

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 25, 1985

The meeting of the Natural Resources Committee was called to order by Chairman Dennis Iverson at 3:10 p.m. in Room 312 of the State Capitol.

ROLL CALL: All members were present except Rep. Garcia, who was excused.

HOUSE BILL 158: Rep. Marian Hanson, District 100, introduced HB 158, which she sponsored at the request of the Dept. of Labor and Industry. Rep. Hanson said that the current Montana statute requiring quarterly inspections of coal mines was enacted when most mines were underground. She said that changing the inspection interval to every six months would result in no loss of safety and a net biennial savings of \$67,984.

Gary Blewett, Administrator of the Workers' Compensation Division of the Dept. of Labor and Industry, spoke in support of HB 158. A copy of his testimony is attached and labeled Exhibit 1.

James Mockler, representing the Montana Coal Council, spoke in favor of HB 158. He said that two inspections annually by the State, in addition to two inspections annually by the Federal Mining Safety and Health Administration (MSHA), would be sufficient to assure safe operations of surface coal mines.

No further proponents spoke in favor of HB 158.

Leonard Colvin of Forsyth, a member of the United Mine Workers, spoke in opposition to the measure. A copy of his testimony is attached hereto, labeled Exhibit 2.

Randy Siemers of Billings, representing a group of operating engineers, opposed HB 158, saying it would compromise the safety of surface coal miners. He presented a petition signed by 80 workers at the Sarpy Creek Coal Mine against the proposed change of inspection intervals. He said that a similar petition is being circulated at Colstrip. A copy of the petition is attached hereto as Exhibit 3.

Responding to questions from the committee, Ed Gatzemeier of the Workers' Compensation Division said that surface mine inspections include a search for ground control hazards and potential dangers from electrical systems, flammable materials, heavy equipment and mine walls.

Rep. Asay asked Mr. Colvin about the existence and authority of mine safety committees comprised of employees. Mr. Colvin said that most mines have a safety committee made up of employees, and that such committees have the authority to cease operation of a mine if dangerous conditions are found. He told Rep. Raney that most companies are responsive to the complaints or concerns of such employee safety committees.

Rep. Ream asked Mr. Blewett if there is any coordination of State and MSHA inspections and was told that the inspectors of each agency are so busy that there is little time for coordination or cooperation. Blewett said that some mines show more problems than others and that mine safety inspectors could do more service if they had time to do extensive follow-up inspections after safety problems were noted.

Rep. Krueger asked Mr. Blewett if inspections every six months were adequate to cover potential problems with electrical systems. Mr. Blewett said that he would not have supported HB 158 if he thought there would be any loss of safety resulting from a six-month inspection interval.

Mr. Blewett questioned the accuracy and adequacy of the fiscal note that accompanied HB 158, saying he was unfamiliar with the figures noted.

Rep. Iverson asked Mr. Blewett if the purpose of HB 158 was to save the state money or to promote more flexibility in the jobs of mine safety inspectors. Mr. Blewett said the primary purpose of HB 158 would be to allow safety inspectors to do a better job of addressing mine problems and training employees in safety procedures without the expense of additional mine inspection staff.

Rep. Hanson closed by saying she was confident that HB 158 would allow mine safety inspectors to do a more thorough job, and that she would not have supported a bill that would result in less safe surface coal mine operations.

HOUSE BILL 316: Rep. Kurt Krueger, District 69, introduced HB 316, which he sponsored at the request of the Dept. of Natural Resources and Conservation. Rep. Krueger said HB 316 is a "housekeeping" measure which would reduce the Rangeland Resources Committee from a membership of 23 to a workable group of six. He said the measure would still allow the remaining six members to consult with those representatives no longer on the committee.

Ray Beck, administrator of the Conservation Districts Division of the Dept. of Natural Resources and Conservation, spoke in support of HB 316. A copy of his testimony is attached hereto as Exhibit 4.

Dave Donaldson, representing the Montana Association of Conservation Districts, said his group supports passage of HB 316.

No opponents spoke against HB 316.

Rep. Raney asked Mr. Beck if reducing the committee to a membership of six ranchers would result in harm to rangeland resources. Mr. Beck said he was confident that the committee would continue to ask for information from representatives of other interests and that a balance would be maintained. He also said that the committee has no power to determine rangeland resource policy, but only gives advice to the Dept. of Natural Resources.

