



2005 Montana Legislative Scorecard

Montana Conservation Voters

PO Box 63 • Billings, MT 59103
Phone: (406) 254-1593 • Fax: (406) 254-1609

Field Offices

PO Box 9335
Missoula, MT 59802
Phone/Fax: (406) 542-1055

PO Box 1215
Bozeman, MT 59771
Phone: (406) 220-1731

mcv@mtvoters.org

www.mtvoters.org

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Montana Conservation Voters (MCV) is the nonpartisan political voice of Montana's conservation and environmental community. MCV is dedicated to informing voters of the votes and actions of elected officials — from City Hall to Congress — affecting clean water and air, fish and wildlife, public health, open space and citizen participation in government. Through its affiliated Political Action Committee, MCV supports candidates who will fight for Montana's conservation values.

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 Community Organizers Kelley Hubbard (Missoula)
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KNOW THE SCORE

This scorecard shows you how legislators voted on bills deemed important to the broad range of interests in Montana's conservation and environmental community. In consultation with the other conservation and environmental groups working on state legislation, MCV used the following criteria when selecting the votes that are featured in this scorecard:

1. The vote is on a bill deemed important to MCV members.
2. The votes reflect a broad cross-section of issues deemed important by the groups lobbying for conservation and environment in Helena.
3. The vote shows a clear choice by legislators for or against conservation aims. The scorecard doesn't include votes where there was no significant lobbying on one side or the other. Votes that were nearly unanimous were excluded because they don't give solid information about how legislators voted when forced to make a choice to protect the environment.
4. The votes used in determining the score are on actual legislation. Votes on resolutions are listed on the vote chart for informational purposes, but aren't included when determining legislators' scores because resolutions don't have the effect of law.

While the scorecard is a reliable indicator of where legislators stand on important conservation issues, it doesn't give enough credit to legislators who sponsor bills or speak on the House and Senate floor and in committees, or those who work behind the scenes to pass good legislation and kill bad bills. Look at the sponsors of the measures supported by MCV for a picture of the conservation champions in the legislature. Likewise, a vote tally fails to show the actions of legislators who worked to weaken Montana's conservation laws or set us back. We've included votes on bills in key House and Senate Committees (pages 14-16) to give you more information on legislators' voting patterns, illustrating how some voted on bills that never made it to a floor vote because they were killed in Committee. Committee votes aren't counted in legislators' scores.

We've also provided a description of major reforms to Montana's voting laws that make it easier for voters to register and cast their ballots (see page 12), championed by Montana Conservation Voters and Montana AFL-CIO, seniors and other allies, working in cooperation with Senate leaders, the Secretary of State's office and Montana Clerks and Recorders. Several bills attacking the Montana Supreme Court met with failure, and are described on page 13. Page 16 elaborates on measures dealing with hunting, fishing and access to our public resources.

Dear Montana Conservation Voter,

On the heels of the November, 2004 election, expectations within the conservation community were high that the legislature would debate the merits of renewable energy in earnest, and make improvements to mining, air and water quality and fish and wildlife protection laws. And most expected that attacks on environmental laws that have characterized Montana's legislative sessions of the last dozen years would stop.

Montana Conservation Voters-supported legislators and statewide officials were elected in 2004, including several who hail from the ranks of Montana's conservation and environmental groups. Voters again showed their preference for candidates who pledged a commitment to the conservation values that Montanans hold dear, and overwhelmingly defeated I-147, the ballot measure that would have repealed our ban on new cyanide leach mines.

That was the political lay of the land going into the session on January 3rd. In that context, Montana Conservation Voters coordinated, with nine other groups, *Montana's Common Sense Conservation Agenda*, a campaign that prioritized four bills dealing with renewable energy (SB 415); protection of rivers, lakes and streams (SB 173); protections in the face of coal bed methane development (SB 258); public health and fish and wildlife protections (SB 281); and a pledge to defeat bills that, if passed, would weaken Montana's conservation and environmental laws.

What was the outcome?

In contrast to sessions of the last decade or more, the bills that would have taken our state backward, measures that MCV and allies prioritized for defeat as "no rollbacks", were killed. Promotion of alternative and renewable energy and consumer protection set the tone of legislative debate on energy policy. The legislature passed one of the four *Common Agenda* priorities, Senate Bill 415, which sets up a framework for wind, solar and other renewable energy to be part of Montana's energy mix, though it was weakened in the House. A number of bills backed by the conservation community, such as House Bill 606, requiring reclamation of impoundments of small mines and HB 79, making the Habitat Montana program permanent, passed.

That's progress for conservation.

But a number of other pro-active bills, including *Common Agenda* priorities, failed to pass by very narrow margins, or were killed on tie votes in House committees, caused by the 50:50 Democratic/Republican split. While there has been progress unlike anything in the last decade, there is still work to do before we enjoy a "conservation majority" in the legislature. A big challenge is making conservation a priority for *both* parties.

