

HOUSE BILL NO. 750

INTRODUCED BY BARDANOUE

BY REQUEST OF THE DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION

IN THE HOUSE

February 9, 1985	Introduced and referred to Committee on Natural Resources.
February 11, 1985	Fiscal Note requested.
February 15, 1985	Fiscal Note returned.
February 23, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass.
February 26, 1985	Considered correctly engrossed.
February 27, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

March 6, 1985	Introduced and referred to Committee on Natural Resources.
March 29, 1985	Committee recommend bill be concurrent in. Report adopted.
	On motion, rules temporarily suspended in order that all bills considered on second reading on the 70th Legislative Day advance to third reading that same day.

April 1, 1985

Second reading, concurred in as amended.

Third reading, concurred in.  
Ayes, 50; Noes, 0.

Returned to House with amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amendments concurred in.

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

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1                                 HOUSE BILL NO. 750  
 2 INTRODUCTION BY Barbanson  
 3 BY REQUEST OF THE DEPARTMENT OF NATURAL  
 4 RESOURCES AND CONSERVATION

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 7 CLARIFY THE MONTANA MAJOR FACILITY SITING ACT; AMENDING  
 8 SECTIONS 75-20-202, 75-20-303, 75-20-402, AND 75-20-501,  
 9 MCA; REPEALING SECTION 75-20-214, MCA; AND PROVIDING AN  
 10 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."  
 11

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

13       Section 1. Section 75-20-202, MCA, is amended to read:  
 14       "75-20-202. Exemptions. (1) A certificate is not  
 15 required under this chapter for a facility under diligent  
 16 onsite physical construction or in operation on January 1,  
 17 1973.

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

- 21       (a) would otherwise be covered by this chapter; and
- 22       (b) (i) is unlikely to have a significant  
 23 environmental impact by reason of length, size, location,  
 24 available space or right-of-way, or construction methods; or  
 25       (ii) utilizes coal, wood, biomass, grain, wind, or sun

1 as a fuel source and the technology of which will result in  
 2 greater efficiency, promote energy conservation, and promote  
 3 greater system reliability than the existing facility.

4       (3) A person proposing to construct an exempt facility  
 5 shall pay to the department reasonable costs, if any,  
 6 incurred by the department in processing the exemption."

7       NEW SECTION. Section 2. Facilities subject to federal  
 8 energy regulatory commission jurisdiction. (1) For a  
 9 facility that is subject to the jurisdiction of the federal  
 10 energy regulatory commission, the department shall file a  
 11 state recommendation with the commission.

12       (2) A person shall file and the department shall  
 13 accept an application and complete a study of any facility  
 14 subject to subsection (1) as provided in 75-20-211 through  
 15 75-20-216. The state recommendation must be based on the  
 16 study completed under this chapter.

17       (3) Any person who fails to file a timely application  
 18 with the department so as to prevent the department from  
 19 timely compliance with this section and with the rules,  
 20 statutes, or procedures governing the proceedings before the  
 21 federal energy regulatory commission is subject to the  
 22 provisions of 75-20-408.

23       Section 3. Section 75-20-303, MCA, is amended to read:  
 24       "75-20-303. Opinion issued with decision -- contents.  
 25 (1) In rendering a decision on an application for a



1 certificate, the board shall issue an opinion stating its  
2 reasons for the action taken.

3 (2) If the board has found that any regional or local  
4 law or regulation which would be otherwise applicable is  
5 unreasonably restrictive pursuant to 75-20-301(2)(f), it  
6 shall state in its opinion the reasons therefor.

