

Welcome to Montana Conservation Voters' 2003 State Legislative Scorecard!

Montanans need legislative leaders who know that the key to a vital economy is the protection and enhancement of the air we breathe, the water we drink, our public health, world class fish and wildlife resources, and our rights as citizens to participate in government.

Montana Conservation Voters' mission is to elect conservation candidates, hold elected officials accountable, and educate and activate voters on a wide range of conservation and environmental issues. This scorecard is central to that mission. It tells you whether your legislators are in step with the sentiments of the vast majority of Montanans who deeply value our natural heritage and believe in responsible stewardship for future generations – or whether they are disregarding these core values. Read the scorecard, then take action to make your voice, and your vote, count!

This year, the MCV Legislative Scorecard includes a comparison of legislators' votes this year to previous sessions, voting averages of legislators in various regions of the state, and an in-depth look at a new law that affects our right to register to vote and cast absentee ballots.

Montana Conservation Voters
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*... the non-partisan political voice of
Montana's conservation and
environmental community.*

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State Legislative Scorecard



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Montana Conservation Voters

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2003 State Legislative Scorecard

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Montana Conservation Voters is the non-partisan political voice of Montana's conservation and environmental community. MCV is dedicated to informing voters of the votes and actions of elected officials – from the Courthouse to Congress – affecting clean water and air, fish and wildlife, public health, open space and citizen participation in government. As a statewide membership organization, Montana Conservation Voters engages voters to support candidates who stand up for conservation values. Montana Conservation Voters' structure includes a board of directors, chapters in several Montana communities, a Political Action Committee to work effectively in elections, and a full time professional staff with offices in Billings, Livingston and Missoula.

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Dear Scorecard Reader,

Welcome to the 2003 Montana Conservation Voters State Legislative Scorecard, designed to help you identify those legislators who strongly value conservation principles and Montana's right to a clean and healthful environment. Just as importantly, this scorecard identifies those legislators who not only do not support protection of our air and water, wildlife and open space, but who also are willing to blatantly disregard the voice of the voters.

A consistent theme that ran through this session was the belief of some legislators that Montana voters don't know what they are doing and cannot be trusted to help set Montana's future course. Over a dozen bills were introduced that would have overturned voter-passed initiatives or make it harder for Montanans to speak through the initiative process.



Backed by the mining, game farm and tobacco industry, legislators said we had been "hoodwinked" and were "confused" when we passed reforms of game farms that threaten our wild, prized game herds. Other legislators said they had to overturn voter-passed initiatives in order to "protect the minority from the tyranny of the majority." And of course there was Rep. Cindy Younkin's now-famous statement that "Just because it was passed by the will of the people doesn't make it right."

Fortunately, voters refused to be silenced on these important issues, and the majority of legislators showed their respect for the will of the people by defeating these attacks.

Take the bill to overturn the 1998 voter-approved ban on new cyanide heap leach mines. The law protects Montana's wells, lakes and prized trout stems – like the Big Blackfoot – from this destructive practice. Montana Conservation Voters worked with other environmental and conservation groups to stop the attack on this voter-approved measure, and flooded legislators with phone calls and emails until the bill died. This was on the heels of the successful campaign to stop a repeal of the Game Farm initiative. We prevailed again when a bill to severely limit the initiative process was killed by a narrow margin. We take pride in how effectively Montanans stood up for their rights, and thank all of you who called, emailed, traveled to Helena or visited with legislators over transmittal to make your voice heard.

Not as fortunately, some very bad bills passed. Thanks to the 2003 Legislature, coal companies were put in charge of when, how and what they will reclaim after mining is over, freeing them to leave deeper scars on the land. Montanans who treasure the character of their communities are left with fewer tools to work with when out-of-state developers arrive to exploit their neighborhoods. Citizens who want to protect their clean air, water and property will now have to pay more to exercise their rights in court. As demonstrated in Libby and East Helena, those who suffer the most from pollution are often the least likely to be able to afford fighting big polluters. The legislature even made it harder for citizens to vote.

But let's be clear about one point. Many of these bills passed by narrow margins, with strong opposition voiced by legislators who stand up for their environment and constituents.

The 2004 elections are a great opportunity to correct the misguided priorities in Helena by electing a conservation majority that respects the will of Montana voters.

This scorecard gives you the information you need to start that process now. Find out how legislators voted on issues important to you. Use this information to hold legislators accountable for their actions. Thank legislators who have shown a respect for the voters and who have stood up for Montana values. Give your friends, neighbors and relatives this information. *And vote for conservation candidates.* Together we can be a voice and catalyst for positive change in Montana.

Howard Strause, Co-President, Montana Conservation Voters

NEW LEGISLATIVE DISTRICTS COMING SOON TO YOUR AREA

Every decade following the federal decennial census, Montana establishes new congressional and legislative districts. The Montana Constitution provided that this redistricting is to be done not by the legislature but by a 5-person citizen member Commission. On February 5, 2003, this Commission, which had been appointed during the 1999 legislative session, adopted its final Statewide Redistricting Plan. Commissioners submitted the plan to Secretary of State Bob Brown as provided in the Montana Constitution, but Secretary Brown refused to accept the plan based on a bill passed hurriedly by the Republican-dominated legislature and signed by Governor Martz the previous day. This bill, HB 309, changed the allowable population deviation among legislative districts from the five percent criterion adopted in 2000 and used by the Commission during its two-year planning process to one percent.

Secretary Brown instead filed a complaint for declaratory judgment requesting the court to determine the constitutionality and statutory validity of the Statewide Redistricting Plan. A hearing for partial summary judgment on the complaint was held May 15, 2003 at the First Judicial District Court in Helena, and supplemental briefs were requested by May 29, 2003. However the court rules, the issue will likely be appealed to the Montana Supreme Court. The Commission believes it has fulfilled its constitutional and statutory obligations, and members expect a final decision on the Plan effective for the 2004 election.

You can find the Plan adopted in February 2003 and access detailed maps of the new state legislative districts at:

http://www.leg.state.mt.us/content/committees/interim/2001_2002/dist_apport/FEBfinal.inc

For more information, contact Susan Byorth Fox, Legislative Services Division, at 406.444.3064.

KNOW THE SCORE!

When you vote, you exercise one of the most important rights – and responsibilities – you have as a citizen. But it doesn't end there. Candidates may make lots of promises to get your vote. Did they keep them? Did they vote the way you expected them to, or want them to?

This Scorecard helps highlight the real stewards of Montana's natural resources, those who see Montana's economic future inextricably entwined with the health and diversity of her clean air and water, fish and wildlife, local communities, and outdoor recreational opportunities. It separates the champions of Montana's rich heritage from those who give lip service to caring about our environment, or no service at all.

In developing this Scorecard, MCV consulted with various conservation and public interest groups to help identify a selection of legislative proposals that:

- a) Are important to Montana Conservation Voters members;
- b) Reflect a broad cross-section of issues significant to various conservation groups;
- c) Show a clear choice by legislators for or against a conservation position;
- d) Reflect a certain level of debate, requiring potentially difficult choices.

We also included votes on certain resolutions on federal issues for informational purposes, but did not include those votes in legislators' scores since they have no force of law. Rather, they set a climate for dialogue and can influence the officials who receive them.

This scorecard is a key indicator of a legislator's support for conservation issues. Other factors include committee votes, floor speeches and motions, leadership in committee or on the floor or in caucus, and work behind the scenes to kill or pass legislation. We've noted some instances where actions, besides floor votes, made a difference in the outcome of legislation and showed contradictions in legislators' actions.

Thanks to Anne Hedges, Patrick Judge and Jeff Barber of the Montana Environmental Information Center; Janet Ellis of Montana Audubon; John Wilson of Montana Trout Unlimited; Michele Reinhart and Cody Ferguson of Northern Plains Resource Council; Don Judge of the Montana Chapter of the Sierra Club; David Ponder and Matt Leow of Montana Public Interest Research Group; Bob Throssell of the Montana Wildlife Federation; and Tim Davis of the Montana Smart Growth Coalition for their assistance.

CONSERVATION VOTES THAT COUNT

Description of Votes Used in Montana Conservation Voters 2003 Legislative Scorecard

CHANGES TO ELECTION LAWS

The 2003 Legislature passed a sweeping reform of the Montana voting process. While much of it is based on new requirements in the federal Help America Vote Act, some provisions go far beyond federal law.

