

End of Session Hotlist Vote Report

Senate

Good Conservation Bills— Alive

SB 22, Create permanent water policy interim committee

Sponsor: Sen. Murphy (R-Cardwell)

This bill makes the water policy interim committee, created in 2007, permanent. Water policy issues in Montana are complex, especially in the face of increasing demand for our fresh water resources. The interim committee creates a bi-partisan environment to study and discuss the issues surrounding water use and appropriation in the state.

Conservation Community Position: Support

Senate Vote: 2nd reading Mar. 23: 40Y/9N, 3rd reading Mar. 24: 43Y/7N

House Vote: 2nd reading Apr. 3: 75Y/20N, 3rd reading Apr. 6: 75Y/24N

Bill Status: Signed into law

SB 49, Establish energy efficiency standards for construction of state buildings

Sponsor: Sen. Wanzenried (D-Missoula)

This bill requires minimum energy efficiency standard for new state buildings and state buildings undergoing major renovations. The requirement would be that these buildings exceed the energy efficiency code by 20%.

Conservation Community Position: Support

Senate Vote: 2nd reading Feb. 10: 44Y/6N, 3rd reading Feb. 11: 45Y/5N

House Vote: 2nd reading Mar. 12: 69Y/31N, 3rd reading Mar. 13: 72Y/27N

Bill Status: Signed into law

SB 200, Keep phosphorus out of our rivers and streams

Sponsor: Sen. Erickson, (D-Missoula)

Phosphorus is a naturally occurring element, and an important nutrient for a healthy ecosystem. But too much phosphorus in our rivers and streams results in heavy algal blooms that harm water quality. This bill bans phosphorus-containing household cleaning products in the Clark Fork River basin, and sets up a framework for other counties voluntarily, or when DEQ releases water quality nutrient criteria standards.

Conservation Community Position: Support

Senate Vote: 2nd reading Feb. 24: 33Y/17N, 3rd reading Feb. 26: 34Y/15N

House Vote: 2nd reading Mar. 31: 56Y/44N, 3rd reading Apr. 1: 61Y/39N

Bill Status: Signed into law

SB 424, Control disposal of mercury thermostats to reduce harmful exposure

Sponsor: Sen. Barkus (R-Kalispel)

HB 424 would prohibit the sale of thermostats in Montana that contained mercury after Jan. 1, 2010. It would require the manufacturers to establish a collection and recycling program for thermostats containing mercury.

Conservation Community Position: Support

Senate Vote: 2nd reading Feb. 23: 49Y/0N, 3rd reading Feb. 24: 50Y/0N

House Vote: 2nd reading Apr. 1: 60Y/40N, 3rd reading Apr. 2: 64Y/35N

Bill Status: Signed into law

SB 343, Regulate aquatic invasive species for lake health

Sponsor: Sen. Jackson (R-Kalispell)

This bill creates a framework for state agencies to work together to prevent and manage invasive species, focusing on thwarting the spread of aquatic non-natives like the zebra mussel.

Conservation Community Position: Support

Senate Vote: 2nd reading Mar. 20: 48Y/2N, 3rd reading Mar. 21: 44Y/3N

House Vote: 2nd reading Apr. 20: 84Y/12N, 3rd reading Apr. 21: 86Y/14N

Bill Status: Signed into law

SB 475, Require public notice of oil or gas lease sale

Sponsor: Sen. Esp (R-Big Timber)

This bill requires the DNRC to notify the public before selling oil and gas leases, and generally improves transparency in oil and gas leasing on state land. The measure makes the locations of lease nominations public knowledge, requires notices of lease sales within affected counties, posts maps online, and directly notifies potentially affected landowners.

Conservation Community Position: Support

Senate Vote: 2nd reading Feb. 25: 49Y/0N, 3rd reading Feb. 26: 48Y/0N

House Vote: 2nd reading Apr. 20: 85Y/13N, 3rd reading Apr. 21: 83Y/16N

Bill Status: Signed into law

Good Conservation Bills, Dead

SB 37, Increase state tax credit for energy conservation at home and for small businesses

Sponsor: Sen. Kaufmann (D-Helena)

This bill increases the state's tax credit for home and small business owners for the installation of energy efficiency and alternative energy systems.