7 (3) Any certificate issued by the board shall include  
8 the following:

9 (a) an environmental evaluation statement related to  
10 the facility being certified. The statement shall include  
11 but not be limited to analysis of the following information:

12 (i) the environmental impact of the proposed facility;

13 (ii) any adverse environmental effects which cannot be  
14 avoided by issuance of the certificate;

15 (iii) problems and objections raised by other federal  
16 and state agencies and interested groups; and

17 (iv) alternatives to the proposed facility;

18 ~~(v)~~(b) a plan for monitoring environmental effects of  
19 the proposed facility; and

20 (c) a plan for monitoring the certified facility site  
21 between the time of certification and completion of  
22 construction;

23 ~~(vi)~~(d) a time limit as provided in subsection (4),  
24 during which construction of the facility must be completed;  
25 and

1 ~~(b)~~(e) a statement signed by the applicant showing  
2 agreement to comply with the requirements of this chapter  
3 and the conditions of the certificate.

4 (4) The board shall issue as part of the certificate  
5 the following time limits during which construction of a  
6 facility must be completed:

7 (a) For a facility as defined in (b) or (c) of  
8 75-20-104(10) that is more than 30 miles in length, the time  
9 limit is 10 years.

10 (b) For a facility as defined in (b) or (c) of  
11 75-20-104(10) that is 30 miles or less in length, the time  
12 limit is 5 years.

13 (c) The time limit shall be extended for periods of 2  
14 years each upon a showing by the applicant to the board that  
15 a good faith effort is being undertaken to complete  
16 construction. Under this subsection, a good faith effort to  
17 complete construction includes the process of acquiring any  
18 necessary state or federal permit or certificate for the  
19 facility and the process of judicial review of any such  
20 permit or certificate.

21 (5) The provisions of subsection (4) apply to any  
22 facility for which a certificate has not been issued or for  
23 which construction is yet to be commenced."

24 NEW SECTION. Section 4. Centerline location. (1) For  
25 all facilities defined in 75-20-104(10)(b) and (10)(c) and

1 associated facilities certified under this chapter, the  
2 board shall condition the certificate upon board approval of  
3 a final centerline location.

4 (2) The final centerline location must be determined  
5 in a noncontested case proceeding before the board after the  
6 submission of a centerline location report by the  
7 department.

8 (3) The department shall consult with the certificate  
9 holder and the affected landowners prior to making its  
10 report.

11 (4) The department's report must be prepared  
12 considering the criteria set forth in 75-20-301 and  
13 75-20-503 and the findings of fact and conclusions of law  
14 set out in the board decision.

15 (5) The department report may be completed on segments  
16 of a certified facility as is convenient to the certificate  
17 holder.

18 (6) The certificate holder shall initiate the final  
19 centerline location approval process by submitting a  
20 proposed centerline location plan to the department. The  
21 certificate holder shall pay to the department the actual  
22 costs incurred in processing a final centerline location not  
23 to exceed 25% of the filing fee paid under 75-20-215.

24 Section 5. Section 75-20-402, MCA, is amended to read:  
25 "75-20-402. Monitoring. The board, the department, the

1 department of health, and the board of health shall monitor  
2 the operations of all certificated facilities for assuring  
3 continuing compliance with this chapter and certificates  
4 issued hereunder and for discovering and preventing  
5 noncompliance with this chapter and the certificates. The  
6 applicant shall pay all expenses related to the monitoring  
7 plan established in subsection ~~(3)(a)+(v)~~ (3)(b) or (3)(c) of  
8 75-20-303 to the extent federal funds available for the  
9 facility, as determined by the department of health, have  
10 not been provided for such purposes."

11 Section 6. Section 75-20-501, MCA, is amended to read:

12 "75-20-501. Annual long-range plan submitted --  
13 contents -- available to public. (1) Each utility and each  
14 person contemplating the construction of a facility within  
15 this state in the ensuing 10 years shall furnish annually to  
16 the department for its review a long-range plan for the  
17 construction and operation of facilities.

