



AN ACT REVISING LAWS RELATED TO THE CONFIDENTIALITY OF CERTAIN ARTIFACTS OR REMAINS ON LANDS OBTAINED FOR COMMON CARRIER PIPELINES; PROVIDING DEFINITIONS; AMENDING SECTION 75-20-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Confidentiality of cultural sites. (1) The location of any heritage properties or paleontological remains on or beneath land, rights-of-way, or easements obtained for a common carrier pipeline is confidential and may not be disclosed by the entity owning, operating, or managing any common carrier pipeline.

(2) The provisions of subsection (1) do not prohibit a person or entity from disclosing the location of heritage properties or paleontological remains to the department of environmental quality for purposes of reviewing an application for a certificate under the Montana Major Facility Siting Act, Title 75, chapter 20. The department may not disclose information regarding the location of heritage properties or paleontological remains to the public.

(3) For purposes of this section, the following definitions apply:

- (a) "Heritage property" has the meaning provided in 22-3-421.
- (b) "Paleontological remains" has the meaning provided in 22-3-421.

Section 2. Section 75-20-302, MCA, is amended to read:

"75-20-302. Conditions imposed. (1) If the department determines that the location of all or a part of the proposed facility should be modified, it may condition its certificate upon the modification, provided that the persons residing in the area affected by the modification have been given reasonable notice of the modification.

(2) The department may require the applicant to post performance bonds to guarantee successful reclamation and revegetation of the project area.

(3) For a common carrier pipeline as described in 69-13-101, the department shall condition a certificate to provide that for any land, rights-of-way, or easements, the location of any heritage properties or paleontological remains on or beneath land, rights-of-way, or easements for the common carrier pipeline is confidential and may not be disclosed.

(4) For purposes of this section, the following definitions apply:

(a) "Heritage property" has the meaning provided in 22-3-421.

(b) "Paleontological remains" has the meaning provided in 22-3-421."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 69, chapter 13, part 1, and the provisions of Title 69, chapter 13, part 1, apply to [section 1].

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Applicability. [This act] applies to certificates issued under the Montana Major Facility Siting Act on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
SB 0207, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 207

INTRODUCED BY F. MOORE

AN ACT REVISING LAWS RELATED TO THE CONFIDENTIALITY OF CERTAIN ARTIFACTS OR REMAINS ON LANDS OBTAINED FOR COMMON CARRIER PIPELINES; PROVIDING DEFINITIONS; AMENDING SECTION 75-20-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.