## HOUSE BILL NO. 263

# INTRODUCED BY REAM, BRAND, VAN VALKENBURG, MARBUT, J. HAMMOND, KADAS, VELEBER, J. JENSEN, MARKS, NORMAN

IN T	HE	HOU	SE
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January 15	i, 1983	Introduced and referred to Committee on Natural Resources.
February 4	, 1983	Committee recommend bill do pass as amended. Report adopted.
Pebruary 5	i, 1983	Bill printed and placed on members' desks.
February 7	, 1983	Second reading, do pass.
Pebruary 8	, 1983	Considered correctly engrossed.
February 9	9, 1983	Third reading, passed. Transmitted to Senate.

## IN THE SENATE

February 10, 1983

March 8, 1983

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March 10, 1983

March 12, 1983

Introduced and referred to Committee on Natural Resources.

Committee recommend bill be concurred in. Report adopted.

Second reading, concurred in.

Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 12, 1983

Returned to House.

# March 14, 1983

Sent to enrolling.

Reported correctly enrolled.

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LC 1010/01

House BILL ND. 263 1 INTRODUCED BY Ream Brank the Williak Z - Hanmord Keelso Veleter J. Tennest 3 AN ACT ENTITLED: "AN ACT TO AHEND THE MONTANA 5 MAJOR FACILITY SITING ACT TO DELETE THE PROVISION EXEMPTING FEDERAL FACILITIES FROM ITS COVERAGE; AMENDING SECTION 6 7 75-20-202, MCA." 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 75-20-202, MCA, is amended to read: 11 \*75-20-202. Exemptions. the transformed and the transformation and transformation and the transformation and transformatio 12 appiy-to-any-aspect-of-a-facitity-over-which--on--agency--of 13 the--foderat--qovernment--hos--exctustve--inrtadictiony--but 14 applies-to-any-unpreempted-aspect-of-a-facility--over--which an---agency---af---the---federal----government----has---parttal 15 16 jurisdiction.

17 tet(1) A certificate is not required under this
18 chapter for a facility under diligent onsite physical
19 construction or in operation on January 1+ 1973+

(3)(2) The board may adopt reasonable rules 20 establishing exemptions from this chapter for the 21 relocation, reconstruction, or upgrading of a facility that: 22 (a) would otherwise be covered by this chapter; and 23 24 (b) (i) is unlikely to have а significant 25 environmental impact by reason of length, size, location,

1 available space or right-of-way, or construction methods; or 2 (ii) utilizes coal, wood, biomass, grain, wind, or sun 3 as a fuel source and the technology of which will result in 4 greater efficiency, promote energy conservation, and promote 5 greater system reliability than the existing facility."

-End-

LC 1010/01

-2- INTRODUCED BILL HB 263

#### 48th Legislature

25

#### HB 0263/02

#### HB 0263/02

### Approved by Committee on Natural Resources

1	HOUSE BILL NO. 263
2	INTRODUCED BY REAM, BRAND, VAN VALKENBURG, MARBUT,
3	J. HAMMOND, KADAS, VELEBER, J. JENSEN, MARKS, NORMAN
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
6	MAJOR FACILITY SITING ACT TO DELETE THE PROVISION EXEMPTING
7	FEDERAL FACILITIES FROM ITS COVERAGE; AMENDING <del>section</del>
8	<u>SECTIONS 75-20-201 AND</u> 75-20-202, MCA
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	SECTION 1. SECTION 75-20-201. NCA. IS AMENDED TO READ:
12	♥75-20-201• Certificate required operation in
13	conformance approval by popular vote of certificate for
14	nuclear facility. (1) A person may not commence to construct
15	a facility in the state without first applying for and
16	obtaining a certificate of environmental compatibility and
17	public need issued with respect to the facility by the
18	board.
19	(2) A facility with respect to which a certificate is
20	issued may not thereafter be constructed, operated, or
21	maint∃ined except in conformity with the certificate and any
22	terms, conditions, and modifications contained therein.
23	(3) A certificate may only be issued pursuant to this
24	chapter.

(4) If the board decides to issue a certificate for a

nuclear facility, it shall report such recommendation to the
 applicant and may not issue the certificate until such
 recommendation is approved by a majority of the voters in a
 statewide election called by initiative or referendum
 according to the laws of this state.

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6 (51\_This\_\_chapter\_applies.to\_the\_fullest\_extent
7 allowed\_by\_federal\_law.to\_all\_federal\_facilities\_and\_to\_all
8 facilities\_over\_which\_an\_agency\_of\_the\_federal\_government
9 has\_jurisdiction.\*"
10 Section 2. Section 75-20-202, MCA, is amended to read:
11 \*75-20-202. Exemptions. tip-This-chapter-does-not

12 apply-to-any-aspect-of-a-facility-over-which--an--agency--af 13 the--federal--government--has--exclusive--jurisdictiony--but 14 applies-to-any-unpreempted-aspect-of-a-facility--over--which 15 an---agency---of---the---federal---government---has--partial 16 jurisdictiony

17 (2)(1) A certificate Is not required under this
18 chapter for a facility under diligent onsite physical
19 construction or In operation on January 1, 1973.