Federal Election Law Changes of 2002

Two years after the infamous Presidential election of 2000, Congress passed legislation seeking to improve election administration. The Help America Vote Act of 2002 (HAVA) requires states and municipalities to meet certain standards in conducting Federal elections. It provides for new voter registration and identification requirements, and calls for states to develop a single, uniform, centralized, computerized voter registration list, assign a unique identifier to each legally registered voter, and implement a reasonable system of file maintenance to remove ineligible voters.

In addition, state voting systems must permit voters to verify their selections on the ballot, notify them of overvotes (voting for two different people) and permit them to change their votes before casting their ballot, as well as create a permanent paper record that can be manually audited. Other HAVA provisions address types of voting machines, access for the disabled, alternative language accessibility, and create a new Election Assistance Commission (EAC) that will administer HAVA and eventually assume certain duties related to elections that were previously under the authority of the Federal Elections Commission.

Montana's Election Law Changes – HB 190

Supported by the Secretary of State and county election administrators, the Montana legislature passed HB 190, sponsored by Rep. Cindy Younkin, R-Bozeman, which requires ALL voters, not just those who registered by mail and didn't show appropriate identification at that time - as required by HAVA - to show an identification to vote. While perhaps well intentioned, the law multiplies the universe of voters who must show identification to vote by more than three or four times, thus greatly expanding the likely number of provisional ballots - those ballots that may ultimately get thrown out because the voter did not provide a proper identification when voting. You can expect long lines at the voting booths - unless every voter comes prepared with valid identification. Even long-time voters may end up casting provisional ballots - votes which may be thrown out if valid identification is not subsequently provided.

A provisional ballot will only be counted as a valid vote if the elector provides the appropriate identification to the election administrator by 5 pm the day after election. A mailed identification must be postmarked by that time as well, leading to a potential delay of several days before the outcome of close

elections will be known. The number of provisional ballots thrown out could well determine the outcome of a close election.

There were three primary areas of opposition to HB 190, Montana's proposal to implement HAVA, and in all three areas, Montana went beyond federal requirements. Attempts to delete the three stricter requirements failed in both committees as well as in the House and Senate, with virtually all Republicans voting to keep the stricter requirements and Democrats voting to make state law consistent with federal law.

Identification

Under Montana's new law, all voters must show a copy of appropriate identification to vote. Absentee voters will have to mail the identification in with their ballot. Acceptable identification includes a copy of a current and valid photo identification, or a copy of a current utility bill, bank statement, paycheck, government check or document, or Montana's voter registration confirmation which will be sent to all registered voters notifying them of their new districts. Rules currently being drafted by the Secretary of State's office will determine what will constitute acceptable identification.

Absentee ballot request collection

HB 190 as amended requires a standardized form for the absentee ballot request, and allows a third party to deliver absentee ballot requests to the election administrator if the party provides the electors with receipts for the requests. This latter provision, however, was rendered moot by passage of HB 563 (Laszloffy, R-Laurel) which prohibited virtually all third-party collection of absentee ballot requests. Third parties may include candidates, political parties, nursing homes or anyone who offers to deliver another voter's absentee ballot request to an election administrator.

Absentee voting period

Montana has reduced the minimum days available for absentee voting from 45 to 30 days, and increased the number of days before the election when the Voter Information Pamphlet is available from 2 weeks to 30 days. Many organizations unsuccessfully urged the legislature to maintain the current 45 day absentee voting period. If ballots are sent out more than 30 days before an election, which is at the discretion of the election administrator, the administrator will include a notice that the Voter Information Pamphlet will be provided as soon as it is available.

The success of these voting changes will depend largely on the rules now being developed by the Secretary of State to implement the provisions of HB 190, and the staffs of county election administrators who now have their own burden - at their request - of asking every single voter for identification. The rulemaking starts in May 2003, and is open to the public.

In January 2003, Secretary of State Bob Brown also appointed a 20-member committee to develop Montana's HAVA compliance plan. It includes several county election administrators, organizations including the League of Women Voters, AARP, and Project Vote Smart, and individuals representing the interests of civil rights, the disabled, and American Indians, as well as Sen. Carolyn Squires (D-Missoula) and Rep. Bernie Olson (R-Lakeside). Their meetings are open to the public.

For more information about this advisory committee or the HB 190 rulemaking process, contact Secretary of State Bob Brown's office at 406.444.2034.

The House vote featured in the Scorecard is HB 190 2nd reading, where it passed 53-47. Conservation community position: oppose. The bill was heavily amended in the Senate to address some but not all of MCV's concerns. Signed into law.

ATTACKS ON CITIZEN INITIATIVE PROCESS

Montanans were confronted this session with not only attempts to repeal two citizen-passed initiatives affecting game farms and a cyanide ban, but also with a proposal to undermine the process by which initiatives get placed on the ballot. Conservationists prevailed, thanks to effective organizing by MCV and other groups and a dramatic public response, with many hundreds of phone calls, letters and emails to legislators from across Montana defending both the process, which has been available to Montanans since 1906, and the decisions made by voters. Many communicated their displeasure at being told their initiative vote was unimportant or wrong. You can visit MCV's web site for information on the outcome, for each legislative district, of the game farm and cyanide initiatives. Please also see the article on page 14 about the impact of Constitutional Amendment 37 and Constitutional Amendment 38, passed by voters in November 2002, which change how initiative petition signatures are collected.

Undermining the citizen initiative process – HB 719

HB 719 (A. Olson, R-Roundup) would have significantly impacted the citizen initiative process: it proposed moving the petition submission date back two months, resulting in petition supporters no longer being able to gather signatures at the Primary Election, and most election signature gathering occurring in winter. It added much more subjective and potentially confusing language to the petition, changed current law allowing a simplified title, and required an affidavit stating whether the signature-gatherer was paid - a provision rejected by the Supreme Court in Colorado. The bill passed the House narrowly and died in the Senate after a successful motion to place the bill, which had been killed in a Senate committee, on 2nd reading. House 2nd reading (passed 52-47) and Senate 2nd reading (failed 22-27) votes featured. Conservation community position: oppose.

Cyanide Ban Repeal – SB 436

As proposed, Sen. Debbie Shea's bill, SB 436, would have repealed the ban on new open-pit cyanide-leach mines. Citizens

responded in force against the bill. Realizing supporters didn't have the votes to win on the Senate floor, Sen. Shea decided to drop her bill. However, she and her supporters said that they plan to move forward with their own initiative drive to put I-137 back on the ballot. Legislators appearing at the press conference in support of Sen. Shea (D-Butte) and a new repeal initiative were Senators Dan McGee (R-Laurel), Fred Thomas (R-Stevensville), Vicki Cocchiarella (D-Missoula); and Representatives Gary Forrester (D-Billings), Alan Olson (R-Roundup) and Jim Keane (D-Butte).

Game Farm Repeal – HB 379

The first of three game farm bills introduced this session, HB 379 (Ripley, R-Wolf Creek) would have allowed game farms operators to resume commercial shooting of penned elk and deer and allowed the transfer and sale of game farms and their animals, activities which were banned under Initiative 143, approved by voters in 2000. The initiative was an attempt to protect wild animals from diseases such as chronic wasting disease, and reflected opposition to canned hunts. HB 379 passed 2nd reading but was sent back to committee after tremendous opposition from Montana residents; the bill never advanced to the Senate. Two other House bills proposing some form of repeal and buy-out also failed to pass committee. The House vote featured is 2nd reading (passed 53-47). Conservation community position: oppose.

CUTTING CITIZEN RIGHTS TO COURT PROTECTION

Conservation interests were assaulted by a barrage of industry-supported bills attempting to limit the ability of citizens to use the courts to protect themselves, their families and their communities from the State's failure to follow the law. The attack was outlined in a January 2003 memo provided by an oil and tobacco industry lobbyist to the lobbyist for the Western Environmental Trade Association, an anti-environmental group. The industry proposal intended to make citizen challenge of state decisions more difficult and prohibitively costly, and to elevate certain property rights above everything else.

