

48TH LEGISLATIVE SESSION

MINUTES OF  
NATURAL RESOURCES COMMITTEE  
MONTANA STATE SENATE

March 9, 1983

A regularly scheduled meeting of the Senate Natural Resources Committee was called to order at 12:30 p.m. on Wednesday, March 9, 1983 by Senator Harold L. Dover, Chairman, in Room 405, State Capitol, Helena, MT.

ROLL CALL: Roll was called by the secretary, Senators Manning and Lee were excused, a quorum of members was present, with Senator Stan Stephens sitting on committee for one of the members for a short time.

HOUSE BILL 135: Chairman Dover opened hearing and asked Rep. Dan Yardley, Dist. 74 to speak on the bill. Rep. Yardley explained this bill is to create wind energy easements, and that they would be assured continual flow of wind across the real property. The easements must be created in writing and are covenants of record as easements on the real property, and must include a legal description of the easement. It is similar to other easements and restricts placing of buildings or other objects which would obstruct the wind. This will allow for long range planning.

PROPOSERS: Kathy Campbell, Montana Association of Churches said they support renewable sources of energy and support this bill because of the objectives.

OPPOSERS: There were no opposers.

Senator Keating inquired if this would be a public easement. Rep. Yardley said it is an agreement between land owners. The easement goes with the property. Senator Keating asked if contractual agreements would apply? Rep. Yardley said they would have to be written and recorded, and would apply even if a person would sell the land. Senator Keating asked if there were any problems now with interference? Rep. Yardley said there were not, but this would allow protection for those installed, such as the 5 at Livingston.

Senator Van Valkenburg asked if this is something a person would pay for. Rep. Yardley said yes, the neighbor would probably charge, terms could be set up.

Senator Mohar inquired if this bill also includes sunlight. Debbie Schmidt answered that a bill has been adopted providing for solar easements, and is included in this bill to be sure it is codified in all areas needed.

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HB 135 (cont.)

Senator Shaw inquired into effective date. it was noted the bill would be effective on passage. Senator Shaw said this would be helpful to projects beginning this spring. There was no further discussion and hearing was closed.

HOUSE BILL 436: Chairman Dover called on Rep. John Harp, Dist. 19, and opened hearing. Representative Harp said the bill is to remove the confidentiality of reports on stratigraphic test wells. Presently the board has a three year period where they impound those findings and do not release them to the public. The board says storage of these findings is a problem, they would prefer the owners would have them.

PROPONENTS: Dee Rickman, Executive Secretary for the Board of Oil and Gas, stated they were not planning to testify, just appeared to hear the bill.

OPPONENTS: There were no opponents.

Senator Halligan inquired as to information which would be looked for in the petroleum process. Ms. Rickman said that there is not that much interest at this time, there may be in the future with other energy development.

Senator Keating inquired as to size of the holes, and whether there was a change from 4 1/2"? Ms. Rickman said to her knowledge there was no change. Mr. Allen said the information is useful for locating rock formations and correlating that information. Hearing was then closed.

ACTION ON HOUSE BILL 436: Senator Keating moved that House Bill 436 Be Concurred In, vote was called, a majority voted 'aye', Senators Story, Manning, Lee and Mohar were absent for the vote, motion carried.

ACTION ON HOUSE BILL 135: Senator Etchart moved that HB 135 Be Concurred In. Senator Shaw said he has some reservations on the easements for windmills, that someone might be sorry for having granted the easements years down the road. It was explained the easement is not for the windmills, but is just to leave air space. Roll call vote was taken, motion passed, Senator Shaw voted 'no'.

HOUSE BILL 352: Chairman Dover called on Bob Ream, sponsor and opened hearing. Rep Bob Ream, District 93, stated this bill is introduced at request of the Environmental Quality Bureau, and would allow for enforcement of the clean air act when there is pollution violations. The bureau could revoke the permit. This brings the clean air act parallel with the clean water act, as it has this enforcement.

HB 352 (cont.)

PROPONENTS: Hal Robbins, Air Quality Bureau, Dept. of Health, said the Board of Health is the agency that sets the rules, the Department enforces them, and this bill relates to enforcing. The bill is to make the enforcement of air quality consistent with clean water enforcement.

OPPONENTS: Don Allen, Montana Petroleum Association, stated that he did not object to the bill entirely, however as they read it there could be things put into the permit that wouldn't have to be, and problems could be created for people wanting to do business in the future. He has had his attorneys look at the bill, they are not certain as to what this bill does.

Senator Halligan inquired of Mr. Robbins his answer as to what could be put in the permit? Mr. Robbins said that the board of health, when it adopted permit rules realized it would be up to the discretion of the department to define what would be in the permit to comply, and each source is treated differently by the situation. Permit rules do allow for appeal to the Board of Health if a business feels it is unfair, however there hasn't been an appeal in 5 years.

Senator Eck asked Mr. Robbins if in permitting, they do consider such things as equipment. Mr. Robbins said they do, that certain types of equipment are recommended.