Conservation Community Position: Support

Senate Vote: 2nd reading Mar. 25: 32Y/18N, 3rd reading Mar. 26: 29Y/21N

Bill Status: Dead- Passed out of the Senate, but vote failed in House Taxation 10-10

SB 66, Establish carbon sequestration standards

Sponsor: Sen. Erickson (D-Missoula)

This bill asks the Board of Environmental Review to set carbon sequestration standards and regulations. The bill assigns liability to the entity that stores the carbon, and establishes ownership of the underground "pore space" by the surface landowner.

Conservation Community Position: Support

Bill Status: Dead- tabled in Senate Energy and Telecommunications 6-5

SB 129, Authorize voluntary wildfire mitigation conservation easements on wildland-urban interface

Sponsor: Sen. Lewis (R-Helena)

This bill sets up a voluntary program that gives landowners incentives to put fewer homes at risk in the wildland-urban interface. Participating landowners get a tax benefit for putting their property in a conservation easement that restricts where they can build. (Any buildings must be consistent with local fire protection priorities).

Conservation Community Position: Support

Bill Status: Dead- tabled in Senate Taxation 8-3

SB 166, Allow low-interest coal tax trust fund loans to expand rail passenger service

Sponsor: Sen. Lewis (R- Helena)

The bill amends authorized investments from the coal tax trust fund to include loans to local governments for the development and maintenance of infrastructure needed to expand passenger rail service in Montana. The bill does not touch the principal of the coal trust fund.

Conservation Community Position: Support

Bill Status: Dead- tabled in Senate Local Government 7-2

SB 180, Establish vehicle emission standards

Sponsor: Sen. Erickson (D-Missoula)

This bill directs the Board of Environmental Review to adopt California's clean car standard that will reduce greenhouse gas emissions from vehicles. Montana would join 13 other states that have already adopted the California standard and numerous other states poised to do so. These states represent over half the vehicle market.

Conservation Community Position: Support

Bill Status: Dead- tabled in Senate Natural Resources 8-3

SB 301, Increase tax credits for alternative energy capital investment

Sponsor: Sen. Cooney (D-Helena)

This bill increases the state's tax credit for home and small business owners for the installation of energy efficiency and alternative energy systems.

Conservation Community Position: Support

Bill Status: Dead- tabled in Senate Taxation 8-3

SB 437, Prevent use of exempt wells for fishponds

Sponsor: Sen. Perry (R-Manhattan)

This bill makes illegal the practice of using exempt wells as the water supply for licensed fishponds.

Conservation Community Position: Support

Senate Vote: 2nd reading Feb. 19: 38Y/10N, 3rd reading Feb. 20: 38Y/12N

Bill Status: Dead- Passed out of Senate, but vote failed in House Fish, Wildlife, and Park 9-9

Anti-conservation Bills— Alive

SB 257, Give large dam owners credit for routine upgrades, eliminating incentives for new renewable energy

Sponsor: Sen. Keane (D-Butte)

This bill undermines Renewable Energy Standard (SB 415, Tester, 2005), by allowing the owners of large hydroelectric dams to retroactively count routine upgrades toward the requirements of the act, decreasing statewide incentives to develop new renewable sources. In addition, this bill would constitute a significant financial give away to PPL.

Conservation Community Position: Oppose

Senate Vote: 2nd reading Feb. 23: 38Y/11N, 3rd reading Mar. 24: 39Y/11N

House Vote: 2nd reading Apr. 14 62Y/38N, 3rd reading Apr. 15 57Y/43N

Bill Status: Transmitted to the Governor

SB 292, Revise coal severance tax

Sponsor: Sen. Gebhardt (R-Roundup)

This bill revises the coal severance tax to reclassify auger mining as underground mining rather than strip mining, thereby reducing the taxable rate. This would result in a reduction in potential coal tax revenues to the state.

Conservation Community Position: Oppose

Senate Vote: 2nd reading Feb. 23: 35Y/14N, 3rd reading Feb. 25: 38Y/12N

House Vote: 2nd reading Mar. 3: 93Y/4N, 3rd reading Mar. 5: 96Y/3N

Bill Status: Signed into law

Anti-Conservation Bills— Dead

SB 183, Void the state management plan for wolves

Sponsor: Sen. Bayleat (R-Bozeman)

SB 183 voids Montana's Wolf Conservation and Management Plan, already approved by the US Fish and Wildlife Service – an essential step before wolves are eligible to be removed from Endangered Species Act protections. Consequently, it will cause the wolf-delisting program to grind to a halt and start over.