HB 437 – Restricting court access and challenging the Constitutional right to a clean and healthful environment

One in a handful of bad bills introduced by Rep. Alan Olson (R-Roundup), HB 437 is perhaps the flagship of industry's series of bills to make citizen challenges to State actions more difficult. As drafted, it required anyone challenging certain state permits to request an injunction against the permittee, a provision intended to force citizens and organizations challenging permits to post a significant bond. Although the Senate deleted this requirement, it added other amendments that make it even more difficult for people to protect themselves by requiring citizens to first challenge the constitutionality of a particular statute, even if the challenge isn't relating to a particular law. The bill also forces challenges to be filed in the county where the activity occurs, even though many challenges are against the State. It states that the legislature will

interpret Montanans' Constitutional rights, reflecting yet another attempt to undermine our Constitutional right to a clean and healthful environment. In addition, this bill is retroactive, so any permits that are currently being appealed will have to comply with these changes. House vote is 2nd reading on motion to accept Senate amendments (passed 60-40); Senate vote is 3rd reading (passed 33-17). Conservation community position: oppose. Signed into law.

HB 700 – Bonding, stays and general permitting

One of several bills to stifle citizen attempts to protect themselves through the courts, HB 700 (Brueggeman, R-Polson) hinders citizens' ability to challenge the operation of air-polluting facilities by removing the automatic stay when a permit is appealed, and requiring a significant bond. Described by the Montana Legislative Legal Council as unconstitutional, the bill is targeted at citizens such as those who appealed an air permit because they didn't want six large diesel locomotives operating 24 hours a day next to their house. It would encourage the State to issue general air and groundwater discharge permits under which companies can begin discharging even before the site application has been submitted. House 2nd reading (passed 56-43) and Senate 2nd reading (passed 27-23) votes featured. Conservation community position: oppose. Signed into law.

SB 298 – Court venue

SB 298 (Thomas, R-Stevensville) would have required that lawsuits challenging State environmental permits be filed in the county in which the proposed action would occur. Currently, citizens can also challenge laws in Lewis and Clark County, the seat of State government. This is simply an attempt to put local pressure on local judges to allow developments even if the permits are flawed. Senate 2nd reading (passed 31-19). Conservation community position: oppose. The House Judiciary Committee tabled the bill.

SB 410 – Citizen bonding

Sen. Mike Taylor (R-Proctor) introduced SB 410, which proposed that courts require a bond from citizens seeking and receiving an injunction against an extractive industry. SB 410 contained no provisions for waiving the bond, eliminated the current law limiting bonds to \$50,000, and established a minimum bond of \$10,000. The featured Senate vote is 3rd reading (passed 30-20). Conservation community position: oppose. The House Judiciary Committee tabled the bill.

LAND USE PLANNING

Legislators introduced several bills this session to amend statutes governing growth plans, formerly known as comprehensive plans. Other proposals focused on property rights, affordable housing, transportation, zoning districts and subdivisions. Three of the more significant bills are featured in this Scorecard. In addition, the conservation community convinced the legislature to undertake an interim study, HJ 37, by Rep. Mark Noennig (R-

Billings), to review the Montana Subdivision and Platting Act.

SB 326 – Weakening of Growth Plans

As proposed, SB 326 (McGee, R-Laurel) would drastically change Montana's growth policy law, severely undermining attempts by local communities to adopt land use plans that help direct growth to appropriate areas. In its final form, the law states that a growth policy is not a regulatory document and jurisdictions cannot condition land use decisions solely on compliance with a growth policy; it allows a growth policy to cover only part of a planning jurisdiction; and it eliminates the one-year time frame for adoption of subdivision regulations that comply with a growth policy. This bill had originally proposed making the information to be included in a growth policy discretionary, but opponents were able to reinstate the growth policy requirements. Votes featured are Senate 3rd reading (passed 27-23), and House 3rd reading vote on free conference committee (passed 58-42). Conservation community position: oppose. Signed into law.

HB 712 – Vested Property Rights for Subdivision Proposals

This bill, sponsored by Rep. John Sinrud (R-Bozeman), would have given developers a 'vested property right' immediately upon submission of a subdivision proposal. Local governments would be required to pay the developer for conditions placed on the proposal, effectively crippling local government's ability to regulate land use. House 3rd reading vote (passed 49-48). Conservation community position: oppose. The Senate Local Government Committee indefinitely postponed the bill.

SB 293 – Growth Plans for Fast-Growing Communities

Promoted by the Montana Smart Growth Coalition, SB 293 (Wheat, D-Bozeman) proposed to designate and provide funding for development of growth plans in fast-growing communities. This bill directed fast growing cities and counties to plan together to ensure that towns have adequate buildable land and infrastructure to efficiently provide for projected growth over a 20-years period. Senate 2nd reading (failed 22-26). Conservation community position: support.

FISH AND WILDLIFE

In piecemeal fashion over the last decade, many of Montana's substantive environmental protection laws have been weakened. Two of the featured bills reflect an attempt by the conservation community to protect fish and wildlife after the 2001 Legislature effectively removed the ability of State agencies to require such protections under the Montana Environmental Policy Act.

HB 671 – The Fish and Wildlife Protection Act

This bill, sponsored by Rep. Paul Clark (D-Trout Creek), proposed the Fish and Wildlife Protection Act, which recognizes the importance of healthy fish and wildlife populations and directs the state to mitigate permits for projects that may otherwise

significantly impact fish, wildlife or their habitats. The mitigations must minimize the adverse impacts but cannot cause the rejection of the proposal. The bill was killed in committee on a tie vote; the featured vote was on a motion by Rep. Clark to pull the bill from committee for consideration on 2nd reading. Conservation community position: support. The motion failed 48-50. Sixty votes are required to in the House to put a bill killed in committee on the floor.

SB 412 – Fisheries Protection Act

Sen. Ken Toole (D-Helena), proposed in SB 412 to amend the state's major environmental permitting and planning laws to provide that adverse impacts on fish and fish habitat are mitigated. The Senate Natural Resources Committee killed the bill; the vote featured is on the motion by Sen. Toole to bring the bill out of committee for a vote on 2nd reading. Conservation community position: support. The motion failed, 18-32.

HB 720 – Instream flow

HB 720 (Hurwitz, R-White Sulphur Springs) restricts the ability of the Montana Department of Fish, Wildlife and Parks to challenge new or changed water rights requests that reduce instream flows below levels established to protect fish and wildlife. It shifts the burden of proof to show the use won't affect instream flow rights from the applicant of the new junior water right to the senior holder of the instream flow right, who must now prove that the instream flow amount is valid. Promoted by the Montana Stockgrowers, HB 720 singled out instream rights holders for this new burden. House 2nd reading vote (passed 58-42). Conservation community position: oppose. The Senate heavily amended the bill to remove the most objectionable provisions. In its final form, it requires that someone objecting to a new water right because of an existing instream flow right must identify the nature of the adversely affected beneficial uses. Signed into law.

SB 392 – Wildlife habitat

A backlash against the federal Endangered Species Act, SB 392 (Bales, R-Otter Creek) restricts the Department of Fish, Wildlife and Parks' ability to develop species management plans by prohibiting activities that affect the use of lands not under the direct control of the department. It would have essentially prevented the state from managing species to prevent listing under the Endangered Species Act, or from collaborating with federal agencies on species management. Senate 2nd reading (passed 32-17) vote featured. Conservation community position: oppose. The House dramatically amended the bill to simply require the agency to comply with the Montana Environmental Policy Act. Signed into law.

MONTANA ENVIRONMENTAL POLICY ACT

SB 350 – Limits Remedies for MEPA violations

SB 350, offered by Sen. Duane Grimes (R-Clancy), strictly limited what a court can order an agency to do after its failure to comply with the Montana Environmental Policy Act. It

stated that the only remedy for a determination that a state agency violated the Montana Environmental Policy Act would be to send the decision back to the agency. Meanwhile, the erroneously issued permit would remain in force. The Senate vote is 3rd reading (passed 35-15). Conservation community position: oppose. The bill died in the House Natural Resources Committee on a tie vote. See also bills under Fish and Wildlife.

RIVERS

HB 467 – Outstanding Resource Waters

HB 467 (Barrett, R-Dillon) makes the Outstanding Resource Water (ORW) designation virtually impossible to get. Outstanding Resource Waters are state waters that are of such environmental, ecological or economic value that that the state should provide such waters the greatest protection feasible in order to prohibit impairment of existing water quality. The Legislature had already made the process of designating a river as an ORW difficult when it passed the law in 1995 - only a section of the Gallatin River has been proposed for designation - but this bill requires a written finding of necessity for such protection, and would require the petitioner to pay in advance the costs of developing the statutorily-required environmental impact statement (estimated in the case of the Gallatin River to be in the neighborhood of \$250,000). As originally written, it also attempted to apply retroactively to the Gallatin River petition, but that clause was removed. 2nd reading in the House (passed 54-46), and 2nd reading in Senate (passed 34-15) are the votes featured. Conservation community position: oppose. Signed into law.