Knowing the score is one thing. Using this information is what gets results. Please thank legislators for their favorable votes, and hold them accountable for their votes against Montanans' shared conservation values. And remember, "accountability" can mean a phone call, a letter or email, or a vote in next year's election. That's what's needed to achieve a "conservation majority".



Theresa M. Keaveny
Montana Conservation Voters Executive Director

ACKNOWLEDGEMENTS

Jeanne-Marie Souvigney, MCV's Program Director, deserves special thanks for her leadership and exemplary work on the voter reform bills, for her work on the *Common Agenda* and the weekly legislative *Hot List* sent to legislators, and for preparing this scorecard. Thanks also to her assistant, Matt Elsaesser, who helped lobby and track bills and committee votes, and to MCV staff Kelley Hubbard, Eric Halstvedt, Jeremy Seidlitz and Tammy Josti for their important efforts in contacting voters on legislative priorities and generating voting records.

We are also grateful for the important work of Montana Audubon's Janet Ellis and Derek Goldman, Montana Environmental Information Center staff Anne Hedges, Patrick Judge, Jeff Barber and Leslie McClain, Northern Plains Resource Council staff Michele Reinhardt, Cody Ferguson and Amy Frykman, Montana Public Interest Group director Matt Leow, Clark Fork Coalition's Matt Clifford, Montana Trout Unlimited's lobbyists John Wilson and Mark Aagenes, Montana Wildlife Federation's Nathan Birkeland and Bob Throssel, Sierra Club lobbyists Don Judge and Christine Phillips and Montana Smart Growth Coalition's Tim Davis. Thanks also to the many members who called, emailed or visited with legislators, making the grassroots voice a potent force in this year's legislature.

CONSERVATION VOTES THAT COUNT

Montana's Common Sense Conservation Agenda

Throughout the 2005 session, members of Montana's conservation community highlighted a series of priority bills with legislators from the Senate and House and with Governor Schweitzer. Some of the highest priority bills – five proactive bills (SB 173, SB 281, SB 336, SB 415 and HB 790) and several “no rollbacks” bills - agreed on by the groups comprised Montana's Common Sense Conservation Agenda, a collaborative legislative effort of conservation interests to keep Montana a great place to live, work and raise a family. None of the six Common Agenda “no rollbacks” bills opposed by the conservation community were passed out of committee.

HB 79: Reauthorize the Habitat Montana program

HB 79 (George Golie, D-Great Falls) permanently reauthorized the Habitat Montana program, which allows the Montana Department of Fish, Wildlife, and Parks to purchase land in fee title and to acquire conservation easements from willing sellers. Without HB 79, the program would have expired in 2006. Funding for the program comes exclusively from resident and non-resident big game hunters. To date, the department has conserved over 213,000 acres of wildlife habitat through conservation easement, and nearly 34,000 acres through purchase.

Conservation community position: support

House vote: 2nd reading 63-37

Senate vote: 3rd reading 36-14

Bill Status: Signed into law

HB 379: Fund water treatment at the Zortman and Landusky mine sites

HB 379 (Jonathan Windy Boy, D-Box Elder) establishes a fund to pay for the costs of perpetual water treatment at the Zortman and Landusky mine sites near the Fort Belknap Reservation. These defunct cyanide heap-leach open pit gold mines, operated by the now bankrupt Pegasus Gold Corp., will require perpetual water treatment, but current funding for the water treatment plant will expire in the next few years. HB 379 established a fund, financed with money from federal lease and royalty funds and other sources, to pay for perpetual water treatment.

Conservation community position: support

House vote: 3rd reading 84-15

Senate vote: 3rd reading 36-14

Bill status: Signed into law

HB 455: Require coal-fired or biomass power plants to control 80% of their mercury emissions

HB 455 (Paul Clark, D-Trout Creek) would have required coal-fired or biomass power plants that have not already filed for an air quality permit to control 80% of their uncontrolled mercury emissions. Existing plants would have had until 2010 to reach this target. This bill targeted coal-fired plants because they are the main source of mercury – a potent neurotoxin – in the environment, yet are not regulated under federal clean air standards even though technology is available to reduce mercury emissions by 90%.

Conservation community position: support.

House vote: Motion to take the bill from the House Natural Resources Committee where it had been tabled on a 9-9 partisan vote, and place it on 2nd reading. The motion failed 46-54.

Bill status: Killed

HB 460: Limit what the State may take as security for bonds at metal mines

HB 460 (Paul Cark, D-Trout Creek) would have required that any new mines permitted by DEQ would have to submit cash, or letters of credit or the like to cover bonds. The intent was to provide greater certainty to the state in its ability to recover funds needed for reclamation from companies that default on their reclamation requirements.