Rep. O'Hara moved to pass HB 316, and the measure received a unanimous Do Pass vote.

The committee agreed to discuss HB 158 following preparation of a new fiscal note.

There being no further business before the committee, the meeting was adjourned at 4:15 p.m.


DENNIS IVERSON, Chairman

DAILY ROLL CALL

HOUSE NATURAL RESOURCES

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date

January 25, 1985

NAME	PRESENT	ABSENT	EXCUSED
IVERSON, Dennis (Chairman)	✓		
KADAS, Mike (Vice-Chairman)	✓		
ADDY, Kelly	✓		
ASAY, Tom	✓		
COBB, John	✓		
DRISCOLL, Jerry	✓		
GARCIA, Rodney	ex		✓
GRADY, Edward	✓		
HARP, John	✓		
JONES, Tom	✓		
KRUEGER, Kurt	✓		
MILES, Joan	✓		
MOORE, Janet	✓		
O'HARA, Jesse	✓		
PETERSON, Mary Lou	✓		
RANEY, Bob	✓		
REAM, Bob	✓		
SMITH, Clyde	✓		

STANDING COMMITTEE REPORT

January 25 19 25 ..

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 116

FIRST reading copy (WHITE)
color

A BILL REVISING THE STRUCTURE AND THE AUTHORITY OF
RANGELAND RESOURCES COMMITTEE

Respectfully report as follows: That HOUSE Bill No. 316

DO PASS

Exhibit 1
HB 158
1/25/85
Natural Resources

Testimony on HB158
Before the House Natural Resources Committee
By

Gary Blewett, Administrator, Workers' Compensation Division
Department of Labor & Industry

The Department of Labor & Industry requests a change in the inspection interval for surface coal mines from the current 3 months to 6 months.

This bill would not change the inspection interval for underground coal mines. It only changes the inspection interval for surface mines.

The law requiring quarterly inspections for all coal mines was enacted in 1911. To our knowledge the inspection interval has not been reviewed by the legislature since then. There are currently 9 surface coal mines in Montana and no underground mines. We are able, with our current one coal inspector, to conduct the required 36 inspections a year. Our inspector is also able to do a few follow-up inspections as well. If more surface coal mines or an underground mine go into operation, we will need to add staff. Before that becomes a necessity, we thought it important to have the existing schedule reevaluated.

It is the professional opinion of my staff in the Safety Bureau that it is reasonable and consistent with responsible safety management standards to require semi-annual inspections for surface coal mines, while maintaining the quarterly schedule for underground mines. We believe the change is advisable for three reasons:

- (1) In 1911 when the current law was enacted, almost all coal mines were underground. Now the situation is reversed and all the coal mines are surface mines. Surface mines provide a far safer work environment than underground, as was recently evidenced in the underground coal mine disaster in Utah.

Testimony on HB158
page two

January 25, 1985

- (2) In 1969 the Federal Mining Safety & Health Administration (MSHA) was established. MSHA conducts its own inspections of all coal mines in Montana with a staff of one working out of Billings, Montana, and assistance out of Wyoming. The MSHA inspection schedule is identical with the proposed amendment in this bill. MSHA inspectors inspect Montana surface coal mines once every 6 months and underground coal mines once every 3 months.
- (3) It makes good management sense to allow the Safety Bureau coal mine inspector to target very frequent inspections at problem mines and limit mandatory inspections at safe surface mines to twice a year. The additional flexibility would also allow an opportunity to coordinate inspection efforts with MSHA. Targeting limited resources on problem mines and having the flexibility to coordinate with other existing resources will contribute to effective safety management more than maintaining frequent routines.

We are well aware of the concerns of employees who work Montana's coal fields. We have received petitions and letters expressing their fear that any reduction in the inspection schedule could jeopardize their safety. We are reminded how dangerous mining can be with the Utah disaster in an underground coal mine.

This bill is presented to you in full recognition of these concerns. First, the frequency of inspections for underground coal mines would not change. Second, we believe we can be far more effective in ensuring safety in surface coal mines by reducing the mandatory schedule to twice a year and, thus, allowing us the flexibility to both target extra effort on problem coal mines and coordinate efforts with MSHA.