HB 720 – Instream flow See Fish and Wildlife.

COAL BED METHANE

Irrigators, landowners, and conservationists all teamed up this session to promote a series of bills to protect water and surface lands from the impacts of coal bed methane development. None of the bills passed out of committee, suggesting an appalling lack of understanding or concern on the part of the legislature about the potential affects of coal bed methane development on Montanan's waters and soils.

HB 380 – Protection of water from coal bed methane development

HB 380 (Lindeen, D-Huntley), the so-called 'irrigators bill,' would have allowed the discharge of ground water produced in association with a coal bed methane well into State waters only if the State had adopted numeric standards for electrical conductivity and sodium adsorption for the water body receiving the discharge. It allowed discharge water to be impounded, with the consent of the landowner, even if such standards have not been adopted. The bill stalled in the House Natural Resources Committee on a tie vote; the featured vote is a motion by Rep. Lindeen to put the bill on 2nd reading for debate. Conservation community position: support. The motion failed, 55-45, because a 2/3 vote was required.

Two legislators, Reps. Kim Gillan and Bruce Malcolm, supported Rep. Lindeen's motion after voting against the bill in committee. If either had voted for the bill in committee, it would have automatically proceeded to the House floor for a 2nd reading vote.

SB 240 – Negotiated protection for surface owners from coal bed methane development

One of three Senate bills introduced by Sen. Stonington (D-Bozeman) to protect residents and landowners from the impacts of coal bed methane development, SB 240 would have required CBM operators to negotiate surface use agreements with surface owners regarding location of land disturbances, use and impoundment of water, mitigation of damages including reclamation, and control of dust, weeds, and traffic, and other issues. The bill stalled in the Senate Natural Resources Committee; the featured vote is Sen. Stonington's motion to place the bill on 2nd reading for a vote. Conservation community position: support. The motion failed, 21-28.

MINING

HB 373 – Coal reclamation

HB 373 puts coal companies in charge of deciding when, how and what they will reclaim after mining is over. The company's only requirement is to show that it can in fact achieve the proposed reclamation, and that subsequent use of the reclaimed land is not hazardous to public health and safety. The featured votes are House 3rd reading (passed 64-32) and Senate 2nd reading (passed 33-17). Conservation community position: oppose. Signed into law.

SB 366 – Metal mine reclamation

This bill reflects the ongoing battle by industry to define reclamation in a way that will comply with the Montana Constitution's provision stating that all lands disturbed by the taking of natural resources shall be reclaimed, and in particular, to minimize backfilling of open pits. SB 366 (Grimes, R-Clancy) would remove the requirement for backfilling, and by not requiring reclamation, may be unconstitutional. Senate 3rd reading (passed 41-9) and House 3rd reading (passed 64-36) are the featured votes. Conservation community position: oppose. Signed into law.

ENERGY

HB 443 – Major Facility Siting Act

This bill, sponsored by Rep. Mike Lange (R-Billings), shortens the major facility siting process, reduces associated fees, and removes the current finding that the construction of additional electric transmission facilities, pipeline facilities, or geothermal facilities have an effect on the environment and an impact on local residents and the welfare of the State's citizens. It removes the requirement that such facilities avoid unacceptable adverse effects on the environment and the state's citizens, and no longer requires that certain State agencies, local governments and federal agencies be notified of such proposed facilities. Votes

featured are House 2nd reading (passed 57-43) and Senate 2nd reading (passed 28-19). Conservation community position: oppose. Signed into law.

PRIVATE PROPERTY RIGHTS

SB 397 – Takings

Once again Montana legislators were confronted with a so-called 'takings' bill, and once again, they spurned the effort. Sen. Aubyn Curtiss (R-Fortine) offered SB 397, modeled after a measure in Oregon, which is one of the most egregious takings bills introduced in Montana. It would have required payment for any loss of property value from compliance with local or state regulations. Senate 2nd reading vote, failed, 19-31. Conservation community position: oppose.

HB 712 – Vested Property Rights for Subdivision Proposals

See description and vote under Land Use Planning.

RESOLUTIONS:

Once again, we are featuring certain federal land management resolutions proposed in the 2003 session. While these resolutions have no force of law, they are often used to send messages to Congress or other officials purporting to reflect the will of Montanans. The votes on these resolutions are for informational purposes only, and are not included in the final scores for legislators. You can find the full text of these and other resolutions addressing the delisting of wolves, genetically modified organisms, bison, water management, and other issues at:

www.leg.state.mt.us/css/bills/default.asp.

SJR 19 – National Forest Wilderness Study areas

SJ 19 (Curtiss, R-Fortine) urged Congress to remove legal protection from the remaining Montana Wilderness Study Act areas. SJ 19 alleged that protecting these wildlands leads to lay-offs in the timber and mining industry and the problems of Montana farmers. Senate 2nd reading (passed 33-17). Conservation community position: oppose. The House Natural Resources Committee tabled the bill.

SJR 22 – ANWR

This resolution by Sen. Dan McGee (R-Billings), urges Congress to open the Arctic National Wildlife Refuge to oil and gas leasing, claiming that the people of Montana support continued development of fossil fuels as a way to address the short-term needs of our nation's energy independence. It attempted to mollify the controversial nature of the resolution by also calling on Congress to increase its support for renewable energy development. Votes featured are Senate 3rd reading (passed 35-15), and House 3rd reading (passed 53-45). Conservation community position: oppose. Filed with Secretary of State.

House of Representatives

Election Changes
Restricts Citizen
Initiatives
Repeal Game
Farm Ban

Representative	Dist	City	Term Limited	HB 190	HB 719	HB 379
Andersen, Joan (R)	23	Fromberg		-	-	-
Ballantyne, Norman (D)	86	Valier		+	+	-
Balyeat, Joe (R)	32	Bozeman		-	+	-
Barrett, Debby (R)	34	Dillon		-	-	-
Becker, Arlene (D)	18	Billings		+	+	+
Bergren, Bob (D)	90	Havre		+	-	-
Bitney, Rod (R)	77	Kalispell	T	-	-	-
Bixby, Norma (D)	5	Lame Deer		+	+	+
Bookout-Reinicke, Sylvia (R)	71	Alberton	T	-	-	-
Branae, Gary (D)	17	Billings		+	A	+
Brown, Dee (R)	83	Hungry Horse		-	-	-
Brown, Roy (R)	14	Billings		-	+	-
Brueggeman, John (R)	74	Polson		-	-	-
Buzzas, Rosie (D)	65	Missoula		+	+	+
Callahan, Tim (D)	43	Great Falls		+	+	+
Carney, Eileen (D)	82	Libby		+	+	+
Clark, Edith (R)	88	Sweetgrass		-	-	-
Clark, Paul (D)	72	Trout Creek		+	+	+
Cohenour, Jill (D)	51	East Helena		+	+	+
Cyr, Larry (D)	37	Butte		+	+	+
Devlin, Ronald (R)	3	Terry		-	-	-
Dickenson, Sue (D)	47	Great Falls		+	+	+
Dowell, Tim (D)	78	Kalispell		+	+	+
Erickson, Ron (D)	64	Missoula		+	+	+
Everett, George (R)	84	Kalispell		-	-	-
Facey, Tom (D)	67	Missoula		+	+	+
Fisher, Stanley (R)	75	Bigfork		-	-	-
Forrester, Gary (D)	16	Billings		+	+	+
Franklin, Eve (D)	42	Great Falls		+	+	+
Fritz, Nancy (D)	69	Missoula		+	+	+
Fuchs, Daniel (R)	15	Billings	T	-	-	-
Gallik, Dave (D)	52	Helena		+	+	+
Gallus, Steve (D)	35	Butte		+	-	+
Galvin-Halcro, Kathleen (D)	48	Great Falls		+	+	+
Gibson, Carol (D)	20	Billings		+	+	+
Gillan, Kim (D)	11	Billings	T	+	+	+
Golie, George (D)	44	Great Falls		+	+	+
Gutsche, Gail (D)	66	Missoula		+	+	+
Haines, Dick (R)	63	Missoula		-	-	+
Harris, Christopher (D)	30	Bozeman		+	+	+
Hawk, Ray (R)	62	Florence		-	-	-
Hedges, Donald (R)	97	Antelope		-	-	-
Hurwitz, Daniel (R)	40	White Sulpher Springs		-	-	-
Jackson, Verdell (R)	79	Kalispell		-	-	-
Jacobson, Hal (D)	54	Helena		+	+	+
Jayne, Joey (D)	73	Arlee		+	+	+
Jent, Larry (D)	29	Bozeman		+	+	+
Juneau, Carol (D)	85	Browning		+	+	+
Kasten, Dave (R)	99	Brockway		-	-	-
Kaufmann, Christine (D)	53	Helena		+	+	+

Legend

(+) = Vote in support of MCV's position

(-) = Vote against MCV's position

A = Absent or not voting

E = Excused from voting

^ = Previous session's MCV score where applicable

italics = Legislator was in the other house during that session.