Conservation Community Position: Oppose

Senate Vote: 2nd reading Mar. 24: 23Y/27N

Bill Status: Dead- 2nd vote failed

SB 217, Reimburse livestock producers for tests for disease transmitted by wildlife

Sponsor: Sen. Barrett (R-Dillon)

This bill requires Fish, Wildlife and Parks to reimburse livestock producers for required disease testing. It includes an \$18 million fiscal note, which would wipe out the FWP budget.

Conservation Community Position: Oppose

Bill Status: Dead- vote failed in House Fish, Wildlife, and Parks 18-0

SB 288, Require unlimited bond for appeals to natural resource permits

Sponsor: Sen. Hinkle (R-Thompson Falls)

This bill further weakens the ability of Montanans to protect private property from industrial activities that are not following the law. It raises the amount of a bond that the public would have to post to protest a permit issued and eliminates the courts ability to waive the bond "in the interest of justice."

Conservation Community Position: Oppose
Bill Status: Dead- vote failed in House Judiciary 9-9

SB 387, Hamper citizen review and appeal of industrial development permits, Sen. Bales (D-Otter)

This bill undermines the air and water permitting processes and the Major Facility Siting Act. It effectively eliminates the ability of the public to challenge agency decisions on permits for “energy development projects,” and creates different standards and sets of rules for citizens and industry to participate, unfairly advantaging development.

Conservation Community Position: Oppose
Bill Status: Dead-Vote failed in House FRET, committee moved to table 8-6

SB 402, Declare citizen banned game farms eligible for “takings” payment

Sponsor: Sen. Peterson (R-Butte)
SB 402 would define “regulatory takings” under Montana law. The immediate result is to overturn 2 Montana Supreme Court cases, requiring the state to pay two game farm owners (alternative livestock operations) because of a citizen-based initiative, I-143. The settlement would cost the state more than \$1 million.

Conservation Community Position: Oppose
Bill Status: Dead- tabled in House Judiciary 9-9

SB 417, Diminish effectiveness of MEPA review

Sponsor: Sen. Keane (D-Butte)
This bill destroys the Montana Environmental Policy Act (MEPA), the state’s premier vehicle for citizen participation and environmental review. It eliminates the ability to sue under MEPA, and declares that the environmental reviews (EA and EIS) resulting from MEPA cannot be used by the very agencies that write them to inform decisions. Furthermore, the bill shifts the purpose of the act entirely, and insists environmental reviews are only meant to inform the legislature, wasting taxpayer money to complete now useless environmental review.

Conservation Community Position: Oppose
Senate Vote: 2nd reading, Feb. 21: 27Y/22N, 3rd reading, Feb. 23: 29Y/21N
Bill Status: Dead- bill passed the Senate, but vote failed in House FRET 7-7

SB 423, Establish riverside buffers too narrow to protect water quality

Sponsor: Sen. Jackson (R-Kalispell)
SB 423 sets up a voluntary 20-foot best management practices zone next to every perennial stream in the state, discouraging permanent structures. This bill states that it is designed to protect water quality but the distance is not sufficient. It also conflicts with conservation district 310 laws.

Conservation Community Position: Oppose
Bill Status: Dead- tabled in Senate Natural Resources 5-4

SB 433, Prevent local governments from managing gravel pits through zoning

Sponsor: Sen. Gebhardt (R-Roundup)
This bill prevents local governments from adopting meaningful zoning regulations for gravel pits, and creates a permitting system that creates more problems than it solves for gravel pit permitting.

Conservation Community Position: Oppose
Bill Status: Dead- tabled in Senate Local Government 5-4

SB 435, Prohibit net gain in state land

Sponsor: Sen. Brenden (R-Scobey)

This bill prohibits a net gain in land ownership by the state. This would disallow Fish Wildlife and Parks from purchasing land under the Habitat Montana program, land for new parks, or projects like the purchase of Plum Creek property under the proposed Working Forests Initiative.

