

MINUTES OF MEETING
SENATE NATURAL RESOURCES
February 4, 1981

The eighth meeting of the Natural Resources Committee was called to order by Senator Harold Dover, Chairman, at 1:00 P.M., on the above date in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SB 205:

AN ACT AMENDING SECTION 82-4-306, MCA,
TO ALLOW CERTAIN INFORMATION TO BE
PROVIDED TO THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES AND TO PRO-
VIDE THAT THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES SHALL KEEP SUCH
INFORMATION CONFIDENTIAL

Senator Brown, District #15, presented this bill, stating that the bill had been introduced last session and was killed in the Senate. The bill would remove confidentiality from small miners claims to allow the Department of Lands to give information to the Department of Natural Resources relative to pollutants being used on a mine site.

The following gave testimony in support of this bill and their written statements are attached: John North, Department of State Lands; Kevin D. Keenan, Department of Health and Environmental Sciences; Steve Doherty, Northern Plains Resource Council; and Don Snow, Montana Environmental Information Center.

Chairman Dover asked for opponents to this bill.

Bill Hand, Montana Mining Association, opposes this bill in that he feels the small miners claims and individuals who hold exploration permits should remain confidential.

There were no other opponents to this bill. Chairman Dover asked for questions from the committee.

Senator O'Hara asked how the Department of Lands would know there was a possibility of pollution.

Senator Brown said that the Department of State Lands would tell the Department of Health that they think there is a violation at a particular site. The Department of Health would check the site out and if there is no violation that would be all. The Department would be subject to a fine if any information were released. If there is a violation, the Department would meet with the miner and work out an acceptable plan to meet standards. The Health Department is more interested in cleaning up the environment rather than being punitive. At the present time the State Lands cannot give them any information if they are

suspicious that there may be a violation.

Senator Manley asked how many of these problems are there.

Senator Brown said that he had no idea since we do not have access to that information from State Lands.

Senator Elliott asked Senator Brown to give a little background on the responsibility of each department.

Senator Brown explained that the Department of State Lands is responsible for all reclamation laws, including the Hard Rock Mining Act. Small miners fall under an exclusion in that all information relative to them is confidential. The Department of State Lands has the power to review the applications and then issue a permit. The Department of Health administers air and water quality laws. They have the experts to determine whether air or water quality laws have been violated. The Department of State Lands is not trained in this area.

Senator Manley is sceptical of the Department of Health, he feels they will harrass all the small miners, not just the ones with possible violations.

Senator Brown said that the miners will not be dealing with the Department of Health unless they are referred to the Department by State Lands.

Senator Keating asked Mr. Hand if they had to file an Environmental Impact Statement.

Mr. Hand said yes and that information is not confidential.

Senator Keating said that the small miners, who want confidentiality, fall under the jurisdiction of the State Land Department but the State Land Department does not have the equipment or expertise to check water or air quality on that operation.

Mr. Hand said that he did not believe that the State Lands Department had the expertise.

Senator Keating said that the State Land Department has the jurisdiction, but because of confidentiality cannot ask the Department of Health to check on a small miners operation and that is what we are trying to accomplish.

Senator Elliott questioned what the effect might be if we were to fund the Land Department with the necessary experts to make the review of the small miners claims as opposed to having this bill.

Mr. Hand said this would mean several more people on the state payroll.

Senator Ryan asked if the Department of Lands had gone to the legislature for appropriations to establish their own experts.

Senator Brown said that even if they had the staff, the authority to prosecute for air and water quality laws is with the Department of Health.

Senator Keating asked that if this were passed, the State Land Department could ask the Department of Health to check every small mining operation in the state if they wanted to. This is possible the way the bill is written?

Senator Brown said yes, but the miners association with the State Land Department has been very good. There is no reason to believe that the State Land Department would adopt that policy. The Department of Health would not want to be in that situation either.

CONSIDERATION OF SENATE RESOLUTION 2 - CHANGED TO SENATE JOINT RESOLUTION 11:

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA
REQUESTING THE REAGAN ADMINISTRATION AND CONGRESS
TO FULLY FUND FOREST FIRE PROTECTION ASSISTANCE

Senator Brown, District #10, sponsors this bill and explained that he had wanted a Joint Resolution as opposed to a simple Resolution and that it was being changed now to a Joint Resolution. The reason for this Joint Resolution is that because of the existing drought situation, no snow in the mountains, and tree mortality due to insect infestations, Montana faces the possibility of severe forest fires in 1981. The federal account may be decreased by this session of congress. This resolution is to warn them of this situation and make them aware of our need for forest fire money. An amendment has been proposed to this bill, a copy of which is attached.