SJR 22 is for informational purposes only, and not counted in score.

	Restricts Court Access	Requires Citizen Bonding	Weaken Growth Plans	Property Rights	Fish & Wildlife Protection	Attacks Instream Flow	Destroys Outstanding Resource Water	Coal Bed Methane Water Protection	Reduces Coal Reclamation	Reduces Metal Mine Reclamation	Cripples Major Facility Siting Act	Oppose ANWR Protection	2003 Score^	2001 Score^	1999 Score^	Representative
	HB 437	HB 700	SB 326	HB 712	HB 671	HB 720	HB 467	HB 380	HB 373	SB 366	HB 443	SJR 22				
-	-	-	+	-	-	-	-	-	-	-	-	-	7%	6%	11%	Anderson
+	+	+	+	+	+	-	+	+	-	-	+	+	71%	-	-	Ballantyne
-	-	-	-	-	-	-	-	+	A	-	-	-	15%	12%	-	Balyeat
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	-	Barrett
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	-	Becker
+	-	+	+	+	+	+	+	+	-	-	-	+	57%	-	-	Bergren
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%	0%	Bitney
+	+	+	+	+	+	+	+	+	+	+	+	E	100%	100%	-	Bixby
-	-	-	E	E	-	-	-	-	-	-	-	-	0%	12%	38%	Bookout-Reinicke
+	+	+	+	+	+	+	+	+	-	+	+	+	92%	100%	-	Branae
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	-	Brown, D
-	-	-	-	-	-	-	-	-	-	-	-	-	7%	18%	11%	Brown, R
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%	-	Brueggeman
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	100%	Buzzas
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	94%	-	Callahan
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	-	Carney
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	11%	Clark, E
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	76%	89%	Clark, P
+	+	-	+	+	+	+	+	+	+	+	+	+	93%	-	-	Cohenour
+	+	+	+	+	+	+	+	+	+	-	+	+	93%	100%	-	Cyr
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%	-	Devlin
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	-	Dickenson
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	-	Dowell
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	100%	Erickson
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Everett
+	+	+	+	+	+	+	+	+	E	+	+	+	100%	100%	100%	Facey
-	-	-	-	-	-	-	-	-	A	-	-	-	0%	12%	11%	Fisher
-	+	-	-	+	+	-	+	-	-	-	-	-	50%	53%	-	Forrester
+	+	-	+	-	+	+	+	+	+	+	+	+	86%	93%	100%	Franklin
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	94%	-	Fritz
-	A	-	-	-	-	-	-	-	-	-	-	-	0%	12%	0%	Fuchs
+	+	-	+	+	+	+	+	+	+	-	+	+	86%	94%	-	Gallik
-	-	+	+	+	+	+	+	+	-	-	+	+	64%	82%	67%	Gallus
+	+	-	+	+	+	+	+	+	+	-	+	+	86%	100%	100%	Galvin-Halcro
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	-	Gibson
-	+	+	+	+	+	+	+	+	-	+	+	E	86%	94%	89%	Gillan
-	+	+	+	+	+	+	+	+	+	+	+	+	93%	94%	67%	Golie
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	100%	Gutsche
-	-	+	-	-	-	-	-	-	-	-	-	-	14%	18%	44%	Haines
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	94%	-	Harris
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Hawk
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	12%	11%	Hedges
-	-	-	-	-	-	-	-	-	-	+	-	-	7%	-	-	Hurwitz
-	-	-	E	-	-	-	-	-	-	-	-	-	0%	12%	22%	Jackson
+	+	-	+	+	+	+	+	+	+	+	+	+	93%	82%	-	Jacobson
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	-	Jayne
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	-	Jent
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	94%	100%	Juneau
-	-	-	-	-	-	-	-	+	-	-	-	-	7%	6%	-	Kasten
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	-	Kaufmann

House of Representatives

Election Changes
Restricts Citizen
Initiatives
Repeal Game
Farm Ban

Representative	Dist	City	Term Limited	HB 190	HB 719	HB 379
Keane, Jim (D)	36	Butte		+	+	+
Lake, Bob (R)	60	Hamilton		-	-	-
Lambert, Carol (R)	1	Hammond		-	-	-
Lange, Michael (R)	19	Billings		-	-	+
Laslovich, Jesse (D)	57	Anaconda		+	+	+
Laszloffy, Jeff (R)	22	Laurel		-	-	+
Lawson, Bob (R)	80	Whitefish	T	-	+	+
Lehman, Larry (R)	87	Power		-	-	-
Lenhart, Ralph (D)	2	Glendive		+	+	+
Lewis, Dave (R)	55	Helena		-	-	-
Lindeen, Monica (D)	7	Huntley		+	+	+
Maedje, Rick (R)	81	Fortine		-	-	-
Malcolm, Bruce (R)	25	Emigrant		-	-	-
Matthews, Gary (D)	4	Miles City		+	-	-
McKenney, Joe (R)	49	Great Falls		-	-	-
Mendenhall, Scott (R)	39	Cardwell		-	-	-
Mood, Doug (R)	58	Seeley Lake	T	-	-	-
Morgan, Penny (R)	21	Billings		-	-	-
Musgrove, John (D)	91	Havre		+	+	-
Newman, Brad (D)	38	Butte		+	+	+
Noennig, Mark (R)	9	Billings		-	-	+
Olson, Alan (R)	8	Roundup		-	-	-
Olson, Bernie (R)	76	Lakeside		-	-	-
Parker, John (D)	45	Great Falls		+	+	+
Pattison, Jeff (R)	95	Glasgow		-	-	-
Peterson, Jim (R)	94	Buffalo		-	-	-
Raser, Holly (D)	70	Missoula		+	+	+
Rice, Diane (R)	33	Harrison		-	-	-
Ripley, Rick (R)	50	Wolf Creek		-	-	-
Roberts, Don (R)	10	Billings		-	-	-
Rome, Allen (R)	56	Garrison		-	-	-
Ross, Jack (R)	24	Absarokee		-	-	-
Ryan, Brennan (D)	41	Stockett		+	+	+
Sales, Scott (R)	27	Bozeman		-	-	-
Schrumpf, Clarice (R)	12	Billings		-	-	-
Shockley, Jim (R)	61	Victor		-	+	+
Sinrud, John (R)	31	Bozeman		-	-	-
Small-Eastman, Veronica (D)	6	Lodge Grass		+	+	-
Smith, Frank (D)	98	Poplar		+	+	-
Steinbeisser, Donald (R)	100	Sidney		-	-	-
Stoker, Ron (R)	59	Hamilton		-	-	-
Thomas, Bill (R)	93	Hobson		-	-	-
Wagman, Pat (R)	26	Livingston		-	-	-
Waitschies, Karl (R)	96	Peerless		-	-	-
Wanzenried, David (D)	68	Missoula		+	+	+
Weiss, Sandy (D)	13	Billings		+	+	+
Wilson, Bill (D)	46	Great Falls		+	+	+
Windy Boy, Jonathan (D)	92	Box Elder		+	+	+
Witt, John (R)	89	Carter		-	-	-
Younkin, Cindy (R)	28	Bozeman		-	-	-

Legend

(+) = Vote in support of MCV's position

(-) = Vote against MCV's position

A = Absent or not voting

E = Excused from voting

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SJR 22 is for informational purposes only, and not counted in score.

