

Senate Bill 89

In The Senate

January 9, 1981	Introduced and referred to Committee on Judiciary.
January 20, 1981	Committee recommend bill do pass.
January 21, 1981	Bill printed and placed on members' desks.
January 22, 1981	Second reading do pass.
January 23, 1981	Considered correctly engrossed.
January 24, 1981	Third reading passed.

In The House

January 26, 1981	Introduced and referred to Committee on Judiciary.
March 11, 1981	Committee recommend bill not concurred.

In The Senate

March 12, 1981	Returned from House not concurred.
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1 *Sen.* BILL NO. 89
2 INTRODUCED BY Manley Norman, Jr., again
3 Malcolm Johnson
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ATTORNEY
5 GENERAL TO BRING AN ACTION TO DETERMINE THE JURISDICTION OF
6 THE STATE IN EACH INSTANCE WHEN A FEDERAL ENTITY IS INVOLVED
7 WITH A FACILITY SITED IN MONTANA AND AN APPLICATION FOR A
8 CERTIFICATE HAS NOT BEEN MADE; AMENDING SECTION 75-20-202,
9 MCA."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 75-20-202, MCA, is amended to read:
13 "75-20-202. Exemptions --federal preemption-- action
14 to determine. (1) This chapter does not apply to any aspect
15 of a facility over which an agency of the federal government
16 has such exclusive jurisdiction, as precludes the
17 application of this chapter, but this chapter applies to any
18 unpreempted aspect of a facility over which an agency of the
19 federal government has partial such jurisdiction, as does
20 not preclude the application of this chapter. If a person,
21 including an agency of the federal government, does not
22 apply for a certificate under this chapter as the result of
23 the application of this subsection, the attorney general
24 shall bring a civil action on behalf of the state to
25 determine if an agency of the federal government has such

1 exclusive jurisdiction of any aspect of a facility's siting
2 as to preclude the application of this chapter, and, if not,
3 to require compliance with this chapter.
4 (2) A certificate is not required under this chapter
5 for a facility under diligent onsite physical construction
6 or in operation on January 1, 1973.
7 (3) The board may adopt reasonable rules establishing
8 exemptions from this chapter for the relocation,
9 reconstruction, or upgrading of a facility that would
10 otherwise be covered by this chapter and that is unlikely to
11 have a significant environmental impact by reason of length,
12 size, location, available space or right-of-way, or
13 construction methods."

-End-

Approved by Committee
on Judiciary

Senate BILL NO. 89

1 INTRODUCED BY *Mark D. Norman, Waller*
2 *McAllister Johnson*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ATTORNEY
5 GENERAL TO BRING AN ACTION TO DETERMINE THE JURISDICTION OF
6 THE STATE IN EACH INSTANCE WHEN A FEDERAL ENTITY IS INVOLVED
7 WITH A FACILITY SITED IN MONTANA AND AN APPLICATION FOR A
8 CERTIFICATE HAS NOT BEEN MADE; AMENDING SECTION 75-20-202,
9 MCA."

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

11 Section 1. Section 75-20-202, MCA, is amended to read:
12 "75-20-202. Exemptions ~~or~~ federal preemption ~~or~~ action
13 to determine. (1) This chapter does not apply to any aspect
14 of a facility over which an agency of the federal government
15 has such exclusive jurisdiction, as precludes the
16 application of this chapter, but this chapter applies to any
17 unpreempted aspect of a facility over which an agency of the
18 federal government has partial such jurisdiction, as does
19 not preclude the application of this chapter. If a person,
20 including an agency of the federal government, does not
21 apply for a certificate under this chapter as the result of
22 the application of this subsection, the attorney general
23 shall bring a civil action on behalf of the state to
24 determine if an agency of the federal government has such

1 exclusive jurisdiction of any aspect of a facility's siting
2 as to preclude the application of this chapter, and, if not,
3 to require compliance with this chapter.

4 (2) A certificate is not required under this chapter
5 for a facility under diligent onsite physical construction
6 or in operation on January 1, 1973.

7 (3) The board may adopt reasonable rules establishing
8 exemptions from this chapter for the relocation,
9 reconstruction, or upgrading of a facility that would
10 otherwise be covered by this chapter and that is unlikely to
11 have a significant environmental impact by reason of length,
12 size, location, available space or right-of-way, or
13 construction methods."

-End-

-2- SECOND READING

SB 89

1 *Senate* BILL NO. *89*
2 INTRODUCED BY *Mark D. Norman, Jeffries*
3 *McAllister Johnson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ATTORNEY
5 GENERAL TO BRING AN ACTION TO DETERMINE THE JURISDICTION OF
6 THE STATE IN EACH INSTANCE WHEN A FEDERAL ENTITY IS INVOLVED
7 WITH A FACILITY SITED IN MONTANA AND AN APPLICATION FOR A
8 CERTIFICATE HAS NOT BEEN MADE; AMENDING SECTION 75-20-202,
9 MCA."

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

11 Section 1. Section 75-20-202, MCA, is amended to read:
12 "75-20-202. Exemptions -- federal presumption -- action
13 to determine. (1) This chapter does not apply to any aspect
14 of a facility over which an agency of the federal government
15 has such exclusive jurisdiction, as precludes the
16 application of this chapter, but this chapter applies to any
17 unpreempted aspect of a facility over which an agency of the
18 federal government has partial such jurisdiction as does
19 not preclude the application of this chapter. If a person
20 including an agency of the federal government, does not
21 apply for a certificate under this chapter as the result of
22 the application of this subsection, the attorney general
23 shall bring a civil action on behalf of the state to
24 determine if an agency of the federal government has such

1 exclusive jurisdiction of any aspect of a facility's siting
2 as to preclude the application of this chapter, and, if not
3 to require compliance with this chapter.
4 (2) A certificate is not required under this chapter
5 for a facility under diligent onsite physical construction
6 or in operation on January 1, 1973.
7 (3) The board may adopt reasonable rules establishing
8 exemptions from this chapter for the relocation,
9 reconstruction, or upgrading of a facility that would
10 otherwise be covered by this chapter and that is unlikely to
11 have a significant environmental impact by reason of length,
12 size, location, available space or right-of-way, or
13 construction methods."

-End-

-2- THIRD READING

SB 89