Your approval of this bill is requested in the interest of both safety and effective management.

Statement of Leonard Colborn

Exhibit 2
1/25/85
HB 158

The State of Montana Dept. of Labor has asked the Legislature to cut the amount of Health and Safety inspections of a surface coal mine. This action shows a total disregard for another Natural Resource--that resource being the men and women who work in the coal industry. Just what price does the bureau of Mine Health and Safety put on a human life: to want to ~~cut what few~~ mining laws we have and to cut inspections by half. When a person speaks of mine health and safety laws and regulations, they are speaking of life and death situations in a coal mine. To take a closer look at Montana's coal production; there are approximately 10 mines in the state at this time, employing approximately 1200 men and women. In the calendar year of 1984 these mines produced over 33 million tons of coal. If we are to look at where Montana's coal production is going and the laws that will be needed to protect its coal miners, we must examine the past. We all have heard about the mine fire and disaster in Utah recently which ~~left~~ 20 some people dead. God has thus far spared us the grief related to a mine disaster here in Montana. One of the last major mine disasters in the State of Montana was the Queens Point mine disaster in Musselshell county. A mine disaster is a mishap which results in multiple deaths and injuries. On a national level, coal mining is the second most dangerous occupation in this country. This

covers both underground and surface mining. It is said that surface mining today is no more dangerous than ~~that~~ of a person working on a road construction job.--the type of equipment is the same. Believe me, that is the only part of the two jobs that is the same. My experience in both road construction and coal mining can assure you that mining with heavy equipment requires far more skill and training to offset the danger that goes with mining.

1. ground control
2. electricity
3. dust
4. haulage
5. coal preparation and storage
6. explosives

All of the aforementioned dangers requires a miner to have a very watchful eye and yet, it is very easy to overlook some little something due to the fact that we see it daily, and at first don't see or think of it as a hazard. To a mine inspector just coming into a mine it is much easier to spot a ground control hazard for example that it is for an individual moving dirt into a spoil pile.

Another item to be given some consideration is the cost and responsibility of the state to inspect coal mines.

1. The Federal Government in the past 4 years, has given the states more responsibility to insure mine safety, whether it be surface or underground mines.

2. The cost of inspecting our mines--what value do we put on human life? In 1977 the Congress of the United States passed the coal mine act. In the act, a portion deals with the state's cost to assure mine Health and Safety. Call it State Grants or Assistance to the States. The State of Montana is no stranger to the State Grants Program--in the past 3 or 4 years, Montana has requested \$35,000 to \$38,000 each year and received it from this program. In fiscal year 1973, Montana requested and received \$129,969. In fiscal year 1983 only \$38,113. Wyoming, Colorado, and North Dakota all received more money from the state grants program only because they requested it. They see more and more responsibility to protect their coal miners. Here in Montana, we have people who see their responsibility and all they want to do is CUT AND RUN. This hearing today is a good example. The Legislature of the past saw and met their responsibilities. They gave us 4 inspections per year. Let this body here today see and meet their responsibility to maintain a good set of safety standards, not cut and run.

THANK YOU

1/25/85

THE STATE OF MONTANA BUREAU OF SAFETY, DIVISION OF WORKERS' COMPENSATION IS PROPOSING A STATUTORY CHANGE IN THE MONTANA COAL MINING CODES WHICH WOULD ALLOW FOR BI-ANNUAL SAFETY INSPECTIONS OF SURFACE COAL INSTEAD OF QUARTERLY SAFETY INSPECTIONS.

WE, THE SURFACE COAL MINERS OF MONTANA, FEEL THAT CHANGING THE FREQUENCY OF INSPECTIONS TO TWICE A YEAR WOULD COMPROMISE SAFETY IN SURFACE COAL MINES IN THE STATE OF MONTANA.

WE, THE UNDERSIGNED SURFACE COAL MINERS, ARE TOTALLY AGAINST THE PROPOSED STATUTORY CHANGE IN THE MONTANA COAL MINING CODE, 50-73-406 MINIMUM INSPECTION INTERVALS.

