

## SENATE BILL NO. 207

INTRODUCED BY F. MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE CONFIDENTIALITY OF CERTAIN ARTIFACTS OR REMAINS ON LANDS OBTAINED FOR COMMON CARRIER PIPELINES THROUGH EMINENT DOMAIN PROCEEDINGS; PROVIDING DEFINITIONS; AMENDING SECTIONS 69-13-104 AND 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.** Section 69-13-104, MCA, is amended to read:

**"69-13-104. Use of power of eminent domain -- conditions.** (1) Every person, firm, corporation, limited partnership, joint-stock association, or association of any kind mentioned in this chapter that has filed with the commission its acceptance of the provisions of this chapter has the power of eminent domain. In the exercise of the power of eminent domain, the entity may enter upon and condemn the land, rights-of-way, easements, and property of any person or corporation necessary for the construction, maintenance, or authorization of the entity's common carrier pipeline. The power of eminent domain must be exercised as provided in Title 70, chapter 30.

(2) If eminent domain is exercised pursuant to this section, the location of any heritage properties or paleontological remains on or beneath land, rights-of-way, or easements obtained for the common carrier pipeline is confidential and may not be disclosed by the entity exercising eminent domain.

(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

1 reclamation and revegetation of the project area.

2 (3) For a common carrier pipeline as described in 69-13-101, the department shall condition a certificate  
3 to provide that for any land, rights-of-way, or easements acquired by eminent domain proceedings under Title  
4 70, chapter 30, and pursuant to 75-20-113, the location of any heritage properties or paleontological remains on  
5 or beneath land, rights-of-way, or easements for the common carrier pipeline is confidential and may not be  
6 disclosed.

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

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

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

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11 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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13 NEW SECTION. Section 4. Applicability. [This act] applies to:

14 (1) eminent domain proceedings initiated on or after [the effective date of this act]; and

15 (2) certificates issued under the Montana Major Facility Siting Act on or after [the effective date of this  
16 act].

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