Chairman Dover asked for proponents.

Robert N. Holding, Attorney, Montana Wood Products Association, supports this resolution. He explained that Senator Brown was absolutely correct and that we will be facing a tremendous fire situation this summer. We were fortunate not to have had this problem last year. The damage done by the pine beetle, which has caused many groves of standing dead pine, makes our forests very susceptible to forest fire danger this year. He said the snow pack in the mountains will make no difference.

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Senator Manley, District #14, would like to go on record as a supporter of this resolution. He is a member of the Task Force and he has seen the damage of the pine beetle.

There were no opponents to this resolution.

Senator Etchart asked Mr. Holding if the pine beetle originated on Forest Service land and then spread to state land?

Mr. Holding said no, that this was a natural occurrence of nature. The beetle starts in old trees and when it reaches the stage that it is now, it can kill all lodge pole pine no matter what age. Nature handles lodge pole pine with fire, when the fire occurs the pine cones burst and the tree is reseeded. The situation that Montana is in now is probably similar to what cause the 1910 fire.

Senator Van Valkenburg asked Senator Manley, who is a member of the Forestry Task Force, why the federal government is cutting this money out.

Senator Manley did not know other than that it was proposed over a year ago to cut funds.

Senator Dover asked Mr. Holding if the money from the federal government would go to take care of state forests, or for state and private use.

Mr. Holding said for national and private use.

Senator Keating asked if the private forest ownership lands have suffered as much from the pine beetle as the public lands.

Mr. Holding said that the private lands have not suffered the damage that the public lands have as they are more capable of keeping on top of the problem.

Senator Keating asked Mr. Holding if the forest fires would take care of the beetles.

Mr. Holding said that it kills the good with the bad. The same thing could be done by logging.

Senator Keating asked if there are still good trees remaining.

Mr. Holding said that generally the beetle will only kill the weak and old trees, but that the infestation is so severe now they are killing them all.

DISPOSITION OF SJR 11: Senator Manley made a motion that SJR 11 do pass. Senator Van Valkenburg made a substitute motion that the amendment offered by Senator Bob Brown be accepted. The motion passes unanimously. Senator Manley motioned that SJR 11 do pass as amended. The motion passed unanimously.

DISPOSITION OF SB 16: Katherine Orr furnished a copy of the amendments to SB 16, with an additional amendment to be added to the list numbered 52(a). (see attached)

Senator Van Valkenburg said that he felt a mistake was being made in amendment number 59, which takes out the ability of the surface owner to collect attorneys fees from the developer if the award is not sufficient. This will give the developer an advantage. Senator Van Valkenburg made a motion that we accept amendments 1-58, including 52(a), and 60. The motion passed unanimously.

Senator Van Valkenburg feels that with this amendment the developer will be in a much better position financially whereby the surface owner will be more agreeable to a smaller settlement.

Senator Elliott questioned whether the original wording on the bill could be amended to read that if the amount of compensation awarded by the court is \$50.00 greater, the court shall award the person seeking compensation reasonable attorney fees.

Senator Van Valkenburg suggested that instead of a dollar amount that a percentage be used. Twenty-five percent sounds reasonable.

Senator Tveit feels that with amendment #59 the bill is fair to both sides. The intent of the bill is not this amendment.

Senator Keating said that contracts and legislation are supposed to be written to avoid litigation. To amend this bill as Senator Van Valkenburg has proposed will create an incentive for litigation.

Senator Elliott said that if both the opponents and proponents of this bill agree that this should be stricken, why should it be left in.

Senator Brown said as a bargaining condition.

Senator Van Valkenburg's motion is that we strike amendment #59. The motion was killed with a vote of 5 for and 7 against.

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Senator Brown made a substitute motion that we amend SB 16, page 5, line 16, to read as follows: "awarded by the court is equal to or greater than the last written claim for compensation submitted by the surface owner, the court shall award the person . . ."