18 (2) The plan shall be submitted by April 1 of each  
19 year and must include the following:

20 (a) the general location, size, and type of all  
21 facilities to be owned and operated by the utility or person  
22 whose construction is projected to commence during the  
23 ensuing 10 years, as well as those facilities to be removed  
24 from service during the planning period;

25 (b) in the case of utility facilities, a description

1 of efforts by the utility or person to coordinate the plan  
2 with other utilities or persons so as to provide a  
3 coordinated regional plan for meeting the energy needs of  
4 the region;

5 (c) a description of the efforts to involve  
6 environmental protection and land use planning agencies in  
7 the planning process, as well as other efforts to identify  
8 and minimize environmental problems at the earliest possible  
9 stage in the planning process;

10 (d) projections of the demand for the service rendered  
11 by the utility or person and explanation of the basis for  
12 those projections and a description of the manner and extent  
13 to which the proposed facilities will meet the projected  
14 demand; and

15 (e) additional information that the board by rule or  
16 the department on its own initiative or upon the advice of  
17 interested state agencies might request in order to carry  
18 out the purposes of this chapter.

19 (3) The plan shall be furnished to the governing body  
20 of each county in which any facility included in the plan  
21 under (2)(a) of this section is proposed to be located and  
22 made available to the public by the department. The utility  
23 or person shall give public notice throughout the state of  
24 its plan by filing the plan with the environmental quality  
25 council, the department of health and environmental

1 sciences, the department of highways, the department of  
2 public service regulation, the department of state lands,  
3 the department of fish, wildlife, and parks, and the  
4 department of commerce. Citizen environmental protection and  
5 resource planning groups and other interested persons may  
6 obtain a plan by written request and payment therefor to the  
7 department.

8 (4) A rural electric cooperative may furnish the  
9 department with a copy of the long-range plan and 2-year  
10 work plan required to be completed under federal rural  
11 electrification requirements in lieu of the long-range plan  
12 required in subsection (1).

13 (5) No person may file an application for a facility  
14 unless the facility had been adequately identified in a  
15 long-range plan at least 2 years prior to acceptance of an  
16 application by the department, except for electric  
17 transmission lines of a design capacity of 230 kilovolts or  
18 less."

19 NEW SECTION. Section 7. Extension of authority. Any  
20 existing authority of the board of natural resources and  
21 conservation to make rules on the subject of the provisions  
22 of this act is extended to the provisions of this act.

23 NEW SECTION. Section 8. Repealer. Section 75-20-214,  
24 MCA, is repealed.

25 NEW SECTION. Section 9. Codification instruction.

1 Sections 2 and 5 are intended to be codified as an integral  
2 part of Title 75, chapter 20, part 2, and the provisions of  
3 Title 75, chapter 20, apply to sections 2 and 5.

4 NEW SECTION. Section 10. Applicability. Section 2  
5 applies retroactively, within the meaning of 1-2-109, to  
6 occurrences and projects filed with the federal energy  
7 regulatory commission after January 1, 1981.

8 NEW SECTION. Section 11. Effective date. This act is  
9 effective on passage and approval.

-End-

STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN 386-85

Form BD-15

In compliance with a written request received February 11, 19 85, there is hereby submitted a Fiscal Note for House Bill 750 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:

House Bill 750 revises and clarifies the Montana Major Facility Siting Act by amending Sections 75-20-202, 75-20-303, 75-20-402, and 75-20-501, MCA, to provide a means for the department to collect fees for the expenses incurred in processing an exemption, and for participating in the federal energy regulatory commission's process; to codify the existing practices for centerline selection and monitoring of certified facilities; and repeals Section 75-20-214, MCA.

ASSUMPTIONS:

No dollar estimates are presented as this bill will have no fiscal impact during the 1987 biennium.

FISCAL IMPACT:

Revenues and Expenditures:

The department is not aware of any pending exemptions at this time; however, if an exemption is requested the revenue collected for processing it will offset the expenditures. The department does not expect to receive an application for a facility that is subject to the jurisdiction of the federal energy regulatory commission during the 1987 biennium. This bill codifies the existing practices for centerline selection and monitoring of certified facilities and there is no fiscal impact. Repealing Section 8 will cause no fiscal impact.

AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Not applicable.