	<i>Restricts Court Access</i>	<i>Requires Citizen Bonding</i>	<i>Weakens Growth Plans</i>	<i>Property Rights</i>	<i>Fish & Wildlife Protection</i>	<i>Attacks Instream Flow</i>	<i>Destroys Outstanding Resource Water</i>	<i>Coal Bed Methane Water Protection</i>	<i>Reduces Coal Reclamation</i>	<i>Reduces Metal Mine Reclamation</i>	<i>Cripples Major Facility Siting Act</i>	<i>Oppose ANWR Protection</i>	2003 Score^	2001 Score^	1999 Score^	Representative
	HB 437	HB 700	SB 326	HB 712	HB 671	HB 720	HB 467	HB 380	HB 373	SB 366	HB 443	SJR 22				
-	-	+	+	+	+	+	+	+	-	-	+	+	71%	82%	-	Keane
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Lake
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Lambert
-	-	-	-	-	-	-	-	-	-	-	-	-	7%	-	-	Lange
+	+	+	-	+	+	+	+	+	-	-	+	+	79%	82%	-	Laslovich
-	-	-	-	-	-	-	-	-	-	-	-	-	7%	12%	-	Laszloffy
-	-	-	+	-	-	-	+	-	-	-	-	+	29%	41%	44%	Lawson
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	18%	-	Lehman
-	+	+	-	+	-	-	+	+	-	-	+	+	64%	94%	89%	Lenhart
-	-	-	-	-	-	-	-	+	-	-	-	-	7%	12%	-	Lewis
+	+	+	+	+	+	+	+	+	-	-	+	+	86%	76%	89%	Lindeen
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Maedje
-	-	-	-	-	-	-	-	+	-	-	-	-	7%	-	-	Malcolm
-	-	-	-	+	-	-	-	+	-	-	-	-	21%	41%	22%	Matthews
-	-	+	-	-	-	-	-	-	-	-	-	-	7%	0%	11%	McKenney
-	-	+	-	-	-	-	-	-	-	-	-	-	7%	-	-	Mendenhall
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	12%	11%	Mood
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Morgan
+	+	+	+	+	+	-	+	+	-	+	+	+	79%	82%	-	Musgrove
-	+	+	+	+	+	+	+	+	-	-	+	+	79%	88%	-	Newman
+	+	-	-	+	-	-	-	-	-	+	-	-	36%	35%	33%	Noennig
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	12%	-	Olson, A
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Olson, B
+	+	+	+	+	+	+	+	+	E	+	+	+	100%	-	-	Parker
-	-	-	-	-	-	-	-	+	-	-	-	-	7%	12%	-	Pattison
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Peterson
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	94%	-	Raser
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	-	Rice
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	-	Ripley
-	-	-	E	-	-	-	-	-	-	-	-	-	0%	-	-	Roberts
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	18%	-	Rome
-	-	-	+	-	-	-	-	-	-	-	-	-	7%	-	-	Ross
-	-	-	+	+	-	-	+	+	-	-	-	+	50%	-	67%	Ryan
+	-	-	-	-	-	-	-	+	+	-	-	+	21%	-	-	Sales
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	18%	-	Schrumpf
-	-	-	-	+	-	-	-	-	+	+	-	-	36%	24%	56%	Shockley
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Sinrud
+	+	+	+	+	+	+	+	+	+	+	+	+	93%	-	-	Small-Eastman
+	+	+	+	+	+	+	+	+	-	+	+	+	86%	94%	89%	Smith
-	-	-	+	-	-	-	-	-	-	-	-	-	7%	0%	-	Steinbeisser
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Stoker
-	-	-	-	A	-	-	-	-	-	-	-	-	0%	6%	11%	Thomas
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Wagman
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	-	Waitschies
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	88%	-	Wazenried
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	-	Weiss
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	100%	Wilson
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	-	Windy Boy
-	-	-	+	-	-	-	-	+	-	-	-	-	14%	0%	0%	Witt
-	-	-	-	-	-	-	-	+	-	-	-	-	7%	12%	11%	Younkin

Senate

Restrict Citizen
Initiatives
Restricts Court Access
Requires Citizen Bonding
Changes Court Venue
Requires Citizen Bonding

Senator	Dist	City	Term Limited	HB 719	HB 437	HB 700	SB 298	SB 410	
Anderson, Sherm (R)	28	Deer Lodge		-	-	-	-	-	
Bales, Keith (R)	1	Otter		-	-	-	-	-	
Barkus, Gregory (R)	39	Kalispell		-	-	-	-	-	
Black, Jerry (R)	44	Shelby		+	-	-	-	-	
Bohlinger, John (R)	7	Billings		+	+	+	-	-	
Butcher, Ed (R)	47	Winifred		+	-	-	-	-	
Cobb, John (R)	25	Augusta		+	+	+	+	+	
Cocchiarella, Vicki (D)	32	Missoula		+	+	+	-	+	
Cooney, Mike (D)	26	Helena		+	+	+	+	+	
Cromley, Brent (D)	9	Billings		+	+	+	+	+	
Curtiss, Aubyn (R)	41	Fortine		-	-	-	-	-	
DePratu, Bob (R)	40	Whitefish	T	+	-	-	-	-	
Ellingson, Jon (D)	33	Missoula		+	+	+	+	+	
Elliott, Jim (D)	36	Trout Creek		+	+	+	+	+	
Esp, John (R)	13	Big Timber		-	-	+	-	-	
Gebhardt, Kelly (R)	4	Roundup		-	-	-	-	-	
Glaser, Bill (R)	8	Huntley	T	-	-	-	-	-	
Grimes, Duane (R)	20	Clancy		-	-	-	-	-	
Hansen, Ken (D)	46	Harlem		+	+	+	+	+	
Harrington, Dan W (D)	19	Butte		E	-	-	+	+	
Johnson, Royal C (R)	5	Billings		+	-	+	-	-	
Keenan, Bob (R)	38	Bigfork		-	-	-	-	-	
Kitzenberg, Sam (R)	48	Glasgow		+	-	+	-	-	
Laible, Rick (R)	30	Victor		-	-	-	-	-	
Mahlum, Dale E (R)	35	Missoula	T	+	+	+	-	-	
Mangan, Jeff (D)	23	Great Falls		-	+	+	+	+	
McCarthy, Bea (D)	29	Anaconda	T	+	-	-	+	+	
McGee, Dan (R)	11	Laurel		-	-	-	-	-	
McNutt, Walter L (R)	50	Sidney	T	-	-	-	-	-	
Nelson, Linda J (D)	49	Medicine Lake	T	+	-	+	-	-	
O'Neil, Jerry (R)	42	Columbia Falls		+	-	-	-	-	
Pease, Gerald (D)	3	Lodge Grass		+	-	+	+	+	
Perry, Gary (R)	16	Manhattan		-	-	-	-	-	
Roush, Glenn (D)	43	Cut Bank		+	-	-	+	+	
Ryan, Don (D)	22	Great Falls		+	-	+	+	+	
Schmidt, Trudi (D)	21	Great Falls		+	+	+	+	-	
Shea, Debbie (D)	18	Butte	T	-	-	-	-	+	
Sprague, Mike (R)	6	Billings	T	-	-	-	-	-	
Squires, Carolyn (D)	34	Missoula		+	+	+	+	+	
Stapleton, Corey (R)	10	Billings		-	-	-	-	-	
Stonington, Emily (D)	15	Bozeman		+	+	+	+	+	
Story Jr., Robert (R)	12	Park City		-	-	-	-	-	
Tash, Bill (R)	17	Dillon		-	-	-	-	-	
Taylor, Mike (R)	37	Proctor	T	-	-	-	-	-	
Tester, Jon (D)	45	Big Sandy		+	+	+	+	+	
Thomas, Fred (R)	31	Stevensville	T	-	-	-	-	-	
Toole, Ken (D)	27	Helena		+	+	+	+	+	
Tropila, Joseph (D)	24	Great Falls		+	+	+	+	+	
Wheat, Mike (D)	14	Bozeman		+	+	+	+	+	
Zook, Tom (R)	2	Miles City		-	-	-	-	-	

Legend

(+) = Vote in support of MCV's position

(-) = Vote against MCV's position

A = Absent or not voting

E = Excused from voting

^ = Previous session's MCV score where applicable

italics = Legislator was in the other house during that session.

SJR 19 and SJR 22 are for informational purposes only and are not counted in score.