The motion was killed by a vote of 3 for, 9 against.

Senator Manley made a motion that the bill do pass as amended. The motion passed unanimously.

ADJOURNMENT: There being no further business, the meeting adjourned at 3:10 P.M.

A handwritten signature in cursive script that reads "Harold Dover". The signature is written in dark ink and is positioned above a horizontal line.

HAROLD DOVER, Chairman

ROLL CALL

NATURAL RESOURCES COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2/4/81

NAME	PRESENT	ABSENT	EXCUSED
Harold Dover, Chairman	✓		
Mark Etchart, Vice Chairman	✓		
Thomas Keating	<i>arrived late</i> ✓		
Roger Elliott	✓		
Larry Tveit	✓		
Jesse O'Hara	✓		
John Manley	✓		
William Hafferman	<i>arrived late</i> ✓		
Steve Brown	✓		
Dave Manning	<i>arrived late</i> ✓		
Patrick Ryan	✓		
Fred Van Valkenburg	✓		

Each day attach to minutes.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SB 205

TESTIMONY OF DEPARTMENT OF STATE LANDS

This bill would amend the confidentiality provision of the Hard Rock Mining Act. The Act currently requires that all information obtained from applications for exploration licenses and from small miners be kept confidential between the Board of Land Commissioners and the applicant. The information can only be released if the department determines that air or water quality violations exist. The problem is that the Department of State Lands personnel are not water quality experts. Only by duplicating the function of DHES can DSL make the determination called for.

SB 205 would correct this problem by allowing DSL to provide information to DHES when DSL determines that a violation of the air and water quality laws or rules may exist. DHES would be required to keep the information confidential under the same requirements as now apply to DSL. The information is also admissible in administrative hearings or proceedings concerning the site.

DSL supports SB 205 because it eliminates the necessity for DSL to duplicate DHES's function while preserving the confidentiality requirement.

TESTIMONY IN SUPPORT OF SENATE BILL 205

February 4, 1981

Submitted by the Montana Department of Health and Environmental Sciences

My name is Kevin D. Keenan, Enforcement Coordinator for the Water Quality Bureau of the Department of Health and Environmental Sciences and on behalf of that agency would like to testify in support of Senate Bill 205.

The so-called "confidentiality requirements" surrounding the submittal of information contained in a small miner's exclusion statement to the Department of State Lands, although intended to provide security during prospecting, exploration and operation of small mineral recovery concerns has inadvertently created an impediment to reasonable and proper enforcement of the provisions of the Montana Water Quality Act by the Department of Health - Water Quality Bureau.

Typically the problem develops as described in the following example. The Department of Health and Environmental Sciences responds to a pollution complaint, attempts to conduct an investigation as is required by law but finds itself unable to contact appropriate personnel at the site and will not trespass without proper authorization. Unable to gain access for complete investigation we have, on numerous occasions, contacted the Department of State Lands with the legal description and requested information as to a name and address of the responsible party. The Department of State Lands, due to the confidentiality requirement is, however, unable to provide us with the information and this necessitates considerable additional investigation time and expense for our agency.

Senate Bill 205, if given legislative approval, would allow transfer of necessary information from the Department of State Lands to the Department of Health and Environmental Sciences regarding specific sites/operations when we have determined that a violation of water quality laws may exist, but would carefully continue the confidentiality protection of the law.

In a very high percentage of cases we are able to assist the miners in complying with the law and regulation when given the opportunity to discuss the situation with the appropriate people. Senate Bill 205 would provide us with that opportunity without jeopardizing the confidentiality provisions.

Confidentiality provisions should not be used to the detriment of compliance with applicable regulations.

We ask that you give a favorable recommendation to this legislation.

NORTHERN PLAINS RESOURCE COUNCIL

Main Office
419 Stapleton Bldg
Billings, Mt. 59101
(406) 248-1154

Field Office
P.O. Box 886
Glendive, Mt. 59330
(406) 365-2525

TESTIMONY OF THE NORTHERN PLAINS RESOURCE COUNCIL ON SB 205
SENATE NATURAL RESOURCES COMMITTEE FEBRUARY 4, 1981

We support SB 205 for the following reasons:

It is primarily a good government bill. It provides a mechanism to flesh out the requirements of Article IX, Section 1, of the Montana Constitution which states that "The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations."

