

**Montana Conservation Community**  
**Legislative Hotlist, House of Representatives**  
Week 7: Feb. 17 – Feb. 23, 2009

**Hotlist feature bills of the week-**

**Please Support: HB 455, Big Sky Rivers Act**, Rep. Reinhart (D-Missoula). The Big Sky Rivers Act establishes a "streamside management area" 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. Local Government, 02/19/2009, 3pm, Rm 172. Contact Janet Ellis, Montana Audubon, 406.431.9157, or [jellis@mtaudubon.org](mailto:jellis@mtaudubon.org).

**Please Oppose: HB 483, Revising laws governing board of environmental review related to energy projects**, Rep. 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. FRET, 02/18/2009, 3pm, Rm 172. Contact Anne Hedges, MEIC, 406.461.9546, [ahedges@meic.org](mailto:ahedges@meic.org).

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**Please Support:**

**HB 254, Monitor and report on greenhouse gas emissions**, 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. Natural Resources, pending committee vote. Contact Matt Leow, Northern Plains, 406.396.1766, or [matt@northernplains.org](mailto:matt@northernplains.org).

**HB 361, Energy improvement districts**, 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. Local Government, pending committee vote. Contact Linda Gryczan, 406.431.3635, or Ben Brouwer, AERO, 406.443.7272, or [bbrouwer@aeromt.org](mailto:bbrouwer@aeromt.org).

**HB 359, Public notice and hearing for opencut applications**, Rep. Pomnichowski (D-Bozeman). Neighbors to gravel pits currently lack sufficient notice and access to public hearing. This bill requires the applicant for a gravel mining operation (open cut mine) to notify those affected by the operation by publishing a notice in local newspapers, mailing notices to landowners within a mile radius, and posting notices prominently in the area. It provides simple provisions for neighbors to petition for a public hearing. Natural Resources, pending committee vote. Contact Anne Hedges, MEIC, 406.461.9546, or [ahedges@meic.org](mailto:ahedges@meic.org).

**HB 413, Use coal tax to fund energy efficiency in public education facilities**, Rep. Peterson (R-Billings). Taxation, pending committee vote. Contact Matt Leow, Northern Plains, 406.396.1766, or [matt@northernplains.org](mailto:matt@northernplains.org).

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**HB 415, Regulate micro-processing of biodiesel**, Rep. McDonald (D-Billings). This bill would remove legal and financial obstacles that discourage "micro-processing" of biodiesel. The bill would encourage farmers and ranchers to produce their own sustainable fuel and become more energy independent. Agriculture, pending committee vote. Contact Matt Leow, Northern Plains, 406.396.1766, or matt@northernplains.org.

**HB 420, Allow local government to adopt energy conservation building codes**, Rep. Reinhart (D-Missoula). The bill will allow local governments to establish voluntary incentive-based energy conservation standards for new green construction. It will increase the energy efficiency of housing for long-term residents and businesses, while supporting local efforts for energy efficiency and economic independence. Local Government, pending committee vote. Contact Tyler Evilsizer, S.A.V.E., 406.202.1723, or recycle@savemobile.org.

**HB 422, Revise eminent domain law on necessity for railroads**, Rep. Cohenour (D-East Helena). This bill proposes to balance 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. FRET, 02/16/2009, 3pm, Rm 172. Contact Jim Jensen, MEIC, 406.431.9950, or jjensen@meic.org.

**HB 425, Public notice for oil/gas leases on state land**, Rep. Pomnichowski (D-Bozeman). Natural Resources, 02/18/2009, 3pm, Rm 472. Contact Mark Agenes, Montana Trout Unlimited, 406.544.9265, or mark@montanatu.org.

**HB 502, Establish Carbon Sequestration Standards**, Rep. Phillips (D-Bozeman). This bill creates carbon sequestration standards, requiring verification and monitoring to ensure that sequestration is done safely and effectively, and places liability with the developer. Unlike SB 66, this bill identifies the State and not the landowner as the owner of the pore space. This provision of the bill is a point of contention for landowners. Natural Resources, 2/18/2009, 3pm Room 472. Contact Matt Leow, Northern Plains, 406-370-3183, or matt@northernplains.org.

**HB 540, Alternative energy tax credit**, 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. Taxation, 02/16/2009 9am, Rm 152. Contact Kyla Wiens, MEIC, 406.594.0310 or kwiens@meic.org.

**HB 549, Environmental health tracking law**, 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. Human Services, 02/18/2009, 3pm, Rm 152. Contact Kyla Wiens, MEIC, 406.594.0310, or kwiens@meic.org.

**HB 582, Green jobs training program**, 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. Business and Labor, 02/17/2009, 8am, Rm 172. Contact Chuck Magraw, NRDC, 406.449.3375, or

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c.magraw@bresnan.net or Beth Berlin, Climate Solutions, 239-8358,  
bethberlin@climatesolutions.org.

**HB 584, Siting process for wind energy**, Rep. 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. FRET, pending committee vote. Contact Janet Ellis, Montana Audubon, 406.431.9157, or jellis@mtaudubon.org.

**HJ 13, Carbon neutral buildings**, 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 be carbon neutral by 2030. Adhering to these goals would save money on energy bills, and reduce maintenance and repair costs over the lifetime of the building. FRET, passed committee 10-4, pending floor vote. Contact Anne Hedges, MEIC, 406.461.9546, or ahedges@meic.org.

#### **Please Oppose:**

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**HB 79, Uniform provisions for state land transactions**, 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. Natural Resources, pending committee vote. Contact Janet Ellis, Montana Audubon, 406.431.9157 or jellis@mtaudubon.org.

**HB 278, Weaken Coal Mine Reclamation**, 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. Natural Resources, passed as amended. Contact Matt Leow, Northern Plains, 406.396.1766, or matt@northernplains.org.

**HB 492, Venue against facility in county in which facility is located**, 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. Judiciary, 02/18/2009, 8am, Rm 1372. Contact Anne Hedges, MEIC, 406.461.9546, or ahedges@meic.org.

**HB 529, Generally revise MEPA**, 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. FRET,

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**HB 566, Revising environmental impact statement laws**, 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. FRET, 02/18/2009, 3pm, Rm 172. Contact Janet Ellis, Montana Audubon, 406.431.9157 or [jellis@mtaudubon.org](mailto:jellis@mtaudubon.org).

**HB 575, Revise water laws relating to coal bed methane**, 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. Agriculture, 2/19/2009, 3pm, Rm 472. Contact Julia Page, Northern Plains, 406.223.9923, or [julia@northernplains.org](mailto:julia@northernplains.org).

*This hotlist is compiled by Montana Conservation Voters (contact Sarah Cobler, 581.2284 or [sarah@mtvoters.org](mailto:sarah@mtvoters.org)) as an educational service to lawmakers and citizens, weekly tracking key conservation-related legislative actions.*