

HOUSE BILL NO. 546

INTRODUCED BY R. HOLLANDSWORTH

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A BILL FOR AN ACT ENTITLED: "AN ACT SETTING AERONAUTIC SAFETY STANDARDS FOR METEOROLOGICAL EVALUATION TOWERS; REQUIRING REPORTS AND PUBLIC NOTIFICATION; PROVIDING THAT A VIOLATION OF THE STANDARDS FOR METEOROLOGICAL EVALUATION TOWERS IS A MISDEMEANOR; PROVIDING A TRANSITION PERIOD FOR COMPLIANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Standards for meteorological evaluation towers -- report -- notification

-- penalty. (1) The requirements of subsection (2) apply to a meteorological evaluation tower:

- (a) that is 50 feet or more in height;
- (b) that is located outside the boundaries of an incorporated city or town;
- (c) that is on land that is primarily rural or undeveloped or used for agricultural purposes; and
- (d) the appearance of which is not otherwise governed by state or federal law, rule, or regulation.

(2) A meteorological evaluation tower that meets the description provided in subsection (1) must:

(a) be painted in seven equal-width and alternating bands of aviation orange and white beginning with orange at the top of the tower and ending with orange at the base;

(b) have a flashing light at its top that is visible to the naked eye in clear air from a distance of 2,000 feet and also visible with night vision goggles;

(c) have two marker balls attached to and evenly spaced on each of the tower's outside guy wires; and

(d) have a safety sleeve on each guy wire that extends 7 feet up from the anchor point of the guy wire.

(3) Not less than 10 working days prior to erecting a meteorological evaluation tower subject to this section, the owner of the tower shall provide a report to the department that identifies the owner and specifies the tower's location, height, and other information that the department finds necessary for aviation safety.

(4) The owner of a meteorological evaluation tower subject to this section who is removing the tower shall report its removal to the department within 10 working days of its removal.

(5) A person who violates subsection (3) or (4) is guilty of a misdemeanor.

1 (6) Within 5 working days of receiving information pursuant to subsection (3) or (4), the department shall
2 make the information, excluding the ownership of the tower, available to the public.

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

4 (a) "Height" means the distance from the original grade at the base of the tower to the highest point of
5 the tower.

6 (b) "Meteorological evaluation tower" means a structure erected and standing for any period of time
7 whatsoever, whether self-standing or supported by guy wires and ground anchors and including all guy wires and
8 accessory facilities, on which a meteorological instrument is mounted for the purpose of documenting whether
9 a site has sufficient wind resources for the operation of a wind turbine generator.

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11 **NEW SECTION. Section 2. Transition.** The owner of a tower meeting the description provided in
12 [section 1] that was erected prior to [the effective date of this act] shall bring the tower into compliance with the
13 standards provided in [section 1] within 1 year of [the effective date of this act].

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15 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
16 integral part of Title 67, chapter 1, and the provisions of Title 67, chapter 1, apply to [section 1].

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18 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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