SIGNATURE	DATE	ADDRESS and/or COMPANY
Bill Best	11 Dec 84	Hardin Mt LOCAL 400
Ed M. Lutz	12-11-84	Hardin MT M.K.
Gene White Bear	12-11-84	" " M.K.
Charles W. Danegon	12-11-84	Lodge Grass, MT M.K.
Charles Batrich	12-11-84	Hardin Mont. M.K.
Gustav Neumiller	12-11-84	Hardin, Mont M.K.
Robert Russen	12-11-84	Hardin M.K.
Vincent C. Weigand	12-11-84	HARDIN, MONT. M-K
Delmer Wittmayer	12-11-84	Hardin MT - M.K.
Theodore C. Slough	12-11-84	Hysham MONT. M-K
James W. Zeller	12-11-84	Hardin, Mont. 59034 M.K.
Bernie R. Stiffan	12-11-84	Hardin, Mont. 59034 M.K.
Rodolfo M. Stewart	11 DEC 84	HARDIN, MONT 59034 M.K.
Walt W. Haley	12-11-84	HARDIN, MONT 59034 M.K.
Clinton L. Furse	12-11-84	Crow Agency M.K.
Don Watson	12-11-84	Hardin Montana M.K.
Florence Weisser	12-11-84	Hardin, Montana, M.K.
Emory J. [unclear]	12-11-84	Hardin MONTANA M.K.
H. E. [unclear]	12-11-84	Hardin, Montana M.K.
John [unclear]	12-11-84	Lodge Grass Montana M-K
Shane Fournel	12-11-84	Hardin MT. M-K
William F. Smith	12-11-84	Hardin MT M.K.

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SIGNATURE	DATE	ADDRESS and/or COMPANY
Leevil Harmon	12-11-84	Hardin, Mt. 57032 MK
Alvin H. Suko	12-11-84	Hardin Mt 59034 MK
Dwaine A. Stiger	12-11-84	Hardin Mt 59034 MK
David R. Camd	12-11-84	HARDIN MT MK
Byron E. Llan	12-11-84	Crow Agency Mt MK
Michael R. P. at	12-11-84	Hardin Mt 59034 MK
Michael Rust	12-11-84	Crow Agency 59022 MK
Robert Lee Stapp	12-11-84	Crow Agency Mt. MK
Henry Stewart	12-11-84	CCF CCF (A.H.)
Jim Ansh	12-11-84	Terry, Mont. M-K
Steven W. Kern	12-11-84	Hardin MK
C. V. Graham	12-11-84	Hardin MK
John S. Bolts	12-11-84	Hardin Mt MK
Kenneth L. Lott	12-11-84	Hardin Mt MK
John T. Wyman	12-11-84	" " "
J. C. Wilcox	12-18-84	" " "
Edwin Cummings	12-18-84	Hardin Mt MK
Ben D. Zeffner	12-19-84	Hardin Mt, 59034
Terry Stark	12-19-84	Sapp, etc Hysham Mt
Robert A. Bitch	12-19-84	Box 1080 Hardin Mt
Randy Real Bird	12-19-84	Box 105 Garman, Mt -
Pete Plant Hawk	12-19-84	Locks Green. 4 Mt

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ADDRESS and/or COMPANY

Rafael Chang	12-19-84	Box 38. Hardin M-K
Chapman Lindbergh	12-19-84	Box 278 Nauden M-K
Chris Smith	12-19-84	Box 258 " M-K
Adrian Bird	12-19-84	Box # 153, LODGE GRASS M-K
Bance White	12-19-84	Box 377 Crow Agency M-K
S. B. + B. O'Connell	12-19-84	CORRIGAN, P/T. M-K
Lucas Flatman	12-19-84	Box # 103 Lodge Grass M-K
Royce Case	12-19-84	Hardin MT M-K
W. W. Wiley	1-2-85	Box 1998 Colstrip, MT WESCO
Paul M. Wilmet	1-2-85	Box 585 HARLINGTON MT 59036 WESCO
Polycarp Shugh	1-2-85	Sandy Cr. Rt. 59038 WESCO
Robert B. Clark	1-2-85	Spring Creek Teton P WESCO

DEC 7 1984

Exhibit 3

P. 4

1/25/85

THE STATE OF MONTANA BUREAU OF SAFETY, DIVISION OF WORKERS' COMPENSATION IS PROPOSING A STATUTORY CHANGE IN THE MONTANA COAL MINING CODES WHICH WOULD ALLOW FOR BI-ANNUAL SAFETY INSPECTIONS OF SURFACE COAL INSTEAD OF QUARTERLY SAFETY INSPECTIONS.