*David L Hunter*

BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Feb 15, 1985

HB 750



Request No. FNN 386-85  
Form BD-15 Page 2

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Sections 1 and 2 of this bill will generate earmarked revenue from fees collected to offset expenditures which were paid with general funds in the past. Codifying the existing practices for centerline selection and monitoring of certified facilities will cause no long-range fiscal impact. Repealing Section 8 will cause no long-range fiscal impact.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

Not applicable.

APPROVED BY COMM. ON  
NATURAL RESOURCES

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11 by the utility or person and explanation of the basis for  
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17 interested state agencies might request in order to carry  
18 out the purposes of this chapter.

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3 Title 75, chapter 20, apply to sections 2 and 5.

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24 during which construction of the facility must be completed;  
25 and

1 ~~(b)~~(e) a statement signed by the applicant showing  
2 agreement to comply with the requirements of this chapter  
3 and the conditions of the certificate.

4 (4) The board shall issue as part of the certificate  
5 the following time limits during which construction of a  
6 facility must be completed:

7 (a) For a facility as defined in (b) or (c) of  
8 75-20-104(10) that is more than 30 miles in length, the time  
9 limit is 10 years.

10 (b) For a facility as defined in (b) or (c) of  
11 75-20-104(10) that is 30 miles or less in length, the time  
12 limit is 5 years.

13 (c) The time limit shall be extended for periods of 2  
14 years each upon a showing by the applicant to the board that  
15 a good faith effort is being undertaken to complete  
16 construction. Under this subsection, a good faith effort to  
17 complete construction includes the process of acquiring any  
18 necessary state or federal permit or certificate for the  
19 facility and the process of judicial review of any such  
20 permit or certificate.

21 (5) The provisions of subsection (4) apply to any  
22 facility for which a certificate has not been issued or for  
23 which construction is yet to be commenced."

24 NEW SECTION. Section 4. Centerline location. (1) For  
25 all facilities defined in 75-20-104(10)(b) and (10)(c) and



1 associated facilities certified under this chapter, the  
2 board shall condition the certificate upon board approval of  
3 a final centerline location.

4 (2) The final centerline location must be determined  
5 in a noncontested case proceeding before the board after the  
6 submission of a centerline location report by the  
7 department.

8 (3) The department shall consult with the certificate  
9 holder and the affected landowners prior to making its  
10 report.

11 (4) The department's report must be prepared  
12 considering the criteria set forth in 75-20-301 and  
13 75-20-503 and the findings of fact and conclusions of law  
14 set out in the board decision.

15 (5) The department report may be completed on segments  
16 of a certified facility as is convenient to the certificate  
17 holder.

18 (6) The certificate holder shall initiate the final  
19 centerline location approval process by submitting a  
20 proposed centerline location plan to the department. The  
21 certificate holder shall pay to the department the actual  
22 costs incurred in processing a final centerline location not  
23 to exceed 25% of the filing fee paid under 75-20-215.

24 Section 5. Section 75-20-402, MCA, is amended to read:

25 "75-20-402. Monitoring. The board, the department, the

1 department of health, and the board of health shall monitor  
2 the operations of all certificated facilities for assuring  
3 continuing compliance with this chapter and certificates  
4 issued hereunder and for discovering and preventing  
5 noncompliance with this chapter and the certificates. The  
6 applicant shall pay all expenses related to the monitoring  
7 plan established in subsection ~~(3)(a)(v)~~ (3)(b) or (3)(c) of  
8 75-20-303 to the extent federal funds available for the  
9 facility, as determined by the department of health, have  
10 not been provided for such purposes."

11 Section 6. Section 75-20-501, MCA, is amended to read:

12 "75-20-501. Annual long-range plan submitted --  
13 contents -- available to public. (1) Each utility and each  
14 person contemplating the construction of a facility within  
15 this state in the ensuing 10 years shall furnish annually to  
16 the department for its review a long-range plan for the  
17 construction and operation of facilities.

