

# MAJOR FACILITY SITING ACT

## LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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## Background Materials and Research

**Topic Summary:** The construction of coal mine-mouth electric generation plants at Colstrip in the 1970s played a major role in what was originally known as the Utility Siting Act; now called the Major Facility Siting Act (MFSA). Over the years, the act at times applied to the construction of energy generating or conversion plants, certain electric transmission lines with a capacity of more than 34.5kV, gas or liquid transmission lines from a gasification or liquefaction facility, underground gasification of coal, and oil and gas refineries. The act was amended numerous times over the years and now applies mainly to certain major pipelines and electric transmission lines.

The legislature finds the purpose of the act is to:

- ensure protection of the state's environmental resources, including but not limited to air, water, animals, plants, and soils;
- ensure consideration of socioeconomic impacts;
- provide citizens with the opportunity to participate in facility siting decisions; and
- establish a coordinated and efficient method for the processing of all authorizations required for regulated facilities.

## Legislative Services Division Materials:

[Major Facility Siting Act Program Evaluation](#); 2016.

[A Guide to the Major Facility Siting Act](#), 1985.

## Other Materials:

[Major Facility Siting](#), DEQ.

## Introduced Legislation

\*Chapter number assigned means bill was passed and approved.

### 2017

[SB 42](#) Chapter Number Assigned. AN ACT REVISING THE MAJOR FACILITY SITING LAWS; REQUIRING CONSULTATION WITH APPLICANTS UNDER THE MAJOR FACILITY SITING ACT; MODIFYING AGENCY REPORTING AUTHORITY; MODIFYING CORRIDOR WIDTH AND SELECTION REQUIREMENTS; EXPANDING LANDOWNER NOTICE REQUIREMENTS; PROVIDING FOR PUBLIC NOTICE AND COMMENT ON PROPOSED FACILITY LOCATION ADJUSTMENTS; AND AMENDING SECTIONS 75-20-216, 75-20-219, 75-20-302, AND 75-20-303, MCA.

[SB 215](#) (S) Died in Standing Committee. AN ACT REQUIRING THAT LARGE-SCALE FACILITIES THAT PACKAGE WATER OR WATER-BASED PRODUCTS FOR HUMAN CONSUMPTION ARE SUBJECT TO THE MAJOR FACILITIES SITING ACT; PROVIDING LEGISLATIVE FINDINGS; REVISING THE DEFINITION OF "FACILITY"; AMENDING SECTIONS 75-20-102, 75-20-104, 75-20-211, 75-20-301, 75-20-303, AND 75-20-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

**2015 – None.**

### 2013

[HB 256](#) Chapter Number Assigned. AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PROVIDE WRITTEN NOTICE DISCLOSING THE AVAILABILITY OF AN ENVIRONMENTAL ASSESSMENT TO OWNERS OF PROPERTY WITHIN A 1-MILE-WIDE FACILITY SITING CORRIDOR FOR CERTAIN FACILITIES UNDER THE MAJOR FACILITY SITING ACT; REQUIRING THAT A CERTIFICATE ISSUED UNDER THE MAJOR FACILITY SITING ACT MUST INCLUDE CONFIRMATION THAT NOTICE OF THE ENVIRONMENTAL REVIEW WAS PROVIDED; AMENDING SECTION 75-20-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

### 2011

[HB 466](#) (H) Died in Standing Committee. AN ACT REQUIRING A PERSON WHO PLANS TO APPLY FOR A CERTIFICATE UNDER THE MAJOR FACILITY SITING ACT TO PREPARE A PUBLIC PARTICIPATION PLAN; REQUIRING NOTICE OF A PUBLIC PARTICIPATION PLAN'S AVAILABILITY; REQUIRING THE PUBLIC

PARTICIPATION PLAN TO BE IMPLEMENTED; AMENDING SECTIONS 75-20-104 AND 75-20-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 320](#) Chapter Number Assigned. AN ACT ENCOURAGING THE UPGRADING OF TRANSMISSION LINES WITHIN EXISTING RIGHTS-OF-WAY TO AVOID THE PROLIFERATION OF NEW TRANSMISSION CORRIDORS; CLARIFYING LEGISLATIVE FINDINGS AND CERTAIN DEFINITIONS UNDER THE MONTANA MAJOR FACILITY SITING ACT; AMENDING SECTIONS 75-20-102 AND 75-20-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

**2009**

[SB 360](#) Chapter Number Assigned. AN ACT GENERALLY REVISING THE MONTANA MAJOR FACILITY SITING ACT; CLARIFYING THE DEFINITION OF "FACILITY"; AMENDING SECTION 75-20-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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