20 (3)(2) The board may adopt reasonable rules
 21 establishing exemptions from this chapter for the
 22 relocation, reconstruction, or upgrading of a facility that:

23 (a) would otherwise be covered by this chapter; and
24 (b) (i) is unlikely to have a significant
25 environmental impact by reason of length, size, location,

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SECOND READING

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available space or right-of-way, or construction methods; or
 (ii) utilizes coal, wood, biomass, grain, wind, or sun
 as a fuel source and the technology of which will result in
 greater efficiency, promote energy conservation, and promote
 greater system reliability than the existing facility."

-End-

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HB 0263/02	
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HOUSE BILL NO. 263	1	nuclear
INTRODUCED BY REAM, BRAND, VAN VALKENBURG, MARBUT,	2	app1icant
J. HAMMOND, KADAS, VELEBER, J. JENSEN, MARKS, NORMAN	3	recomen
	4	statewide
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA	5	according
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FEDERAL FACILITIES FROM ITS COVERAGE; AMENDING SECTION	7	allowed_
SECTIONS 75-20-201 AND 75-20-202, MCA."	8	facilitle
	9	<u>has juri</u> :
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boar d•	18	chapter
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issued may not thereafter be constructed, operated, or	20	<del>(3)</del>
maintained except in conformity with the certificate and any	21	establis
terms, conditions, and modifications contained therein.	22	relocati
(3) A certificate may only be issued pursuant to this	23	(a)
chapter.	24	(6)
(4) If the board decides to issue a certificate for a	25	environm

Inuclear facility, it shall report such recommendation to the applicant and may not issue the certificate until such recommendation is approved by a majority of the voters in a statewide election called by initiative or referendum according to the laws of this state.

This chapter applies, to the fullest extent <u>by federal laws to all federal facilities and to all</u> es over which an agency of the federal government sdiction." tion 2. Section 75-20-202, MCA, is amended to read: -20-202. Exemptions. <del>(1)--This--chapter--does--not</del> -any-aspect-of-a-facility-over-which--an--agency--of eral---qovernment---has---exclusive---jurisdictiony---but to-any-unpreempted-aspect-of-a-facility--over--which ney---of---the---federal---government---has--portial tton\* 111 A certificate is not required under this for a facility under diligent onsite physical tion or in operation on January 1, 1973. adopt reasonable rules (2) The board **B**ay ching exemptions from this chapter for the on, reconstruction, or upgrading of a facility that: would otherwise be covered by this chapter; and significant (i) is unlikely to have а ental impact by reason of length, size, location,

> +2- HB 263 THIRD READING

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available space or right-of-way, or construction methods; or
 (ii) utilizes coal, wood, blomass, grain, wind, or sun
 as a fuel source and the technology of which will result in
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-End-

-3-

1 HOUSE BILL NO. 263 INTRODUCED BY REAM, BRAND, VAN VALKENBURG, MARBUT, z 3 J. HAMMOND, KADAS, VELEBER, J. JENSEN, MARKS, NORMAN 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA 5 MAJOR FACILITY SITING ACT TO DELETE THE PROVISION EXEMPTING 6 FEDERAL FACILITIES FROM ITS COVERAGE; AMENDING SECTION 7 8 SECTIONS 75-20-201 AND 75-20-202, MCA." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 SECTION 1. SECTION 75-20-201, MCA. IS AMENDED ID READ: "75-20-201. Certificate required -- operation in 12 conformance -- approval by popular vote of certificate for 13 nuclear facility. (1) A person may not commence to construct 14 15 a facility in the state without first applying for and obtaining a certificate of environmental compatibility and 16 public need issued with respect to the facility by the 17 19 board. (2) A facility with respect to which a certificate is 19 20 issued may not thereafter be constructed, operated, or maintained except in conformity with the certificate and any 21 terms, conditions, and modifications contained therein. 22 23 (3) A certificate may only be issued pursuant to this 24 chapter.

25 (4) If the board decides to issue a certificate for a

1 nuclear facility, it shall report such recommendation to the 2 applicant and may not issue the certificate until such recommendation is approved by a majority of the voters in a 3 4 statewide election called by initiative or referendum 5 according to the laws of this state. 6 (5) This chapter applies to the fullest extent 7 allowed\_by\_federal\_law\_to\_all\_federal\_facilities\_and\_to\_all 8 facilities\_over\_which an agency of the federal government 9 bas\_jurisdiction." 10 Section 2. Section 75-20-202, MCA, is amended to read: 11 "75-20-202. Exemptions. flt--This--chapter--does--not 12 apply-to-any-aspect-of-a-facility-oyer-which--an--agency--of the--federal--government--has--exclusive--jurisdictiony--but 13 14 applies-to-pny-unpreempted-aspect-of-a-facility--ovar--which 15 an---agency---of---the---federal---government---has--partial 16 jurisdictions 17 f2f(1) A certificate is not required under this 18 chapter for a facility under diligent onsite physical 19 construction or in operation on January 1, 1973. 20 t37121 The board may adopt reasonable rules establishing exemptions from this chapter for the 21 22 relocation, reconstruction, or upgrading of a facility that: 23 (a) would otherwise be covered by this chapter; and 24 (b) (i) is unlikely to have significant a 25 environmental impact by reason of length, size, location,

-2- REFERENCE BILL

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-End-