It is a bill that would help promote the health and welfare of Montanans by providing a mechanism to bring potential violations of law to the attention of those who are charged with the enforcement of the law. It is a bill that will help bring lawbreakers to justice.

It will correct a "Catch-22" situation that currently exists.

It will maintain the requirements for secrecy and will protect the fiduciary interests of the mining industry.

We urge a "do pass" for SB 205.



The Montana Environmental Information Center

February 4, 1981

• P.O. Box 1184, Helena, Montana 59601 (406) 443-2520
• P.O. Box 8166, Missoula, Montana 59801 (406) 728-2644

Testimony on Behalf of SB 205

Mr. Chairman and members of the Committee, my name is Don Snow.

I am Staff Coordinator of the 1,300 member MEIC. I am here today to testify in favor of SB 205.

In researching the implications of SB 205, I came across a quotation from a document authored by WESTECH (Western Technology and Engineering, Inc.) that I think would be of interest to the Committee. The document is titled "Mining and Mineral Fuels Development in the Montana Statewide 208 Study Area: Implications to Water Quality," dated March 1, 1978. I think the observation registered in this quotation really captures the essence of the problem before the Committee which SB 205 addresses.

((Quote pp.179-80 of WESTECH))

I would further note for the Committee that the 900 small miner exclusion statements discussed in the document has now in 1981 grown to about 1,100.

EIC supports SB 205 and urges a Do Pass vote by the Committee.

Thank you for your attention.

Respectfully submitted by

Don Snow

MINING AND MINERAL FUELS DEVELOPMENT
IN THE MONTANA STATEWIDE 208 STUDY AREA:
IMPLICATIONS TO WATER QUALITY

-FINAL DRAFT-

For

STATEWIDE 208 PROGRAM
WATER QUALITY BUREAU
ENVIRONMENTAL SCIENCES DIVISION
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
HELENA, MONTANA 59601

By

J.. Schmidt and M.K. Botz
WESTECH
Western Technology and Engineering, Inc.
2301 Colonial Drive
Helena, Montana 59601
(406) 442-0950

March 1, 1978

In 1971 or 1972, the Highway Department excavated a gravel pit near Garrison along the Clark Fork (9N10W15A). This pit has now been captured by the stream, and erosion of an old dump is now occurring at the downstream end of the pit (J. Murphy, pers. comm.).

Some enforcement problems have occurred where county attorneys have declined to prosecute operators for excavating without a permit. Under the Open Cut Act, violations of this type are processed through the county attorney's office. Bozeman Sand and Gravel has been cited three times, the last being in 1975, for excavating without a permit. No action has been taken by the Gallatin county attorney. In 1976, the city of Broadus excavated a gravel pit in an active flood channel of the Powder River with no notification or approval by DSL. The Powder River county attorney has taken no action in a complaint filed by DSL.

Hard Rock Bureau

All mines with operating permits are inspected by the Hard Rock Bureau quarterly. Small miners are visited once a year. During these inspections, compliance with the various provisions of the Hard Rock Act are noted and inspection reports filed.

Water quality is of concern at many hard rock operations. Regular mine inspections have noted discharges to streams, failures of tailings dams, erosion of disturbed areas, and recommendations of channel relocations. In many, but not all, cases, the Water Quality Bureau has been involved in the inspection of water quality problems and has worked cooperatively with the Hard Rock Bureau. The Bureau also works with the Forest Service on some mine problems. Generally, however the Hard Rock Bureau has less interagency communication than other bureaus of the Reclamation Division.

Some hard rock mine water quality problems are long term and unresolved to date, for example, Pacific Silica (6N5W16) and Bullock Brothers Crystal Mine (7N5W20). Review of Department memoranda leaves many questions regarding resolution of water quality problems identified during inspections.

Discussions with Hard Rock and Water Quality Bureau staffs indicates that an open communications link concerning water quality problems at hard rock mines does not exist.

Many specific water quality problems result from small miner activities. Presently, the Hard Rock Bureau works with small miners in eliminating or abating water pollution problems, but has not adequately enforced water pollution sections of the Hard Rock Act.

