

1 SENATE BILL NO. 206

2 INTRODUCED BY L. JONES

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA MAJOR FACILITY SITING ACT;
5 REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO DESIGNATE A 1-MILE-WIDE FACILITY
6 SITING CORRIDOR ALONG THE FACILITY ROUTE WHEN ISSUING A CERTIFICATE FOR CERTAIN
7 FACILITIES; EXEMPTING SITING MODIFICATIONS WITHIN THE FACILITY SITING CORRIDOR FROM TITLE
8 75, CHAPTER 1, PART 2; AMENDING SECTION 75-20-303, MCA; AND PROVIDING AN IMMEDIATE
9 EFFECTIVE DATE AND AN APPLICABILITY DATE."

10

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

12

13 **Section 1.** Section 75-20-303, MCA, is amended to read:14 **"75-20-303. Opinion issued with decision -- contents.** (1) In rendering a decision on an application
15 for a certificate, the department shall issue an opinion stating its reasons for the action taken.16 (2) If the department has found that any regional or local law or regulation that would be otherwise
17 applicable is unreasonably restrictive, it shall state in its opinion the reasons that it is unreasonably restrictive.

18 (3) A certificate issued by the department must include the following:

19 (a) an environmental evaluation statement related to the facility being certified. The statement must
20 include but is not limited to analysis of the following information:

21 (i) the environmental impact of the proposed facility; and

22 (ii) any adverse environmental effects that cannot be avoided by issuance of the certificate;

23 (b) a plan for monitoring environmental effects of the proposed facility;

24 (c) a plan for monitoring the certified facility site between the time of certification and completion of
25 construction;

26 (d) a time limit as provided in subsection (4); and

27 (e) a statement signed by the applicant showing agreement to comply with the requirements of this
28 chapter and the conditions of the certificate.

29 (4) (a) The department shall issue as part of the certificate the following time limits:

30 (i) For a facility as defined in 75-20-104(8)(a) that is more than 30 miles in length and for a facility defined

1 in 75-20-104(8)(b), construction must be completed within 10 years.

2 (ii) For a facility as defined in 75-20-104(8)(a) that is 30 miles or less in length, construction must be
3 completed within 5 years.

4 (iii) For a facility as defined in 75-20-104(8)(c), construction must begin within 6 years and continue with
5 due diligence in accordance with preliminary construction plans established in the certificate.

6 (b) Unless extended, a certificate lapses and is void if the facility is not constructed or if construction of
7 the facility is not commenced within the time limits provided in this section.

8 (c) The time limit may be extended for a reasonable period upon a showing by the applicant to the
9 department that a good faith effort is being undertaken to complete construction under subsections (4)(a)(i) and
10 (4)(a)(ii). Under this subsection, a good faith effort includes the process of acquiring any necessary state or
11 federal permit or certificate for the facility and the process of judicial review of a permit or certificate.

12 (d) Construction may begin immediately upon issuance of a certificate unless the department finds that
13 there is substantial and convincing evidence that a delay in the commencement of construction is necessary and
14 should be established for a particular facility.

15 (5) (a) For a facility defined in 75-20-104(8)(a) and (8)(b), the certificate issued by the department must
16 designate a 1-mile-wide facility siting corridor along the facility route.

17 (b) A certificate holder may site the facility within the 1-mile-wide facility siting corridor pursuant to
18 subsection (5)(a) without complying with the provisions of 75-20-219 and in a manner that minimizes the impact
19 on residential areas, crop land, and sensitive sites.

20 (c) Facility siting modifications within the 1-mile-wide facility siting corridor along the facility route are
21 exempt from the provisions of Title 75, chapter 1, part 2."

22

23 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

24

25 NEW SECTION. Section 3. Applicability. [This act] applies to applications for a certificate under the
26 Major Facility Siting Act filed on or after [the effective date of this act].

27

- END -