	Promotes Growth Plan	Weakens Growth Plans	Fisheries Protection Act	Removes Habitat Protection	Cuts MEPA Remedies	Destroys Outstanding Resource Water	Coal Bed Methane Landowner Protection	Reduces Coal Reclamation	Reduces Metal Mine Reclamation	Cripples Major Facility Siting Act	Takings	Removes Wilderness Study	Oppose ANWR Protection	2003 Score	2001 Score ^	1999 Score ^	Senator
	SB 293	SB 326	SB 412	SB 392	SB 350	HB 467	SB 240	HB 373	SB 366	HB 443	SB 397	SJ R 19	SJR 22				
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Anderson
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	-	Bales
	-	-	-	-	-	-	-	-	-	-	+	-	-	6%	-	-	Barkus
	-	+	-	-	-	-	-	-	-	-	-	-	-	13%	-	-	Black
	+	-	-	+	+	+	+	-	+	+	+	-	-	69%	73%	64%	Bohlinger
	-	-	-	-	-	-	+	-	-	-	-	-	-	13%	20%	-	Butcher
	+	-	+	+	+	+	+	-	-	+	+	-	-	81%	33%	13%	Cobb
	+	+	-	+	+	-	+	-	-	+	+	-	-	69%	73%	91%	Cocchiarella
	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	-	Cooney
	+	+	+	-	-	+	+	+	-	+	+	+	-	81%	-	-	Cromley
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	0%	Curtiss
	-	-	-	-	-	-	-	-	-	-	-	-	-	6%	7%	27%	DePratu
	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	100%	Ellingson
	+	+	+	+	+	-	+	+	-	+	+	+	+	88%	60%	-	Elliott
	-	-	-	-	-	-	-	-	-	-	-	-	-	6%	6%	-	Esp
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-	-	Gebhardt
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	13%	9%	Glaser
	-	-	-	-	-	-	-	-	-	-	+	-	-	6%	13%	18%	Grimes
	+	+	+	-	-	+	+	+	+	+	+	+	+	88%	-	-	Hansen
	E	-	+	E	+	E	+	+	-	+	+	+	+	67%	87%	56%	Harrington
	+	+	-	-	+	-	-	E	+	+	+	-	-	53%	33%	33%	Johnson
	-	-	-	-	-	-	+	-	-	-	-	-	-	6%	20%	82%	Keenan
	-	+	-	+	-	-	-	+	-	+	+	-	-	44%	20%	11%	Kitzenberg
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	6%	-	Laible
	-	-	-	-	-	-	-	-	-	-	-	-	-	19%	31%	56%	Mahlum
	+	+	-	-	-	-	+	-	-	-	+	+	-	50%	94%	89%	Mangan
	+	+	-	+	+	+	-	-	-	E	+	+	-	60%	67%	55%	McCarthy
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	12%	11%	McGee
	-	-	-	-	-	-	-	-	-	-	+	-	-	6%	7%	18%	McNutt
	+	+	+	-	-	-	+	-	-	+	+	+	+	50%	57%	45%	Nelson
	-	-	-	-	-	-	-	-	-	-	-	-	-	6%	14%	-	O'Neil
	E	+	+	+	-	+	+	+	+	+	+	+	+	87%	80%	-	Pease
	-	-	-	-	-	-	-	-	-	-	+	-	-	6%	-	-	Perry
	-	+	+	-	-	-	-	-	-	-	+	-	-	38%	40%	64%	Roush
	+	+	+	+	+	+	+	+	-	+	+	-	+	88%	87%	-	Ryan
	+	+	+	+	+	+	+	+	+	E	+	+	+	93%	88%	100%	Schmidt
	+	+	-	+	-	-	-	-	-	-	+	-	-	31%	33%	55%	Shea
	+	-	-	+	-	-	-	-	-	-	+	-	-	19%	7%	9%	Sprague
	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	-	89%	Squires
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%	-	Stapleton
	+	+	+	-	-	+	+	+	-	+	+	+	+	81%	87%	100%	Stonington
	-	-	-	-	-	-	-	-	-	-	+	-	-	6%	0%	0%	Story
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	7%	22%	Tash
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	7%	36%	Taylor
	+	+	+	-	-	-	E	+	-	E	+	+	+	71%	73%	64%	Tester
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	7%	18%	Thomas
	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	-	Toole
	+	+	+	+	+	+	+	+	-	+	+	+	+	94%	88%	67%	Tropila
	+	+	+	+	+	+	+	+	-	+	+	+	+	94%	-	-	Wheat
	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	7%	0%	Zook

CONSERVATION EASEMENTS ATTACKED

The 2003 Montana Legislature saw unprecedented attacks on Montana's most important open space preservation tool: perpetual conservation easements. This was the first session such bills have appeared, all coming from the conservative legislators who usually fight for private property rights. After much hard work by land trusts, conservation lobbyists, and affected state agencies, all of these pieces of legislation died in committee.

HJR 7 (Representative Debby Barrett, R-Dillon). The basic premise behind this study resolution was that perpetual easements do not comply with Montana's Constitution.

HB 725 (Representative Rick Maedje, R-Fortine). HB 725 would have effectively eliminated conservation easements in the state by significantly increasing the costs of designing and developing easements, prohibiting landowners from receiving federal tax benefits from donated easements, making each conservation easement transaction subject to governmental review and approval or disapproval, and more.

SB 251 (Senator Keith Bales, R-Otter). SB 251 would have restricted habitat protection programs administered by Montana Fish, Wildlife and Parks (FWP), to using short-term leases, rather than perpetual easements.

Conservation easements give private landowners an important tool to use to protect their property from residential subdivision. Montana's *Open-Space Land and Voluntary Conservation Easement Act* is one of the state's most important land use tools for the conservation of open space, wildlife habitat, our agricultural heritage, and rural landscapes. Since the Act passed in 1975, it has allowed Montana's landowners to permanently protect more than 1.1 million acres, with 780,000 acres protected by Montana's private land trusts, 257,000 acres with FWP, and 142,000 acres with the U.S. Fish and Wildlife Service.

Find out if your legislators support the ability of landowners to adopt conservation easements, and make your views known. It's the only way we can ensure that future attacks on Montana's conservation easement laws meet the same fate as the ones introduced in the 2003 Legislature.

Contributed by Janet Ellis, Montana Audubon

C-37 AND C-38: THE SAGA CONTINUES

For almost a century, Montanans have taken pride in their right to make laws and amend the Constitution through citizen initiatives. They have used the process judiciously and sparingly – in the 97 years since citizens acquired this right, there have passed fewer than 50 laws as a result of citizen initiative drives.

In November 2002, however, Montana voters passed Constitutional Amendment 37 and Constitutional Amendment 38 (C-37 and C-38), changing the signature gathering distribution requirements for Constitutional and statutory initiatives from legislative district to counties. These changes give a disproportionate amount of political power to the few and violate the principle of "one person, one vote." They also make it more difficult to qualify an initiative for the ballot.

C-37 and C-38 were not the result of a grassroots citizen movement but were referred to the ballot by the Legislature at the behest of special interest lobbyists who have opposed several initiatives passed by voters and saw C-37 and C-38 as the means to make it harder for citizens to use the ballot for initiatives and constitutional amendments.

These amendments violate the equal protection clause of the U.S. Constitution. The U.S. Supreme Court, in 1969, invalidated the county distribution requirement for petitions in an Illinois law saying, "This law applies a rigid, arbitrary formula to sparsely settled counties and populous counties alike, contrary to the constitutional themes of equality among citizens in the exercise of political rights. The idea that one group can be granted greater voting strength than another is hostile to the one man, one vote bias of our representative government."

In 2001, U.S. District Court Judge Lynn Winmill cited this same decision in finding Idaho's geographic distribution requirement unconstitutional in *Idaho Coalition United for Bears v Cenarrusa*. The Idaho statute is similar to the Montana amendments in that, in addition to a total number of signatures equal to 6 percent of the state's registered voters at the time of the last general election, proponents had to gather signatures from 6 percent of the registered voters in 22 of the state's 44 counties.

Some citizen groups are so concerned that the changes made by C-37 and C-38 will make it so difficult for the public to participate in their government that they intend to challenge the amendments in court. For more information about these amendments or the potential lawsuit, contact MontPIRG at www.pirg.org/montpirg or MCV's web site at www.mtvoters.org.

