situ gasification of coal;

1 ~~(f) any industrial facility with a construction cost~~
2 ~~of at least \$25 million that processes, smelts, reduces,~~
3 ~~refines, or manufactures any natural resource for sale or~~
4 ~~commercial use.~~

5 ~~(11) "Natural resource" means any metalliferous or~~
6 ~~nonmetalliferous mineral products or combination or compound~~
7 ~~of such products, but does not mean timber or any products~~
8 ~~thereof.~~

9 ~~(12) "Person" means any individual, group, firm,~~
10 ~~partnership, corporation, cooperative, association,~~
11 ~~government subdivision, government agency, local government,~~
12 ~~or other organization or entity.~~

13 ~~(13) "Transmission substation" means any structure,~~
14 ~~device, or equipment assemblage, commonly located and~~
15 ~~designed for voltage regulation, circuit protection, or~~
16 ~~switching necessary for the construction or operation of a~~
17 ~~proposed transmission line.~~

18 ~~(14) "Utility" means any person engaged in any~~
19 ~~aspect of the production, storage, sale, delivery, or~~
20 ~~furnishing of heat, electricity, gas, hydrocarbon products,~~
21 ~~or energy in any form for ultimate public use."~~

-End-

HB 426

STATE OF MONTANA

REQUEST NO. 207-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 23, 19 81, there is hereby submitted a Fiscal Note for House Bill 426 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

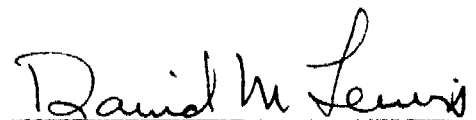
This is an act to include certain mineral processing plants under the Major Facility Siting Act.

Assumptions

1. The Department of Health and Environmental Sciences will only do a portion of the activity required under this act. Specifically, we will become involved with the permits issued under the Air and Water Pollution Control Acts.
2. Due to the nature of this activity, it is impossible to make projections of revenue and costs.

Fiscal Impact

As stated above, no revenue or expense items have been extended for the 1982-83 biennium as it is impossible to project the activity.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-27-81