There was further discussion, with Mr. Robbins further explaining the permit process. At present they have no means of enforcement other than withdrawing a permit, the bill would allow fining for enforcement.

Representative Ream said the bill was sent out to the industries, there was very little response. Hearing was then closed.

ACTION ON HOUSE BILL 352: Senator Eck moved that House Bill 352 Be Concurred In, vote was called, motion carried. Senator Halligan would carry the bill on floor of the Senate.

ACTION ON HOUSE BILL 8: Termination of severed mineral interests. Senator Etchart moved that House Bill 8 be layed on the table. Senator Etchart said that there had been input from people who think we are stealing their property rights. There was discussion by committee members. Senator Story stated that if the bill is not tabled, he would have amendments. Senator Shaw expressed concern that persons owning land that has severed mineral interest where no heirs can be found can do nothing with their land. Roll call vote was taken on a substitute motion of Senator Tveit that

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HB 8 (cont.)  
House Bill 8 Be Concurred In. Motion failed on vote of  
6-4. The motion was reversed that House Bill 8 Be Not  
Concurred In and passed.

There being no further business to come before the committee  
the meeting was duly adjourned at 2:20 p.m.



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SENATOR HAROLD L. DOVER, CHAIRMAN  
SENATE NATURAL RESOURCES COMMITTEE



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Patricia Hatfield  
Committee Secretary

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

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Date 3-9-83

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (D)	✓		
HALLIGAN, Mike (D)	✓		
KEATING, Thomas F. (R)	✓		
LEE, Gary P. (R)			✓
MANNING, Dave (D)		—	✓
MOHAR, John (D)	✓		
SHAW, James N. (R)	✓		
STORY, Pete (R)	✓		
TVEIT, Larry J. (R)	✓		
VAN VALKENBURG, Fred (D)	✓		
ETCHART, Mark (R) Vice Chairman	✓		
DOVER, Harold L. (R) Chairman	✓		

Stephens.

✓

3-9-83

## NATURAL RESOURCES

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(B) is a sworn statement with Confidentiality

# STANDING COMMITTEE REPORT

March 9

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**PRESIDENT:**

MR.

We, your committee on

**NATURAL RESOURCES**

having had under consideration

**HOUSE**

Bill No. **352**

**Ream (Halligan)**

Respectfully report as follows: That

**HOUSE**

Bill No. **352**

**BE CONCURRED IN**

**EXTRAS**

*HC*

# STANDING COMMITTEE REPORT

March 9

1983

MR. PRESIDENT:

We, your committee on **NATURAL RESOURCES**

having had under consideration

**HOUSE**

Bill No. **135**

**Yardley (Halligan)**

Respectfully report as follows: That

**HOUSE**

Bill No. **135**

BE CONCURRED IN

~~DOUBT~~

*H.C.*



SENATE COMMITTEE SENATE NATURAL RESOURCES

Date 3-9 Bill No. 135 Time 1:30

NAME	YES	NO
ECK, Dorothy (D)	✓	
HALLIGAN, Mike (D)	✓	
KEATING, Thomas F. (R)	✓	
LEE, Gary P. (R)	—	—
MANNING, Dave (D)	—	—
MOHAR, John (D)	—	—
SHAW, James N. (R)		✓
STORY, Pete (R)	—	—
TVEIT, Larry J. (R)	✓	
VAN VALKENBURG, Fred (D)	✓	
ETCHART, Mark (R) Vice Chairman	✓	
DOVER, Harold L. (R) Chairman	✓	

Secretary  
Patricia A. Hatfield

Chairman  
Harold L. Dover

Motion: Be Concurred In.

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 9 19 83

MR. PRESIDENT:

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **8**

**Ryan**

Respectfully report as follows: That **HOUSE** Bill No. **8**

**BE NOT CONCURRED IN**  
**DO PASS**

SENATE COMMITTEE SENATE NATURAL RESOURCES

Date 3-9 Bill No. HB. 8 Time 2:15

NAME	YES	NO
ECK, Dorothy (D)		✓
HALLIGAN, Mike (D)	✓	
KEATING, Thomas F. (R)		✓
LEE, Gary P. (R)	—	—
MANNING, Dave (D)	—	—
MOHAR, John (D)		✓
SHAW, James N. (R)	✓	
STORY, Pete (R)		✓
TVEIT, Larry J. (R)	✓	
VAN VALKENBURG, Fred (D)	✓	
ETCHART, Mark (R) Vice Chairman		✓
DOVER, Harold L. (R) Chairman		✓

Secretary  
Patricia A. Hatfield

Chairman  
Harold L. Dover

Motion:

Do Pass Reverse Do Not Pass  
Be Concurred In Reverse Be Not Concurred In

(include enough information on motion—put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 9 19 83

MR. PRESIDENT:

We, your committee on **NATURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **436**

**Harp (Keating)**

Respectfully report as follows: That **HOUSE** Bill No. **436**

**BE CONCURRED IN**  
**XXXXXX**

*HC*