Contributed by David Ponder, Montana Public Interest Research Group and Jeanne-Marie Souvigney, Montana Conservation Voters

Scorecard Snapshot

Montana State Legislature Scores	2003	2001	1999
Score avg	42.7%	42.3%	42.7%
Democrat score avg	85%	85%	83%
Republican score avg	8%	13%	17%

Senate:	2003	2001	1999
Score avg	40%	39%	42%
Democrat score avg	78%	76%	82%
Republican score avg	13%	15%	20%

House:	2003	2001	1999
Score avg	44%	44%	43%
Democrat score avg	88%	89%	83%
Republican score avg	5%	12%	15%

County Comparisons

Comparison of delegation voting records for the eight most heavily populated counties for 2003, 2001 and 1999. The comparisons reflect the MCV scores for all legislators in that county, using the same districts for each session, not just for legislators who have been in all three sessions.

County Comparisons	Senate			House		
	2003 Avg	2001 Avg	1999 Avg	2003 Avg	2001 Avg	1999 Avg
Yellowstone	28%	27%	27%	42%	43%	42%
Missoula	62%	62%	69%	65%	78%	71%
Cascade	61%	61%	64%	61%	57%	58%
Flathead	6%	10%	27%	16%	12%	20%
Gallatin	60%	36%	44%	41%	40%	39%
Lewis and Clark	58%	50%	45%	55%	44%	49%
Ravalli	0%	7%	14%	9%	25%	25%
Silver Bow	33%	42%	40%	61%	72%	51%

Most encouraging and disappointing scorecard changes

Below is a snapshot of the voting record for legislators whose MCV voting record changed at least 10 percentage points from 2001 to 2003. Those with the greatest change (at least 20 percentage points) are in bold. A positive number means an increase in the score, a negative number means a decrease. For example, "Sen. John Cobb, 48%" illustrates that his MCV score increased from 33% in 2001 to 81% in 2003, a change of 48%.

Voting score changes ≥ 10%

Senator	SD	Town	% +/-
Cobb, John (R)	25	Augusta	48%
Elliott, Jim (D)	36	Trout Creek	28%
Kitzenberg, Sam (R)	48	Glasgow	24%
Johnson, Royal C (R)	5	Billings	20%
Sprague, Mike (R)	6	Billings	12%
McGee, Dan (R)	11	Laurel	-12%
Mahlum, Dale E (R)	35	Missoula	-12%
Glaser, Bill (R)	8	Huntley	-13%
Keenan, Bob (R)	38	Bigfork	-14%
Harrington, Dan W (D)	19	Butte	-20%
Mangan, Jeff (D)	23	Great Falls	-44%

bold = changes of 20% or more from last session

Representative	HD	City	% +/-
Clark, Paul (D)	72	Trout Creek	24%
Witt, John (R)	89	Carter	14%
Wanzenried, David (D)	68	Missoula	12%
Shockley, Jim (R)	61	Victor	12%
Jacobson, Hal (D)	54	Helena	11%
Lindeen, Monica (D)	7	Huntley	10%
Keane, Jim (D)	36	Butte	-11%
Brown, Roy (R)	14	Billings	-11%
Bookout-Reinicke, Sylvia (R)	71	Alberton	-12%
Fisher, Stanley (R)	75	Bigfork	-12%
Fuchs, Daniel (R)	15	Billings	-12%
Hedges, Donald (R)	97	Antelope	-12%
Jackson, Verdell (R)	79	Kalispell	-12%
Mood, Doug (R)	58	Seeley Lake	-12%
Olson, Alan (R)	8	Roundup	-12%
Lawson, Bob (R)	80	Whitefish	-12%
Galvin-Halcro, Kathleen (D)	48	Great Falls	-14%
Gallus, Steve (D)	35	Butte	-18%
Lehman, Larry (R)	87	Power	-18%
Rome, Allen (R)	56	Garrison	-18%
Schrumpf, Clarice (R)	12	Billings	-18%
Matthews, Gary (D)	4	Miles City	-20%
Lenhart, Ralph (D)	2	Glendive	-30%

CONTACT YOUR MONTANA LAWMAKERS

For complete contact information on all of your Montana Legislators, use the Legislator Lookup on the MCV website: mtvoters.org/leg_lookup.html

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NOW THAT YOU KNOW THE SCORE, TAKE ACTION!

Montana Conservation Voters is committed to impacting the political process to make sure that legislators make decisions that enhance and protect clean air and water, public health, fish and wildlife, forests and our constitutional right to a clean and healthful environment - values held in high regard by Montanans. Take action to make a lasting difference for the environment!

1. Know the score and contact your legislators. Call, write or email your legislators to thank them for votes in support of the conservation community's position. Legislators who stand up for the environment deserve our appreciation. Ask for explanations from legislators who voted against conservation priorities. The Montana State Legislature meets for regular session in Helena from early January to the end of April in odd-numbered years. Visit the MCV web site at www.mtvoters.org or the Legislature's home page at <http://leg.state.mt.us> for their contact information now that legislators are at home.
2. Share this Scorecard and publicize votes. Complimentary copies of this scorecard can be viewed or ordered at www.mtvoters.org. To host a gathering to discuss scorecard results or do publicity and letters to the editor, contact us.
3. State legislative reapportionment will change house and senate districts in many parts of the state beginning with the 2004 election. Attend an MCV meeting in your area to discuss reapportionment, term limits and the 2004 election.
4. Vote for pro-conservation candidates. The best way to show your approval or disapproval of legislators' votes. Contact us about endorsed candidates and how to help.
5. Join Montana Conservation Voters, the non-partisan political voice of Montana's conservation and environmental community. Make your voice and your vote count. Work to hold elected officials accountable, and support conservation candidates.

VOTE ON TERM LIMITS IN 2004!

Montana voters will have a chance to vote to extend legislative term limits in the 2004 election. With the passage of House Bill 277, sponsored by Representative Monica Lindeen (D-Huntley), a constitutional amendment will be placed on the ballot to extend legislative term limits from 8 years to 12 years.

"It has become obvious that term limits are detrimental to the legislative process and the legislative institution," said Lindeen. "The legislature is supposed to represent the people, but the people's voices are being diminished because of term limits," she continued.

Montana voters approved term limits in 1992, limiting legislators to 8 years in any 16 years as a state representative and 8 years in any 16 years in the state senate. The proposed constitutional amendment extends this to 12 years in the House (6 terms) and 12 years in the Senate (3 terms).

Of the 100 members of the Montana House of Representatives in 2003, only 33 served in the House in 1999, and 2 Representatives served previously in the Senate. Almost 2/3 of the House of Representatives have served in only 2 regular sessions. Of the 50 Montana State Senators, only 17 also served in the Senate in 1999. Over 80% of Montana's 2003 Senators had only one or two sessions worth of experience in the Senate, through several had served previously in the House. The Senate loses another 20% of its members due to term limits in 2004.

A recent Lee Newspaper poll conducted by Mason-Dixon Research found that 46% of Montana voters support the ballot measure, while 48% oppose it. This is within the 4% margin of error and shows an even split among voters.

Lindeen will be featured in a public television program to discuss term limits, along with Senator Fred Thomas (R-Stevensville), a former term limit proponent who has since decided they aren't a good idea, and Senator Mike Cooney (D-Helena) a former Montana Secretary of State. Check your TV guide for local broadcast information.

2003 ELECTION CALENDAR – TAKE NOTE AND VOTE IN THIS YEAR'S MUNICIPAL ELECTIONS!

August 11, 2003: Last day to register to vote for Primary Election. October 6, 2003: Last day to register to vote for General Election.

August 20, 2003: Primary Absentee Ballots available. October 20, 2003: General Election Absentee Ballots available.

September 8, 2003: Noon deadline for requesting absentee ballot for Primary. November 3, 2003: Noon deadline for requesting absentee ballot for General Election.

September 9, 2003: Primary Election. November 4, 2003: General Election.

Yes! I want to help protect Montana's natural resources and support conservation candidates – from the Courthouse to Congress.

Enclosed are my membership dues of:

\$25 Individual Member \$50 Supporting Member \$250 Contributing Member
 \$35 Household Member \$100 Patron Member \$500 Sustaining Member
 \$1,000 Benefactor \$10 Living Lightly/Student \$_____ Other

Name(s): _____ Email: _____

Address: _____ Phone: _____

City _____ State: _____ Zip: _____

Visa Mastercard Card # _____ Exp. Date _____

Make Checks payable to MCV.

I want to volunteer. Let me know how I can work to elect conservation candidates.

** Contributions to Montana Conservation Voters support political action and are not tax deductible.**

Clip and return to: Montana Conservation Voters, Box 63, Billings, MT 59103