Section 20 (50-1220(1)) of the Hard Rock Mining Act states that a small miner "shall not pollute or contaminate any stream." Section 21(50-1221) states that "all information obtained from small miners is confidential except as to the name of the applicant and the county of proposed operation." This same section also states that any information obtained by the Department of State Lands (DSL) "is not confidential when a violation of the act or rules has been determined by the Department." The DSL does not make determinations of stream pollution (Dave Woodgerd, DSL attorney, pers. comm.). DSL recognizes the Water Quality Bureau as lead agency on water pollution matters since it has the proper expertise to evaluate pollution of streams (Dave Woodgerd, pers. comm.). The DSL does not release any information about potential water pollution problems that it observes in its inspections of mines because it feels that under Section 21 of the Hard Rock Act, this information is confidential. Since DSL will make no determinations as to water pollution because it does not have the expertise to make such decisions, and since the Department will not release any information to the Water

Quality Bureau about potential water pollution problems, the Department of State Lands enforcement of water pollution control provisions (Section 20) has been and is, inadequate.

There are presently over 900 small miner exclusion statements on file with the Department of State Lands. In the history of administration of the Hard Rock Act, no violation has ever been issued to any small miner for violation of subsection 1 of Section 20, the Hard Rock Act.

Coal and Uranium Bureau

The Coal and Uranium Bureau has 7½ full-time professional staff members, including a hydrologist. A second hydrologist will be added to the staff. This staff reviews the nine operating coal mines in the state, as well as coal and uranium exploration activities. Generally, the staff concentrates on a few operations, and rotates its review process, depending on permit review deadlines.

Inspections of coal strip mines have resulted in the issuance of notices of non-compliances relating to uncontrolled erosion of permitted areas resulting in sedimentation in unpermitted ephemeral channels at the Knife River and Peabody Mines. No non-compliances have ever been issued regarding discharges to running streams or lakes. Discharges from the Decker and Westmoreland Mines are regularly monitored.

The Coal and Uranium Bureau has worked with the Water Quality Bureau on water resource problems associated with nearly every coal mine in the state. The Water Quality Bureau reviews settling pond and treatment facilities, and is regularly contacted concerning mine discharge questions. The Coal and Uranium Bureau generally works with other agencies on reclamation erosion and sedimentation, and channel stabilization problems. The Coal and Uranium Bureau works closely with the Office of Energy Activities,

NAME: Bill Hand DATE: 2/4/81

ADDRESS: 1802 E 11th Ave - Helena

PHONE: 443-7297

REPRESENTING WHOM? Mt. Mng. Assoc.

APPEARING ON WHICH PROPOSAL: ✓ SB 205

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: _____

NAME: Kevin Keenan

DATE: 2/4/81

ADDRESS: DHS, WAB Cogswell Bldg A206, Helena, MT 59601

PHONE: (406) 449-2406

REPRESENTING WHOM? Dept. of Health & Env. Sci. - WQB, AQB

APPEARING ON WHICH PROPOSAL: SB 205

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS: Attached written testimony

NAME: Kevin Keenan DATE: 2/4/81

ADDRESS: DHS, WQB Cogswell Bldg A206, Helena, MT 59601

PHONE: (406) 449-2406

REPRESENTING WHOM? Dept. of Health & Env. Sci. - WQB, AQB

APPEARING ON WHICH PROPOSAL: SB 205

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Attached written testimony

Proposed Amendment to Senate ^{Joint} Resolution No. 2

On Page 1, line 10, after the word "of"
Insert "tree mortality due to insect infestations and"

Bob Brown

STANDING COMMITTEE REPORT

February 4,

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PRESIDENT

MR.

NATURAL RESOURCES

We, your committee on

SENATE JOINT RESOLUTION

having had under consideration Bill No. **11**

SENATE JOINT RESOLUTION

11

Respectfully report as follows: That Bill No.

be amended as follows:

1. Page 1, line 11

Following: "of"

Insert: "tree mortality due to insect infestations and"

And, as so amended,

DO PASS

JRF

STANDING COMMITTEE REPORT

February 4,

1981

MR. **PRESIDENT**

We, your committee on **NATURAL RESOURCES**

having had under consideration **SENATE**

Bill No. **16**

Respectfully report as follows: That **SENATE**

Bill No. **16**

be amended as follows:

1. Title, line 4.

Following: "REQUIRE"

Strike: "MINERAL"

Insert: "OIL AND GAS"

2. Title, line 5.

Following: "DEVELOPERS"

Insert: "OR OPERATORS"

3. Title, line 6.

Following: "REQUIRE"

Strike: "MINERAL"

Insert: "OIL AND GAS"

~~XXXXXX~~

y/c.

