

**Montana Conservation Community
Legislative Hotlist, House of Representatives**

Week 10: Mar. 9 – Mar. 14, 2009

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, 396.1766, matt@northernplains.org.

HB 361, Create 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 lessens the environmental impact of energy consumption. Local Government, pending committee vote. Contact Ben Brouwer, AERO, 443.7272.

HB 413, Use coal tax to fund energy efficiency in public education facilities, 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. Taxation, pending committee vote. Contact Matt Leow, Northern Plains, 396.1766, matt@northernplains.org.

HB 422, Revise eminent domain law for railroads, 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 public use consistent with public necessity. The bill addresses concerns of land-owners over the proposed Tongue River railroad. FRET, pending committee vote. Contact Jim Jensen, MEIC, 431.9950, jjensen@meic.org.

HB 425, Give public notice and hearings for oil/gas leases on state land, 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. Appropriations, 03/10/2009, 8am, Rm 102. Contact Mark Aagenes, Montana Trout Unlimited, 544.9265.

HB 455, Big Sky Rivers Act, 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, including a 150- foot vegetated buffer adjacent to the river. The bill also sets criteria for local governments to adopt streamside management areas for local streams and rivers that are not named in the legislation. Local Government, pending committee vote. Contact Janet Ellis, Montana Audubon, 431.9157, or jellis@mtaudubon.org.

Alternative Energy Resource Organization * Clark Fork Coalition * Climate Solutions * Montana Audubon
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Montana Smart Growth Coalition * National Center for Appropriate Technology *
Natural Resources Defense Council* Northern Plains Resource Council *

Please support, continued

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 may be a point of contention for some landowners. Natural Resources, pending committee vote. Contact Matt Leow, Northern Plains, 370.3183, matt@northernplains.org.

HB 540, Increase the 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, pending committee vote. Contact Kyla Wiens, MEIC, 594.0310, kwiens@meic.org.

HB 641, Energy efficiency standard, Rep. Art Noonan (D-Butte).

Energy efficiency is a critical component of energy policy, and this bill creates an important step in the right direction. This bill is a bookend to the Montana Renewable Energy Standard, requiring the three largest utilities in the State (NorthWestern, MDU and Flathead Electric Cooperative) to analyze their potential for cost-effective energy efficiency and to plan to acquire all of it by 2020. 18 other states have adopted similar measures and the federal government is considering one. FRET, 03/18/2009, Rm 172. Contact Anne Hedges, MEIC, 461.9546, ahedges@meic.org.

SB 475, Require notice of oil or gas lease sale, 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. FRET, 03/13/2009, 3pm, Rm 172. Contact Mark Aagenes, Montana Trout Unlimited, 544.9265, mark@montanatu.org.

SB 49, Energy efficiency standards for construction of state buildings, Sen. Wanzenried (D-Missoula). This bill would require minimum energy efficiency standard for new state building and state buildings undergoing major renovations. The requirement would be that these buildings exceed the energy efficiency code by 20%. Pending 2nd reading. Contact Matt Leow, Northern Plains Resource Council, 396.1766, matt@northernplains.org.

SB 424, Control disposal of mercury thermostats, 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. FRET, 03/11/2009, 3pm, Rm 172. Contact Linda Gryczan, Women's Voices for the Earth, 431.3635.

Please oppose:

SB 257, Revise definition of renewable energy resource, Sen. Keane (D-Butte). The Renewable Energy Standard (Sen. Tester, SB 415, 2005) requires utilities to acquire 15% of their energy from renewable sources by the year 2015. It is successfully spurring the growth of the clean, renewable wind industry. This bill undermines the act by allowing the owners of large hydroelectric dams to retroactively count routine upgrades toward the requirements of the renewable energy standard, decreasing statewide incentives to develop new renewable sources. FRET, 03/13/2009, 3pm, Rm 172. Contact Matt Leow, Northern Plains, 393.1766, matt@northernplains.org or Anne Hedges, MEIC, 406.461.9546, ahedges@meic.org.

SB 288, Require bond for challenge to natural resource development, 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." Judiciary, 03/12/2009, 8am, Rm 137. Contact Anne Hedges, MEIC, 461.9546, or ahedges@meic.org.

SB 292, Revise coal severance tax, 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. Taxation, pending committee vote. Contact Matt Leow, Northern Plains, .393.1766, matt@northernplains.org.

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." FRET, pending committee vote. Contact Anne Hedges, MEIC, 461.9546 or ahedges@meic.org.

SB 417, Revise environmental impact laws, 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. FRET, 03/18/2009, 3pm, Rm 172. Contact Janet Ellis, Montana Audubon, 431.9157 or jellis@mtaudubon.org.

SB 440, Exempt air quality permits from MEPA review, 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. FRET, 03/11/2009, 3pm, Rm 172. Contact Anne Hedges, MEIC, 461.9546, or ahedges@meic.org.

SB 481, Exempt economic stimulus projects from MEPA, 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. FRET, 03/13/2009, 3pm, Rm 172. Contact Anne Hedges, MEIC, 461.9546, or ahedges@meic.org.

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

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