Conservation Community Position: Oppose

Senate Vote: 2nd reading, Mar. 24: 26Y/24N, 3rd reading, Mar. 26: 26Y/24N

Bill Status: Dead- Bill passed the Senate, but failed in House Fish Wildlife & Parks 9-9

SB 440, Exempt air quality permits from MEPA review

Sponsor: Sen. Gebhardt (R-Roundup)

This bill exempts all air permits from having to comply with the Montana Environmental Policy Act. If air permits are exempt from the MEPA many of the most significant impacts from a project would not be disclosed to the public.

Conservation Community Position: Oppose

Senate Vote: 2nd reading, Feb. 24: 26Y/24N, 3rd reading, Feb. 25: 26Y/24N

Bill Status: Vote passed the Senate but failed in House FRET 7-7

SB 481, Exempt economic stimulus projects from MEPA

Sponsor: Sen. Barkus (R-Kalispell)

Shovel ready projects should be non-controversial, and ready to roll. If they are ready for action today, they've already been through environmental review. This measure may encourage projects that exclude the public from participation, or projects without environmental review.

Conservation Community Position: Oppose

Bill Status: Dead- vote failed in FRET 7-7

SB 505, Threaten senior water rights through coal bed methane water use

Sponsor: Sen. Bales (R-Otter): Oppose

This bill allows coal bed methane companies to take groundwater from aquifers and call it surface water. The bill gives the coal bed methane company pipes legal status as the source of the water, and that means senior water rights holders cannot protest the "temporary" permits. The only reason the water rights are temporary is they only last until all the water has been pumped from the aquifer. At that point, the ranchers are on their own for water, and their senior water rights have been stolen.

Conservation Community Position: Oppose

Senate Vote: 2nd reading Mar. 25: 28Y/22N, 3rd reading Mar. 26: 28Y/22N

House Vote: 2nd reading Y/N, 3rd reading Y/N

Status: Dead- vote failed in House Natural Resources 9-9

House

Good Conservation Bills— Alive

HB 27, Extend the Universal Systems Benefits Programs

Sponsor: Rep. Wiseman (D-Bozeman)

This bill, unanimously recommended by the interim Energy and Telecommunications Committee, eliminates the sunset provision of the universal system benefit program (USBP), and gives a legislative interim committee direction to review the program regularly for oversight.

Conservation Community Position: Support

House Vote: 2nd reading Feb. 11: 62Y/37N, 3rd reading Feb. 12: 63Y/37N

Senate Vote: 2nd reading Mar. 13: 33Y/17N, 3rd reading Mar. 14: 36Y/13N

Bill Status: Signed into law

HB 52, Fund hydrogeologic study

Sponsor: Rep. McNutt (R-Sidney)

Bill description: This bill funds up to seven hydrogeologic studies in high growth counties such as Ravalli and Gallatin. These studies would provide much needed information on surface and groundwater interactions, and better facilitate local and state government on how, where and when water should be used.

Conservation Community Position: Support

House Vote: 2nd reading Mar. 25: 84Y/16N, 3rd reading Mar. 26: 78Y/19N

Senate Vote: 2nd reading Apr. 21: 49Y/1N, 3rd reading Apr. 22: 42Y/7N

Bill Status: Signed into law

HB 98, Allow energy performance contracting for state buildings

Sponsor: Rep. Barrett (D-Missoula)

This bill allows the state, including the university system, to enter into energy performance contracts as a means to provide capital for energy efficiency improvements in buildings. Private companies implement energy savings technology improvements, and the state pays them back with money saved in energy costs.

Conservation Community Position: Support

House Vote: 2nd reading Jan. 30: 79Y/21N, 3rd reading Jan. 31: 71Y/27N

Senate Vote: 2nd reading Mar. 30: 44Y/6N, Mar. 31: 3rd reading 41Y/9N

Bill Status: Signed into law

HB 190, Clarify bridge access law, solving long-standing debate

Sponsor: Rep. Van Dyk (D-Billings)

This bill provides a mechanism and funding for legal livestock fences at public right-of-ways on county bridges, so long as they allow public access. This measure aims to secure Montanan's constitutional right to access streams and rivers while respecting landowners' need to erect fences to manage livestock and protect private land, solving years of contentious debate between user groups.