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SIGNATURE

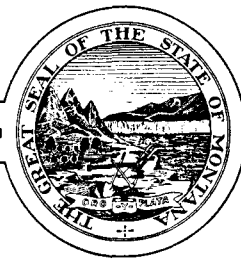
DATE

ADDRESS and/or COMPANY

John C. Ball	12/10/84	Bus. Mt. Local 400 I.U.O.E. 3737 Airport Road, Helena, MT
Harry Fitzpatrick	12/10/84	Local 400 3737 Airport Rd Helena MT
Walter Smith	12-10-84	Local 400 P.O. Box 5929 Helena, MT 59601
Samuel T. Youso	12-10-84	LOCAL 400 3737 AIRPORT Rd. HELENA, MT
Ruth B. Strick	12-10-84	Local 400 P.O. Box 5929 Helena, MT 59601
William H. Clark	12-10-84	Local 400 P.O. Box 5929 Helena 59601
Jerry W. Shuler	12/10/84	Box 715 New Lodge MT 59702
Gen. F. Blanchard	12/10/84	Box 770 Lincoln, MT. 59602
John Newman	12/11/84	Box 398 Ellistown MT 59701
William H. Oak	12/12/84	2765 Wylie Dr #51 East Helena - 59635
Marlene E. Lake	12-12-84	1820-BEECH ST. HELENA 59601
Russ E. Rowen	12-12-84	3257 Lanning Rd East Helena
John C. Caldwell	12-13-84	1805 Joshua #2 Helena
Rickie L. Smith	12-14-84	Box 151 16144 MT 59739
Scott Smith	12-17-84	1509 Laurel Helena MT 59601
Walter Smith	12-17-84	229.9th Helena 59607
Norman C. Clark	12-18-84	860 Tennessee Rd HELENA 59601
Don Hooper	12-19-84	Whitely U Montana 59705
Raymond Don Secora	12-20-84	East Helena, MT. 59605
Carlton Smith	12-20-84	Fairfield, Montana
Thomas D. Schickel	12-21-84	312 - 6th St. E Helena
		16-W. Birch - 3-Forks - MONTANA

Exhibit #4
1/25/85

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
CONSERVATION DISTRICTS DIVISION



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

STATE OF MONTANA

(406) 444-6667

HELENA, MONTANA 59620

MEMORANDUM

January 25, 1985

TO: House Natural Resources Committee

FROM: Ray Beck, Administrator
Conservation Districts Division

SUBJECT: Testimony on House Bill 316

House Bill 316 was requested by the Department as a law clean-up measure. The reasons for this requested change are as follows:

1. Since 1981, the committee has basically operated with the six executive members (a-f). Most of the remaining 23 members have shown little interest, if any, to participate.
2. The Division's administrative funds are somewhat limited for this program. The added duplication expense, mainly from lengthy loan applications, could be avoided with the reduction of committee members. These funds could be better spent for monitoring loans.
3. Although the committee does not receive daily compensation, the Division is responsible for travel and lodging reimbursement. These funds would not be available if every member requested travel expenses.
4. Most state advisory committees have 6-12 members. Whereas this committee contains 23 members, it would be very unworkable if everyone participated. The division will continue to ask these agencies and groups to participate in an advisory capacity.

We urge your support for HB 316.

VISITOR'S REGISTER

HOUSE NATURAL RESOURCES COMMITTEE

BILL HB 158

DATE January 25, 1985

SPONSOR Hanson

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE NATURAL RESOURCES COMMITTEE

BILL #B 316

DATE January 25, 1981

SPONSOR Krueger

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Jim Mockler Committee On Nat. Res.
Address 2301 Colonial Dr Date 1/25/85
Representing MT. Coal Council Support ☒
Bill No. H.B. 158 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name L.H. Colvin Committee On Nat Res
Address Box 880 Date 1-25-83
Representing United Mine Workers Support _____
Bill No. AB 158 Oppose ✓
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.