(Continued)

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4. Title, line 7.

Following: "DEVELOPERS"

Insert: "AND OPERATORS"

5. Title, line 8.

Following: "DRILLING"

Insert: "AND PRODUCTION"

6. Title, line 9.

Following: "CONDITIONS"

Insert: "AND PROVIDING AN EFFECTIVE DATE"

7. Page 1, lines 19 through 21.

Following: "to" on line 19

Strike: "exercise the power of the state to protect the public
welfare of Montana, which is largely dependent on agriculture,
and to"

8. Page 2, line 3.

Following: "estate"

Strike: "and other persons"

9. Page 2, line 4.

Following: "for"

Strike: "injury to their persons or"

Insert: "use of their"

10. Page 2, line 10.

Following: "grass"

Strike: "or crop"

Insert: ", crops or trees"

11. Page 2, lines 11 and 12.

Following: "land,"

Strike: "whether or not the grass or crop is to be sold commercially,
and the production of any"

Insert: "or"

12. Page 2, line 12.

Following: "animals"

Strike: ", whether or not the animals are to be sold commercially."

Insert: "with commercial value."

13. Page 2, lines 14 and 15.

Strike: subsection (2) in its entirety.

Renumber subsequent subsections.

(continued)

14. Page 2, line 16.

Following: "(3)"

Strike: "'Drilling'"

Insert: "'Oil and gas'"

15. Page 2, line 21.

Following: "(4)"

Strike: "'Mineral'"

Insert: "'Oil and gas'"

16. Page 2, line 21.

Following: "'Developer'"

Insert: "'Major operator'"

17. Page 2, line 22.

Following: "the"

Strike: "mineral estate or"

Insert: "oil and gas"

18. Page 2, line 22.

Following: "extracting"

Strike: "or using the minerals for nonagricultural purposes."

Insert: "oil and gas."

19. Page 2, line 24.

Following: "(5)"

Strike: "'Mineral'"

Insert: "'Oil and gas'"

20. Page 2, line 25.

Following: "the"

Strike: "minerals"

Insert: "oil and gas"

21. Page 3, line 2.

Strike: subsection (6) in its entirety.

Renumber: subsequent subsections.

22. Page 3, lines 3 and 4.

Strike: subsection (7) in its entirety.

Renumber: subsequent subsection.

23. Page 3, line 5.

Following: "who"

Strike: "has possession of"

Insert: "holds record title to or has a purchaser's interest in"

24. Page 3, line 6.

Following: "land"

Strike: "either as an owner or as a tenant."

(continued)

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25. Page 3, line 10.

Following: "the"

Strike: "mineral"

Insert: "oil and gas"

26. Page 3, line 11.

Following: "developer"

Insert: "or operator"

27. Page 3, lines 18 through 21.

Strike: "Included with this notice shall be a form prepared by the
board advising the surface owner of his rights and options under
[this act]."

28. Page 3, line 23.

Strike: "mineral"

Insert: "oil and gas"

29. Page 3, line 23.

Following: "developer"

Insert: "or operator"

30. Page 3, line 23.

Following: "money"

Insert: "or other compensation"

31. Page 4, line 4.

Following: "the"

Strike: "mineral"

Insert: "oil and gas"

32. Page 4, line 4.

Following: "developer"

Insert: "or operator"

33. Page 4, line 11.

Following: "operations:"

Insert: "and production."

34. Page 4, line 16.

Following: "Damages"

Strike: "for negligence and nuisance"

35. Page 4, line 17.

Strike: "mineral"

Insert: "oil and gas"

36. Page 4, line 17.

Following: "developer"

Insert: "or operator"

(continued)

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37. Page 4, lines 17 and 18.