18 (2) The plan shall be submitted by April 1 of each  
19 year and must include the following:

20 (a) the general location, size, and type of all  
21 facilities to be owned and operated by the utility or person  
22 whose construction is projected to commence during the  
23 ensuing 10 years, as well as those facilities to be removed  
24 from service during the planning period;

25 (b) in the case of utility facilities, a description

1 of efforts by the utility or person to coordinate the plan  
2 with other utilities or persons so as to provide a  
3 coordinated regional plan for meeting the energy needs of  
4 the region;

5 (c) a description of the efforts to involve  
6 environmental protection and land use planning agencies in  
7 the planning process, as well as other efforts to identify  
8 and minimize environmental problems at the earliest possible  
9 stage in the planning process;

10 (d) projections of the demand for the service rendered  
11 by the utility or person and explanation of the basis for  
12 those projections and a description of the manner and extent  
13 to which the proposed facilities will meet the projected  
14 demand; and

15 (e) additional information that the board by rule or  
16 the department on its own initiative or upon the advice of  
17 interested state agencies might request in order to carry  
18 out the purposes of this chapter.

19 (3) The plan shall be furnished to the governing body  
20 of each county in which any facility included in the plan  
21 under (2)(a) of this section is proposed to be located and  
22 made available to the public by the department. The utility  
23 or person shall give public notice throughout the state of  
24 its plan by filing the plan with the environmental quality  
25 council, the department of health and environmental

1 sciences, the department of highways, the department of  
2 public service regulation, the department of state lands,  
3 the department of fish, wildlife, and parks, and the  
4 department of commerce. Citizen environmental protection and  
5 resource planning groups and other interested persons may  
6 obtain a plan by written request and payment therefor to the  
7 department.

8 (4) A rural electric cooperative may furnish the  
9 department with a copy of the long-range plan and 2-year  
10 work plan required to be completed under federal rural  
11 electrification requirements in lieu of the long-range plan  
12 required in subsection (1).

13 (5) No person may file an application for a facility  
14 unless the facility had been adequately identified in a  
15 long-range plan at least 2 years prior to acceptance of an  
16 application by the department, except for electric  
17 transmission lines of a design capacity of 230 kilovolts or  
18 less."

19 NEW SECTION. Section 7. Extension of authority. Any  
20 existing authority of the board of natural resources and  
21 conservation to make rules on the subject of the provisions  
22 of this act is extended to the provisions of this act.

23 NEW SECTION. Section 8. Repealer. Section 75-20-214,  
24 MCA, is repealed.

25 NEW SECTION. Section 9. Codification instruction.

1 Sections 2 and 5 are intended to be codified as an integral  
2 part of Title 75, chapter 20, part 2, and the provisions of  
3 Title 75, chapter 20, apply to sections 2 and 5.

4 NEW SECTION. Section 10. Applicability. Section 2  
5 applies retroactively, within the meaning of 1-2-109, to  
6 occurrences and projects filed with the federal energy  
7 regulatory commission after January 1, 1981.

8 NEW SECTION. Section 11. Effective date. This act is  
9 effective on passage and approval.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

Apr 1, 1985  
DATE

3:00  
TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 750

third reading copy ( blue ) as follows:  
Color

Page 2, line 17.  
Following: line 16  
Insert: "(3) A person subject to the provisions of subsection (2) shall pay a fee to the department pursuant to 85-2-124 at the time an application is filed with the federal energy regulatory commission. The fee shall be used by the department to carry out its responsibilities under Title 85, chapter 2, and to develop a state recommendation and participate as a party in any necessary federal proceeding to assert the state recommendation. No fee prescribed by 75-20-215 may be assessed against a person paying a fee under this section."

Renumber: subsequent subsection

PC3HB750.701

ADOPT  
REJECT

HALLIGAN

COMMITTEE OF THE WHOLE AMENDMENT

April 1, 1985

\*\*\*\*\*  
DATE

8:00 a.m.

TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 750

third reading copy ( blue ) as follows:  
Color

1. Page 2, line 12.  
Following: "person"  
Insert: "making application to the federal energy regulatory commission"  
Following: "file"  
Strike: "and"  
Insert: "with"
2. Page 2, lines 12 and 13.  
Following: "department" on line 12  
Strike: "shall accept an"  
Insert: "notice of and a copy of the federal"
3. Page 2, line 13.  
Following: "application"  
Strike: "and complete a study of"  
Insert: "regarding"
4. Page 2, lines 14 and 15.  
Following: "(1)" on line 14  
Strike: "as provided in 75-20-211 through 75-20-216"
5. Page 2, line 15.  
Following: "on"  
Strike: "the"  
Insert: "its"
6. Page 2, line 16.  
Following: "study"  
Strike: "completed under this chapter"  
Insert: "of the federal application and other material gained through intervention in the federal proceeding"
7. Page 2, line 17.  
Following: "timely"  
Insert: "notice of and a copy of the federal"

PC3HB750.691

ADOPT  
REJECT

GAGE

1 HOUSE BILL NO. 750  
 2 INTRODUCED BY BARDANOUE  
 3 BY REQUEST OF THE DEPARTMENT OF NATURAL  
 4 RESOURCES AND CONSERVATION  
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 7 CLARIFY THE MONTANA MAJOR FACILITY SITING ACT; AMENDING  
 8 SECTIONS 75-20-202, 75-20-303, 75-20-402, AND 75-20-501,  
 9 MCA; REPEALING SECTION 75-20-214, MCA; AND PROVIDING AN  
 10 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."  
 11

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

13 Section 1. Section 75-20-202, MCA, is amended to read:

14 "75-20-202. Exemptions. (1) A certificate is not  
 15 required under this chapter for a facility under diligent  
 16 onsite physical construction or in operation on January 1,  
 17 1973.

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

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

22 (b) (i) is unlikely to have a significant  
 23 environmental impact by reason of length, size, location,  
 24 available space or right-of-way, or construction methods; or

25 (ii) utilizes coal, wood, biomass, grain, wind, or sun

1 as a fuel source and the technology of which will result in  
 2 greater efficiency, promote energy conservation, and promote  
 3 greater system reliability than the existing facility.

4 (3) A person proposing to construct an exempt facility  
 5 shall pay to the department reasonable costs, if any,  
 6 incurred by the department in processing the exemption."

7 NEW SECTION. Section 2. Facilities subject to federal  
 8 energy regulatory commission jurisdiction. (1) For a  
 9 facility that is subject to the jurisdiction of the federal  
 10 energy regulatory commission, the department shall file a  
 11 state recommendation with the commission.

12 (2) A person MAKING APPLICATION TO THE FEDERAL ENERGY  
 13 REGULATORY COMMISSION shall file and WITH the department  
 14 shall accept--an NOTICE OF AND A COPY OF THE FEDERAL  
 15 application and--complete-a-study-of REGARDING any facility  
 16 subject to subsection (1) as provided in--75-20-211--through  
 17 75-20-216. The state recommendation must be based on the ITS  
 18 study completed---under---this---chapter OF THE FEDERAL  
 19 APPLICATION AND OTHER MATERIAL GAINED THROUGH INTERVENTION  
 20 IN THE FEDERAL PROCEEDING.

21 (3) A PERSON SUBJECT TO THE PROVISIONS OF SUBSECTION  
 22 (2) SHALL PAY A FEE TO THE DEPARTMENT PURSUANT TO 85-2-124  
 23 AT THE TIME AN APPLICATION IS FILED WITH THE FEDERAL ENERGY  
 24 REGULATORY COMMISSION. THE FEE SHALL BE USED BY THE  
 25 DEPARTMENT TO CARRY OUT ITS RESPONSIBILITIES UNDER TITLE 85,



1 CHAPTER 2, AND TO DEVELOP A STATE RECOMMENDATION AND  
 2 PARTICIPATE AS A PARTY IN ANY NECESSARY FEDERAL PROCEEDING  
 3 TO ASSERT THE STATE RECOMMENDATION. NO FEE PRESCRIBED BY  
 4 75-20-215 MAY BE ASSESSED AGAINST A PERSON PAYING A FEE  
 5 UNDER THIS SECTION.

