

## HOUSE BILL NO. 546

INTRODUCED BY 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."

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

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12 **NEW SECTION. Section 1. Standards for meteorological evaluation towers -- report -- notification**13 **-- penalty.** (1) The requirements of subsection (2) apply to a meteorological evaluation tower:

14 (a) that is 50 feet or more in height;

15 (b) that is located outside the boundaries of an incorporated city or town;

16 (c) that is on land that is primarily rural or undeveloped or used for agricultural purposes; and

17 (d) the appearance of which is not otherwise governed by state or federal law, rule, or regulation.

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

19 (a) be painted in seven equal-width and alternating bands of aviation orange and white beginning with  
20 orange at the top of the tower and ending with orange at the base;21 ~~(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~~  
22 ~~and also visible with night vision goggles;~~23 ~~(c)~~(B) have two marker balls attached to and evenly spaced on each of the tower's outside guy wires;

24 and

25 ~~(d)~~(C) have a YELLOW safety sleeve on each guy wire that extends 7 feet up from the anchor point of the  
26 guy wire.27 (3) Not less than 10 working days prior to erecting a meteorological evaluation tower subject to this  
28 section, the owner of the tower shall provide a report to the department that identifies the owner and specifies  
29 the tower's location, height, and other information that the department finds necessary for aviation safety.

30 (4) The owner of a meteorological evaluation tower subject to this section who is removing the tower

1 shall report its removal to the department within 10 working days of its removal.

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

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

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

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

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

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

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

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

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