Following: "to" on line 17

Strike: "person or"

38. Page 4, line 19.

Following: "by the"

Strike: "mineral"

Insert: "oil and gas"

39. Page 4, line 19.

Following: "developer"

Insert: "or operator"

40. Page 4, line 19.

Following: "The"

Strike: "mineral"

Insert: "oil and gas"

41. Page 4, line 20.

Following: "developer"

Insert: "or operator"

42. Page 4, line 20.

Following: "is"

Strike: "also"

43. Page 4, line 20.

Following: "for"

Strike: "all"

44. Page 4, line 20.

Following: "damages to"

Strike: "person or"

45. Page 4, line 21.

Following: "personal,"

Strike: "resulting from a nuisance"

46. Page 4, line 22.

Following: "operations"

Insert: "and production."

47. Page 4, line 23.

Following: "injury"

Insert: "to property"

48. Page 4, line 24.

Following: "a"

Strike: "person"

Insert: "surface owner"

(continued)

49. Page 4, line 24.
Following: "shall"
Strike: "notify"
Insert: "give written notice to"

50. Page 4, line 25.
Strike: "mineral"
Insert: "oil and gas"

51. Page 4, line 25.
Following: "developer"
Insert: "or operator"

52. Page 4, line 25.
Following: "the"
Strike: "person"
Insert: "surface owner"

53. Page 5, line 5.
Following: "the"
Strike: "mineral"
Insert: "oil and gas"

54. Page 5, line 5.
Following: "developer"
Insert: "or operator"

55. Page 5, line 8.
Following: "The"
Strike: "person"
Insert: "surface owner"

56. Page 5, line 10.
Following: "legal action"
Strike: "-- fees and costs"

57. Page 5, line 12.
Following: "the"
Strike: "mineral"
Insert: "oil and gas"

58. Page 5, line 12.
Following: "developer"
Insert: "or operator"

59. Page 5, lines 15 through 19.
Following: "sustained."
Strike: "If the amount of compensation awarded by the court is greater than that which had been offered by the mineral developer, the court shall award the person seeking compensation reasonable attorney fees and any cost assessed by the court."

(continued)

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19.....

60. Page 6, line 3.

Insert: "Section 11. Effective date. This act is effective on
June 1, 1981."

And, as so amended,
DO PASS

Master

Amendments to SB 16

1. Title, line 4.

Following: "REQUIRE"

Strike: "MINERAL"

Insert: "OIL AND GAS"

2. Title, line 5.

Following: "DEVELOPERS"

Insert: "OR OPERATORS"

3. Title, line 6.

Following: "REQUIRE"

Strike: "MINERAL"

Insert: "OIL AND GAS"

4. Title, line 7.

Following: "DEVELOPERS"

Insert: "AND ~~PRODUCERS~~
OPERATORS"

5. Title, line 8.

Following: "DRILLING"

Insert: "AND PRODUCTION"

6. Title, line 9.

Following: "CONDITIONS"

Insert: "AND PROVIDING AN EFFECTIVE DATE"

7. Page 1, lines 19 through 21.

Following: "to" on line 19

Strike: "exercise the power of the state to protect the public
welfare of Montana, which is largely dependent on agriculture,
and to"

8. Page 2, line 3.

Following: "estate"

Strike: "and other persons"

9. Page 2, line 4.

Following: "for"

Strike: "injury to their persons or"

Insert: "use of their"

10. Page 2, line 10.

Following: "grass"

Strike: "or crop"

Insert: ", crops or trees"

11. Page 2, lines 11 and 12.

Following: "land,"

Strike: "whether or not the grass or crop is to be sold commercially,
and the production of any"

Insert: "or"

12. Page 2, line 12.

Following: "animals"

Strike: ", whether or not the animals are to be sold commercially"

Insert: "with commercial value."

13. Page 2, lines 14 and 15.

Strike: subsection (2) in its entirety.

Re-number subsequent subsections.

14. Page 2, line 16.

Following: "(3)"

Strike: "'Drilling'"

Insert: "'Oil and gas'"

15. Page 2, line 21.

Following: "(4)"

Strike: "'Mineral'"

Insert: "'Oil and gas'"

16. Page 2, line 21.

Following: "developer"

Insert: "and operator"

17. Page 2, line 22.

Following: "the"

Strike: "mineral estate or"

Insert: "oil and gas"

18. Page 2, line 22.

Following: "extracting"

Strike: "or using the minerals for nonagricultural purposes."

Insert: "oil and gas."