Conservation Community Position: Support

House Vote: 2nd reading Jan. 26: 95Y/5N, 3rd reading Jan. 27: 97Y/3N

Senate Vote: 2nd reading Mar. 30: 48Y/2N, 3rd reading Apr. 1: 48Y/2N

Bill Status: Signed into law

HB 420, Allow local government to adopt conservation building codes**Sponsor:** Rep. Reinhart (D-Missoula)

The bill allows local governments to establish voluntary incentive-based energy conservation standards for new green construction. It increases the energy efficiency of housing for long-term residents and businesses, while supporting local efforts for energy efficiency and economic independence.

Conservation Community Position: Support**House Vote:** 2nd reading Feb. 21: 75Y/22N, 3rd reading Feb. 23: 65Y/34N**Senate Vote:** 2nd reading Mar. 31 29Y/21N, 3rd reading Apr. 1 32Y/18N**Bill Status:** Signed into law**HB 645, Appropriate federal stimulus money, including energy efficiency for schools****Sponsor:** Rep. Sesso (D-Butte)

This bill was amended to designate money for energy efficiency improvements in K-12 schools, facilities. This is one of the best ways that we can utilize stimulus money to create jobs and provide ongoing financial benefits in the form of reduced energy bills for schools. The House appropriated \$35 million for schools in Quickstart grants, meant to put people to work this spring and summer. The Senate reduced that appropriation to \$15 million. Conservation advocates support the more substantial funding.

Conservation Community Position: Support**House Vote:** 2nd reading Mar. 26: 65Y/34N, 3rd reading mar. 26: 64Y/35N**Senate Vote:** 2nd reading Apr. 15: 27Y/23N, 3rd reading Apr. 16: 27Y/23N**Bill Status:** In conference

Good Conservation Bills— Dead

HB 20, Create weatherization account using oil and gas production tax**Sponsor:** Rep. Dickenson (D-Great Falls)

This bill would allocate 20% of oil and gas production tax money to a state weatherization account. The account will provide funds for the DPHHS home weatherization programs.

Conservation Community Position: Support**Bill Status:** Dead- vote failed in House Human Services 8-8**HB 254, Monitor and report on greenhouse gas emissions****Sponsor:** Rep. Phillips (D-Bozeman)

This bill requires the state to monitor and report on greenhouse gas emissions and develop a proposal that would reduce those emissions in Montana.

Conservation Community Position: Support**Bill Status:** Dead- tabled in House Natural Resources 18-0**HB 255, Increase Montana renewable energy portfolio standard****Sponsor:** Rep. Phillips (D-Bozeman)

This bill would extend and gradually raise Montana's Renewable Energy Standard to require utilities to purchase 20% of their electricity from renewable sources by 2020 and 25% by 2025.

Conservation Community Position: Support**Bill Status:** Dead- vote failed in House FRET 7-7

HB 313, Revise opencut mining laws to allow county permitting**Sponsor:** Rep. Pomnichowski (D-Bozeman)

This bill allows a county to adopt a permitting program for gravel mine operations in that county. If a county adopts such a program, this bill requires an applicant for a gravel mine to receive the local permit prior to applying to DEQ for a permit from the State.

Conservation Community Position: Oppose**Bill Status:** Dead- vote failed in House Natural Resources 9-9, committee moved to table 17-1.**HB 319, Require proof of other permit applications for opencut mining****Sponsor:** Rep. Cohenour, (D-East Helena)

This bill requires an applicant for a gravel mine to include its applications for air quality and water quality permits with its mine permit application. This helps the Department of Environmental Quality and the public better understand the overall impacts from the proposed project and help DEQ appropriately mitigate those impacts.

Conservation Community Position: Support**Bill Status:** Dead- tabled in House Natural Resources 10-8**HB 361, Create energy improvement districts****Sponsor:** Rep. Wiseman (D-Bozeman)

This bill authorizes cities and counties to establish Energy Improvement Districts in order to make loans to property owners for energy efficiency and renewable energy upgrades. It creates jobs, reduces energy bills, and diminishes the environmental impact of energy consumption.

Conservation Community Position: Support

2nd reading, Mar. 28: 52Y/46N, 3rd reading, Mar. 30: 52Y/47N

Bill Status: Dead- tabled in Senate Local Government committee 5-4**HB 413, Use coal tax to fund energy efficiency in public education facilities****Sponsor:** Rep. Peterson (R-Billings)

This bill allows the state to lend schools money from the coal tax trust (without "busting the trust") to address increasing energy efficiency gaps.

