

SENATE BILL NO. 386

INTRODUCED BY GEBHARDT, FORRESTER, SHEA, TAYLOR

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE APPLICABILITY OF THE MONTANA MAJOR FACILITY SITING ACT TO CERTAIN PIPELINES AND ASSOCIATED FACILITIES; AMENDING SECTION 17, CHAPTER 293, LAWS OF 2001; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

WHEREAS, prior to 2001, the Montana Major Facility Siting Act applied to pipelines greater than 17 inches in inside diameter; and

WHEREAS, Chapter 293, Laws of 2001, amended the Montana Major Facility Siting Act so as to apply to those pipelines greater than 25 inches in inside diameter; and

WHEREAS, the applicability clause of Chapter 293, Laws of 2001, excluded pipelines 25 inches or less in inside diameter that were subject to a certificate of environmental compatibility on the day before the effective date of Chapter 293, Laws of 2001; and

WHEREAS, there is not any regulatory reason to continue the application of the Montana Major Facility Siting Act with respect to any pipeline 25 inches or less in inside diameter regardless of whether a pipeline was subject to a certificate of environmental compatibility issued under the Montana Major Facility Siting Act on or before April 19, 2001, and to do so would be to discriminate without reason between pipelines of the same or similar diameter; and

WHEREAS, the Legislature finds that it is appropriate to amend the applicability clause of Chapter 293, Laws of 2001, to make the substantive provisions of Chapter 293, Laws of 2001, apply to all pipelines 25 inches or less in inside diameter and to exempt from the Montana Major Facility Siting Act all, rather than some, pipelines 25 inches or less in inside diameter.

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

Section 1. Section 17, Chapter 293, Laws of 2001, is amended to read:

"Section 17. Applicability. ~~This~~ SUBJECT TO [SECTION 3 OF SENATE BILL NO. 386, 2003], [THIS act] does not apply to any facility or associated facility under 75-20-104(8)(a), (8)(b), ~~(8)(d)~~, or (8)(f), as those subsections read on the day before [the effective date of this act], that was subject to a certificate of environmental

compatibility on [the effective date of this act]."

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

NEW SECTION. SECTION 3. APPLICABILITY. SECTION 17, CHAPTER 293, LAWS OF 2001, AND [SECTION 1 OF THIS ACT] DO NOT APPLY TO RECLAMATION BONDS FOR PIPELINES AND ASSOCIATED FACILITIES HELD BY THE BOARD OF ENVIRONMENTAL REVIEW OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY UNTIL OCTOBER 30, 2004.

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