19. Page 2, line 24.

Following: "(5)"

Strike: "'Mineral'"

Insert: "'Oil and gas'"

20. Page 2, line 25.

Following: "the"

Strike: "minerals"

Insert: "oil and gas"

21. Page 3, line 2.

Strike: subsection (6) in its entirety.

Re-number subsequent subsections.

22. Page 3, lines 3 and 4.

Strike: subsection (7) in its entirety.

Re-number subsequent subsection.

23. Page 3, line 5.

Following: "who"

Strike: "has possession of"

Insert: "holds record title to or has a purchaser's interest in"

24. Page 3, line 6
Following: "land"
Strike: "either as an owner or as a tenant."

25. Page 3, line 10.
Following: "the"
Strike: "mineral"
Insert: "oil and gas"

26. Page 3, line 11.
Following: "developer"
Insert: "or operator"

27. Page 3, lines 18 through 21.
Strike: "Included with this notice shall be a form prepared by the
board advising the surface owner of his rights and options under
[this act]."

28. Page 3, line 23.
Strike: "mineral"
Insert: "oil and gas"

29. Page 3, line 23.
Following: "developer"
Insert: "or operator"

30. Page 3, line 23.
Following: "money"
Insert: "or other compensation"

~~31. Page 3, line 23.
Following: "money"
Insert: "or other compensation"~~

number
document
numbers

31
32. Page 4, line 4.
Following: "the"
Strike: "mineral"
Insert: "oil and gas"

32
33. Page 4, line 4.
Following: "developer"
Insert: "and operator"

33
34. Page 4, line 11.
Following: "operations:"
Insert: "and production"

34
35. Page 4, line 16.
Following: "Damages"
Strike: "for negligence and nuisance."

35
36. Page 4, line 17.
Strike: "mineral"
Insert: "oil and gas"

~~36~~
36. Page 4, line 17.
Following: "developer"
Insert: "and operator"

~~37~~
37. Page 4, lines 17 and 18.
Following: "to" on line 17
Strike: "person or"

~~37~~38
38. Page 4, line 19.
Following: "by the"
Strike: "mineral"
Insert: "oil and gas"

~~38~~39
39. Page 4, line 19.
Following: "developer"
Insert: "or operator"

~~39~~40
40. Page 4, line 19.
Following: "The"
Strike: "mineral"
Insert: "oil and gas"

~~40~~41
41. Page 4, line 20.
Following: "developer"
Insert: "or operator"

~~42~~
42. page 4, line 20.
Following: "is"
Strike: "also"

~~43~~
43. Page 4, line 20.
Following: "for"
Strike: "all"

~~44~~
44. Page 4, line 20.
Following: "damages to"
Strike: "person or"

~~45~~
45. Page 4, line 21.
Following: "personal,"
Strike: "resulting from^a nuisance"

~~46~~
46. Page 4, line 22.
Following: "operations"
Insert: "and production."

~~47~~
47. Page 4, line 23.
Following: "injury"
Insert: "to property"

~~48~~
48. Page 4, line 24.
Following: "a"
Strike: "person"
Insert: "surface owner"

49

50. Page 4, line 24.

Following: "shall"

Strike: "notify"

Insert: "give written notice to"

50

51. Page 4, line 25.

Strike: "mineral"

Insert: "oil and gas"

51

52. Page 4, line 25.

Following: "developer"

Insert: "or operator"

52

Page 4, line 25

Following: "the"

Strike: "person"

Insert: "surface owner"

53. Page 5, line 5.

Following: "the"

Strike: "mineral"

Insert: "oil and gas"

54. Page 5, line 5.

Following: "developer"

Insert: "or operator"

55. Page 5, line 8.

Following: "The"

Strike: "person"

Insert: "surface owner"

56. Page 5, line 10.

Following: "legal action"

Strike: " -- fees and costs"

57. Page 5, line 12.

Following: "the"

Strike: "mineral"

Insert: "oil and gas"

58. Page 5, line 12.

Following: "developer"

Insert: "or operator"

59. Page 5, lines 15 through 19.

Following: "sustained"

Strike: "If the amount of compensation awarded by the court is greater than that which had been offered by the mineral developer, the court shall award the person seeking compensation reasonable attorney fees and any cost assessed by the court."

60. Page 6, line 3.

Insert: "Section 11. Effective date. This act is effective on June 1, 1981."

Advised