

HOUSE BILL NO. 263

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

IN THE HOUSE

January 15, 1983	Introduced and referred to Committee on Natural Resources.
February 4, 1983	Committee recommend bill do pass as amended. Report adopted.
February 5, 1983	Bill printed and placed on members' desks.
February 7, 1983	Second reading, do pass.
February 8, 1983	Considered correctly engrossed.
February 9, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 10, 1983	Introduced and referred to Committee on Natural Resources.
March 8, 1983	Committee recommend bill be concurred in. Report adopted.
March 10, 1983	Second reading, concurred in.
March 12, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 12, 1983	Returned to House.
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March 14, 1983

Sent to enrolling.

Reported correctly  
enrolled.

1 *House* BILL NO. *263*  
 2 INTRODUCED BY *Ream, Grand, DeLalio, Mark*  
 3 *Harmond, Kolas, Velin, J. Jensen*  
 4 *Mark Norman*  
 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 SECTION  
 8 75-20-202, MCA."

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. ~~(1) This chapter does not~~  
 12 ~~apply to any aspect of a facility over which an agency of~~  
 13 ~~the federal government has exclusive jurisdiction, but~~  
 14 ~~applies to any unpreempted aspect of a facility over which~~  
 15 ~~an agency of the federal government has partial~~  
 16 ~~jurisdiction.~~  
 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,

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-

Approved by Committee  
on Natural Resources

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MAJOR FACILITY SITING ACT TO DELETE THE PROVISION EXEMPTING  
FEDERAL FACILITIES FROM ITS COVERAGE; AMENDING SECTION  
SECTIONS 75-20-201 AND 75-20-202, MCA."

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

SECTION 1. SECTION 75-20-201, MCA, IS AMENDED TO READ:

"75-20-201. Certificate required -- operation in  
conformance -- approval by popular vote of certificate for  
nuclear facility. (1) A person may not commence to construct  
a facility in the state without first applying for and  
obtaining a certificate of environmental compatibility and  
public need issued with respect to the facility by the  
board.

(2) A facility with respect to which a certificate is  
issued may not thereafter be constructed, operated, or  
maintained except in conformity with the certificate and any  
terms, conditions, and modifications contained therein.

(3) A certificate may only be issued pursuant to this  
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.

(5) This chapter applies to the fullest extent  
allowed by federal laws to all federal facilities and to all  
facilities over which an agency of the federal government  
has jurisdiction."

Section 2. Section 75-20-202, MCA, is amended to read:

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apply to any aspect of a facility over which an agency of  
the federal government has exclusive jurisdiction, but  
applies to any unpreempted aspect of a facility over which  
an agency of the federal government has partial  
jurisdiction.~~

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

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

(a) would otherwise be covered by this chapter; and

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