Conservation Community Position: Oppose**Bill Status:** Dead- tabled in House Judiciary 20-0**HB 415, Regulate micro-processing of biodiesel****Sponsor:** Rep. McDonald (D-Billings)

This bill removes legal and financial obstacles that discourage "micro-processing" of biodiesel, encouraging farmers and ranchers to produce their own sustainable fuel and become more energy independent.

Conservation Community Position: Support**Bill Status:** Dead- vote failed in House Agriculture 10-10**HB 422, Revise eminent domain law for railroads****Sponsor:** Rep. Cohenour (D-East Helena)

This bill balances the right of railroads to condemn private property with private property owners and gives the authority over railroad condemnation to the Montana Department of Transportation. It also would require railroads to make a showing by a preponderance of the evidence that the condemnation of private property is for a truly public use consistent with public necessity. The bill addresses long-standing concerns of landowners over the proposed Tongue River railroad.

Conservation Community Position: Support
Bill Status: Dead- vote failed in House FRET 7-7

HB 425, Give public notice and hearings for oil/gas leases on state land

Sponsor: Rep. Pomnichowski (D-Bozeman)

This bill requires the DNRC to notify the public before selling oil and gas leases, and improves transparency in oil and gas leasing on state land. The measure makes the locations of lease nominations public knowledge, requires notices of lease sales within affected counties, posts maps online, directly notifies potentially affected land-owners, and allows the option of a public meeting if local folks need more information.

Conservation Community Position: Support

Bill Status: Dead- tabled in Senate Natural Resources 6-5

HB 446, Revise opencut mining laws to include baseline data

Sponsor: Rep. Pomnichowski (D-Bozeman)

This bill requires an application for a gravel mine to include minimum data on existing ground and surface water quality and a monitoring program for ground and surface water quality after the mine is operating. The application must contain the plan for controlling surface water runoff at the site. This bill also provides a clear legal avenue for adjacent landowners to file suit against a gravel mine operation to recover damages for contamination, diminution or interruption of their water supply caused by a gravel mine operation.

Conservation Community Position: Support

Bill Status: Dead- vote failed in House Natural Resources 9-9, committee moved to table 15-3.

HB 447, Revise opencut mining laws to increase reclamation requirements

Sponsor: Rep. Pomnichowski (D-Bozeman)

This bill increases and clarifies reclamation requirements at gravel mines. It requires the DEQ to inspect and review gravel mines at least once every five years to ensure compliance with permits. At the time of the inspection, at least 25% of the mine site must be under reclamation. It requires reclamation to occur at gravel mines as soon as possible, and further says that a permit for an expansion at an existing gravel mine can only increase the acreage of the mine by 50%.

Conservation Community Position: Support

Bill Status: Dead- vote failed in House Natural Resources 9-9, committee moved to table 16-2.

HB 455, Establish the Big Sky Rivers Act to protect private property and wildlife resources

Sponsor: Rep. Reinhart (D-Missoula)

The Big Sky Rivers Act establishes "streamside management areas" along 10 "Big Sky Rivers" where new buildings are prohibited. The streamside management area is generally 250 feet, with a 150-foot vegetated buffer adjacent to the river. The bill also sets up criteria for local governments to adopt streamside management areas for local streams and rivers that are not named in the legislation.

Conservation Community Position: Support

Bill Status: Dead- vote failed in House Local Government 9-9

HB 540, Increase the alternative energy tax credit**Sponsor:** Rep. Wilmer (D-Bozeman)

This bill proposes to increase the state energy efficiency and alternative energy tax credit from \$500 to \$1,000. This will provide an incentive for homeowners to invest in energy conservation, renewable energy, and energy efficiency.

Conservation Community Position: Support**Bill Status:** Dead- vote failed in House Human Services 10-10**HB 549, Establish an environmental health tracking system****Sponsor:** Rep. Dickenson (D-Great Falls)

This bill establishes an environmental public health tracking collaboration team consisting of employees from DPHHS, DEQ, and Dept. of Agriculture. This bill allows for coordination between agencies in tracking environmental health concerns and avoids situations such as Libby, where there was a direct connection between the environmental health and the public health.