6 ~~{3}~~(4) Any person who fails to file a timely NOTICE OF  
 7 AND A COPY OF THE FEDERAL application with the department so  
 8 as to prevent the department from timely compliance with  
 9 this section and with the rules, statutes, or procedures  
 10 governing the proceedings before the federal energy  
 11 regulatory commission is subject to the provisions of  
 12 75-20-408.

13 Section 3. Section 75-20-303, MCA, is amended to read:

14 "75-20-303. Opinion issued with decision -- contents.

15 (1) In rendering a decision on an application for a  
 16 certificate, the board shall issue an opinion stating its  
 17 reasons for the action taken.

18 (2) If the board has found that any regional or local  
 19 law or regulation which would be otherwise applicable is  
 20 unreasonably restrictive pursuant to 75-20-301(2)(f), it  
 21 shall state in its opinion the reasons therefor.

22 (3) Any certificate issued by the board shall include  
 23 the following:

24 (a) an environmental evaluation statement related to  
 25 the facility being certified. The statement shall include

1 but not be limited to analysis of the following information:

2 (i) the environmental impact of the proposed facility;

3 (ii) any adverse environmental effects which cannot be  
 4 avoided by issuance of the certificate;

5 (iii) problems and objections raised by other federal  
 6 and state agencies and interested groups; and

7 (iv) alternatives to the proposed facility;

8 ~~{v}~~(b) a plan for monitoring environmental effects of  
 9 the proposed facility; and

10 (c) a plan for monitoring the certified facility site  
 11 between the time of certification and completion of  
 12 construction;

13 ~~{v}~~(d) a time limit as provided in subsection (4),  
 14 during which construction of the facility must be completed;  
 15 and

16 ~~{b}~~(e) a statement signed by the applicant showing  
 17 agreement to comply with the requirements of this chapter  
 18 and the conditions of the certificate.

19 (4) The board shall issue as part of the certificate  
 20 the following time limits during which construction of a  
 21 facility must be completed:

22 (a) For a facility as defined in (b) or (c) of  
 23 75-20-104(10) that is more than 30 miles in length, the time  
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4 years each upon a showing by the applicant to the board that  
5 a good faith effort is being undertaken to complete  
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22 department.

23 (3) The department shall consult with the certificate  
24 holder and the affected landowners prior to making its  
25 report.

1 (4) The department's report must be prepared  
2 considering the criteria set forth in 75-20-301 and  
3 75-20-503 and the findings of fact and conclusions of law  
4 set out in the board decision.

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6 of a certified facility as is convenient to the certificate  
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23 and minimize environmental problems at the earliest possible  
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2 those projections and a description of the manner and extent  
3 to which the proposed facilities will meet the projected  
4 demand; and

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6 the department on its own initiative or upon the advice of  
7 interested state agencies might request in order to carry  
8 out the purposes of this chapter.

9 (3) The plan shall be furnished to the governing body  
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12 made available to the public by the department. The utility  
13 or person shall give public notice throughout the state of  
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16 sciences, the department of highways, the department of  
17 public service regulation, the department of state lands,  
18 the department of fish, wildlife, and parks, and the  
19 department of commerce. Citizen environmental protection and  
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21 obtain a plan by written request and payment therefor to the  
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24 department with a copy of the long-range plan and 2-year  
25 work plan required to be completed under federal rural



1 electrification requirements in lieu of the long-range plan  
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7 transmission lines of a design capacity of 230 kilovolts or  
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16 Sections 2 and 5 are intended to be codified as an integral  
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22 regulatory commission after January 1, 1981.

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24 effective on passage and approval.

-End-