

HOUSE BILL NO. 607

INTRODUCED BY HARP, D. BROWN, QUILICI, KEEDY

IN THE HOUSE

February 2, 1981	Introduced and referred to Committee on Natural Resources.
February 17, 1981	Committee recommend bill do pass as amended. Report adopted.
February 18, 1981	Bill printed and placed on members' desks.
February 20, 1981	Second reading, do pass.
February 21, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 97; Noes, 2. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on Natural Resources.
March 17, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 19, 1981	Second reading, concurred in.
March 21, 1981	Third reading, concurred in as amended. Ayes, 48; Noes, 0.

IN THE HOUSE

March 23, 1981	Returned from Senate with amendments.
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April 7, 1981

Second reading, amendments
concurrent in.

On motion rules suspended and
bill placed on third reading
this day.

Third reading, amendments
concurrent in. Ayes, 94;
Noes, 1. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 607
 2 INTRODUCED BY HART Sue Brown Lusk
 3 Kochly

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 75-20-219, MCA, TO ASSIGN THE BURDEN OF PROOF WHEN
 6 APPLICATION IS MADE TO AMEND A CERTIFICATE OF ENVIRONMENTAL
 7 COMPATIBILITY AND PUBLIC NEED UNDER THE MONTANA MAJOR
 8 FACILITY SITING ACT."

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

11 Section 1. Section 75-20-219, MCA, is amended to read:
 12 "75-20-219. Amendments to a certificate. (1) Within 30
 13 days after notice of an amendment to a certificate is given
 14 as set forth in 75-20-213(1) including notice to all active
 15 parties to the original proceeding, the department shall
 16 determine whether the proposed change in the facility would
 17 result in any material increase in any environmental impact
 18 of the facility or a substantial change in the location of
 19 all or a portion of the facility other than as provided in
 20 the alternates set forth in the original application. If the
 21 department determines that the proposed change would result
 22 in any material increase in any environmental impact of the
 23 facility or a substantial change in the location of all or a
 24 portion of the facility, the board shall hold a hearing in
 25 the same manner as a hearing is held on an application for a

1 certificate. After hearing, the board shall grant, deny, or
 2 modify the amendment with such conditions as it deems
 3 appropriate.

4 (2) In those cases where the department determines
 5 that the proposed change in the facility would not result in
 6 any material increase in any environmental impact or would
 7 not be a substantial change in the location of all or a
 8 portion of the facility, the board shall automatically grant
 9 the amendment either as applied for or upon such terms or
 10 conditions as the board considers appropriate unless the
 11 department's determination is appealed to the board within
 12 15 days after notice of the department's determination is
 13 given.

14 (3) If ~~the department determines that~~ a hearing is
 15 required ~~because the proposed change would result in any~~
 16 ~~material increase in any environmental impact of the~~
 17 ~~facility or a substantial change in the location of all or~~
 18 ~~a portion of the facility,~~ the applicant has the burden of
 19 showing by clear and convincing evidence that the amendment
 20 should be granted.

21 (4) ~~If the department determines that the proposed~~
 22 ~~change in the facility would not result in any material~~
 23 ~~increase in any environmental impact or would not be a~~
 24 ~~substantial change in the location of all or a portion of~~
 25 ~~the facility, and a hearing is required because the~~

INTRODUCED BILL
 HB 607

LC 2057/01

1 department's determination is appealed to the board as
2 provided in 75-20-219(2), the appellant has the burden of
3 showing by clear and convincing evidence that the amendment
4 should not be granted.

5 (4)(5) If an amendment is required to a certificate
6 which would affect, amend, alter or modify a decision,
7 opinion, order, certification, or permit issued by the
8 department of health or board of health, such amendment must
9 be processed under the applicable statutes administered by
10 the department of health or board of health."

-End-

Approved by Committee
on Natural Resources

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 11 department's determination is appealed to the board within
 12 15 days after notice of the department's determination is
 13 given.

14 (3) If the department OR THE BOARD UNDER SUBSECTION
 15 (4) determines that a hearing is required because the
 16 proposed change would result in any material increase in any
 17 environmental impact of the facility or a substantial change
 18 in the location of all or a portion of the facility, the
 19 applicant has the burden of showing by clear and convincing
 20 evidence that the amendment should be granted.

21 (4) If the department determines that the proposed
 22 change in the facility would not result in any material
 23 increase in any environmental impact or would not be a
 24 substantial change in the location of all or a portion of
 25 the facility, and a hearing is required because the

1 department's determination is appealed to the board as
2 provided in 75-20-219(2), the appellant has the burden of
3 showing by clear and convincing evidence that the amendment
4 should--not--be--granted THE PROPOSED CHANGE IN THE FACILITY
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8 PROVIDED IN THE ALTERNATES SET FORTH IN THE ORIGINAL
9 APPLICATION.

10 (4)(5) If an amendment is required to a certificate
11 which would affect, amend, alter or modify a decision,
12 opinion, order, certification, or permit issued by the
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-End-

March 17, 1981

SENATE STANDING COMMITTEE REPORT
(Natural Resources)

That House Bill No. 607 be amended as follows:

1. Page 3, line 4.
Following: "granted"
Strike: "THE"

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Following: "granted"
Strike: "THE"