Conservation Community Position: Support**Bill Status:** Dead- vote failed in House Human Services 8-8**HB 582, Create a green jobs training program****Sponsor:** Rep. Caferro (D-Helena)

This bill will build the job force necessary for Montana to grow our economy and make maximum use of federal stimulus dollars that are directed to clean energy. HB 582 does this in two principal ways: 1) creating a funding mechanism for clean energy training programs in community colleges and with industry partners and 2) provides for clean energy worker training programs to build the work force of tomorrow.

Conservation Community Position: Support**Bill Status:** Dead- blast motion failed, 50-50, party-line vote**HB 584, Study a siting process for wind energy****Sponsor:** Rep. Art Noonan (D-Butte)

This bill requires MT Dept. of Fish, Wildlife and Parks (FWP) to conduct an interim study on a voluntary wind generation certification program for those wind facilities that are willing to minimize their impacts on wildlife, wildlife habitat, and cultural and historic resources. FWP is directed to establish a stakeholders group to make recommendations on how this program should be implemented. Using the recommendations of the stakeholders group, FWP will report to the 2011 Legislature about how this program can be implemented.

Conservation Community Position: Support**House Vote:** 2nd reading Feb. 24: 80Y/20N, 3rd reading Feb. 25: 82Y/18N**Senate Vote:** 2nd reading Mar. 30: 25Y/25N**Bill Status:** Dead- passed out of the House, but failed 2nd reading in the Senate**HB 641, Energy efficiency standard for utilities to reduce energy costs and create jobs****Sponsor:** Rep. Art Noonan (D-Butte)

Montana is sitting on a goldmine fuel source that has gone largely untapped – energy efficiency. Tapping into energy-efficient technologies could save the state between 25 and 30 percent on energy spending through 2030, and ratepayers more than \$140 million by 2020. Typically, it costs half as much to save a kilowatt as it costs to produce one, so literally - a kilowatt saved is a kilowatt earned. 18 other states have adopted similar, common sense solutions to rising energy costs.

This bill requires major gas and electric utilities (serving more than 20,000 customers) to study potential energy savings throughout their systems and set biennial goals for reducing energy use. Utilities are directed to use their own innovative techniques to *implement only cost-effective* energy efficiency measures. This bill, supported by a wide coalition including Northwestern Energy, the Public Service Commission, unions, the energy efficiency industry and conservationists will help spur a new element of the energy economy.

Conservation Community Position: Support

Bill Status: Dead- vote failed in House FRET 7-7

HB 645, Montana High Performance Schools and Economic Stimulus Act

Sponsor: Rep. Grinde (D-Billings)

This bill creates an energy efficiency program for Montana K012 schools, and will ensure that Montana gets the biggest bang for buck from stimulus dollars spent on energy efficiency in schools.

Conservation Community Position: Support

Bill Status: Missed transmittal deadline, the bill was amended into HB 645

HJ 13, Encourage carbon neutral buildings

Sponsor: Rep. Hands (D-Missoula)

This joint resolution recognizes the need for reducing greenhouse gas emissions in the building sector. It encourages the legislature to adopt incremental greenhouse gas emitting reduction standards for all new buildings, and sets a goal that all new buildings are carbon neutral by 2030. Adhering to these goals would save money on energy bills, and reduce maintenance and repair costs over the building's lifetime.

Conservation Community Position: Support

House Vote: 2nd reading, Feb. 13: 52Y/48N, 3rd reading, Feb. 14: 49Y/50N

Bill Status: Dead- vote failed 3rd reading in the House

Anti-Conservation Bills— Alive

HB 140, Increase timber harvest on state lands regardless of sustainability determination

Sponsor: Rep. Vincent (R-Libby)

This bill gives the Department of Natural Resources and Conservation the authority to harvest more timber each year than determined is sustainable. It allows the DNRC to exceed the annual sustained yield for timber harvest on state school trust lands by 10%, as long timber is harvested through the contract timber harvest program.

Conservation Community Position: Oppose

House Vote: 2nd reading, Feb. 10: 86Y/14N, 3rd reading, Feb. 11: 80Y/20N

Senate Vote: 2nd reading, Mar. 10: 42Y/7N, 3rd reading, Mar. 11: 43Y/6N

Bill Status: Signed into law

HB 278, Weaken coalmine reclamation

Sponsor: Rep. McChesney (D-Miles City)

This bill revises the coal reclamation laws to allow for the release of the bond before all reclamation is completed. Water management and other support facilities, including soil stockpiles encompassing up to 20% of a strip-mined area, could remain disturbed and avoid reclamation.

Conservation Community Position: Oppose

House Vote: 2nd reading, Feb. 12: 62Y/37N, 3rd reading, Feb. 13: 76Y/23N

Senate Vote: 2nd reading, Mar. 12: 37Y/12N, 3rd reading, Mar. 13: 39Y/10N

Bill Status: Signed into law

HB 483, Hamper citizen review and appeal of energy development permits,

Sponsor: Llew Jones (R-Conrad)

This bill undermines the air and water permitting processes and the Major Facility Siting Act. It effectively eliminates the ability of the public to challenge agency decisions on permits for "energy development projects," and creates different standards and sets of rules for citizens and industry to participate, unfairly advantaging development.

Conservation Community Position: Oppose

House Vote: 2nd reading, Feb. 24: 71Y/28N, 3rd reading, Feb. 25: 68Y/32N

Senate Vote: 2nd reading, Mar. 28: 28Y/20N, 3rd reading, Mar. 30: 30Y/20N

Bill Status: Signed into law with amendments from the Governor

HB 529, Reduce the required MEPA review on energy projects that include school trust land

Sponsor: Rep. Jones (R-Conrad)

This bill would ensure that any environmental review under MEPA on an energy development project that included school trust land would only look at the impacts of the project on school trust land – impacts to adjacent properties could not be considered, even if those impacts were significant. As an example, the Judith Gap wind farm covers 84 acres, with only 11 acres of school trust land. An environmental review of this project would only look at the impact of the 11 acres of school trust land.

Conservation Community Position: Oppose

House Vote: 2nd reading, Feb. 24: 78Y/22N, 3rd reading, Feb. 25: 71Y/29N

Senate Vote: 2nd reading, Mar. 30: 31Y/19N, 3rd reading, Mar. 31: 33Y/17N

Bill Status: Signed into law

HB 575, Redefine polluted coal bed methane water as "production water,"

Sponsor: Rep. McChesney (D-Miles City)

This bill would threaten senior water rights holders. It overturns a recent district court decision that found there are only two types of water -- groundwater and surface water -- not a third category of "produced" water that the coal bed methane companies claim is theirs to do with what they want in the process of bringing methane to the surface.

Conservation Community Position: Oppose

House Vote: 2nd reading, Mar. 30: 59Y/41N, 3rd reading, Mar. 31: 56Y/44N

Senate Vote: 2nd reading, Apr. 15: 30Y/20N, 3rd reading, Apr. 16: 30Y/20N

Bill Status: Transmitted to the Governor

Anti-Conservation Bills— Dead

HB 79, Prohibit net gain of State Lands

Sponsor: Rep. Stahl (R-Saco)

This bill prohibits a net gain in land ownership by the state. This would disallow Fish Wildlife and Parks from purchasing land under the Habitat Montana program, land for new parks, or projects like the purchase of Plum Creek property under the proposed Working Forests Initiative.

Conservation Community Position: Oppose

Bill Status: Dead- vote failed in House Natural Resources 11-7

HB 492, Require court challenge to be located in county in which facility is located

Sponsor: Rep. Bennett (R-Libby)

This bill requires that anyone challenging a permit, license, authorization, or certificate by a state agency must file the case in the county in which the permit, license, authorizing or certificate would be used even though the challenge is against the State. Usually all challenges against State actions can be filed in Lewis and Clark County.

Conservation Community Position: Oppose

Bill Status: Dead- tabled in House Judiciary 18-0

HB 566, Diminish effectiveness of MEPA review

Sponsor: Rep. Jones (R-Conrad)

This bill does two things: 1) it takes away the ability of state agencies to use MEPA in decision-making, and 2) it takes away almost all consequences for failure to comply with MEPA, ensuring that state agencies will no longer be required to identify, understand, or mitigate environmental impacts of projects before a "permit, license, lease, or other authorization" is issued. Examining the environmental impacts of a project AFTER a permit is issued, makes MEPA a meaningless exercise in paperwork.

Conservation Community Position: Oppose

House Vote: 2nd reading, Feb. 24: 50Y/50N

Bill Status: Dead- vote failed 2nd reading in the House