Conservation community position: support

House vote: 2nd reading failed 49-51

Bill status: Killed

HB 470: Require applicants to pay certain EIS costs

HB 470 (Paul Clark, D-Trout Creek), requested by the Montana Department of Environmental Quality, would require applicants to pay an agency's costs of completing an environmental impact statement (EIS) required under the Montana Environmental Policy Act (MEPA). While most companies voluntarily pay for the costs of an EIS to

ensure the environmental review process is completed in a timely manner, two companies have refused to pay the costs of conducting environmental reviews on their proposed projects even though the State determined each project will have significant impacts and warrants an EIS. Taxpayers could end up paying hundreds of thousand of dollars in environmental review costs that these companies refuse to pay.

Conservation community position: support

House vote: 3rd reading 80-19

Bill status: Signed into law

HB 606: Require that small mines with tailings impoundments are properly bonded for reclamation costs

HB 606 (Gail Gutsche, D-Missoula) requires operators of small mines (less than 5 acres) who use impoundments to store waste from ore processing to be properly bonded for reclamation costs. Small mines can generate tens of thousands of tons of mine waste and pose significant threats to water quality. These mines are currently exempt from the Metal Mine Reclamation Act, are not permitted, require no bonding and have no obligation to reclaim. This leaves taxpayers at risk. After the House weakened the bill by removing the requirement that miners obtain an operating permit, a free conference committee strengthened the bill by changing the effective date and establishing a time frame for existing small mines with impoundments to get bonded and approved by the State.

Conservation community position: support

House vote: 2nd reading on free conf. committee 88-10

Senate vote: 3rd reading on free conf. committee 40-10

Bill status: Signed into law

HB 615: Allows Montana to participate in investigation and prosecution of significant environmental crimes

HB 615 (Chris Harris, D-Bozeman) provides Montana with the ability to act effectively in situations that have great consequence to public health and safety, and the long-term liability of the state. It allows Montana's Department of Justice to provide assistance to county prosecutors who may not have the resources or expertise in cases of great importance to their communities.

Conservation community position: support

House vote: 3rd reading 53-47

Senate vote: 3rd reading 36-14

Bill status: Signed into law

HB 685: Revise laws relating to default suppliers to effectively prevent consideration of renewable energy and long-term price and energy stability

HB 685 (Roy Brown, R-Billings) proposed that default suppliers obtain electricity based only on the immediate lowest cost, and prohibit investments in portfolios designed to achieve long-term and cost-effective energy supply stability, prevent suppliers from engaging in long-term contracts for the benefit of the consumer, and prevent investments in alternative energy.

Conservation community position: oppose

House vote: 2nd reading 51-49.

Tabled by the Senate Energy and Telecommunications Committee 7-4

Bill status: Killed

SB 173: Establish a statewide setback for new buildings on rivers and streams to protect water quality, rivers and floodplains, people and property

SB 173 (Bob Hawks, D-Bozeman) would have required new buildings be set back certain distances from the high water mark of rivers or streams to minimize the risk to homes from flooding and riverbank erosion and to protect fish and wildlife and the economic benefits they bring. It included a variance process to make sure that no one lost the ability to build on an existing plot and allowed local governments to collect a fee to pay for costs related to permitting and to enforce the setbacks. This bill was one of the conservation community's Common Agenda bills.

Conservation community position: support

Senate vote: 2nd reading 24-25. Motion to reconsider failed.

Bill status: Killed

SB 236: Allow Montana to adopt stricter water-quality standards for carcinogens

SB 236 (Greg Lind, D-Missoula) would have allowed the Board of Environmental Review (BER) to adopt stricter than federal standards for carcinogens. Supporters believed this could lead to better protection of public health, clean water and the State's blue-ribbon fishing resources.

Conservation community position: support

Senate vote: 3rd reading 27-23. Killed in House Natural Resources Committee on a 9-9 partisan vote

Bill status: Killed

SB 258: Provide for control of impacts to surface owners from coal bed methane development

SB 258 (Mike Wheat, D-Bozeman) proposed giving landowners more say over how coal bed methane development happens on their land, especially in cases of split estates, where the mineral owner is different than the surface owner. It established a fair process for family agricultural operations and others to accommodate oil and gas development and extended the notice period before a company can enter private land from 10 days to 30 days. SB 258 would have required the oil and gas operator and landowner to enter into good faith negotiations over how development would happen on the surface and on payment for damages and disruptions to the surface.

Conservation community position: support

Senate vote: 2nd reading failed 23-27

Bill status: Killed

SB 281: Restore Montana's ability to use information gathered in environmental reviews to protect families, communities and Montana's natural environment

SB 281 (Carol Williams, D-Missoula) would have allowed state agencies to use information gathered in environmental reviews to condition state permits to prevent harm to public health and safety, fish and wildlife. State agencies had this authority – and used it judiciously and effectively – prior to 2001, when the legislature prohibited state agencies from using information gathered through the Montana Environmental Policy Act (MEPA) to protect the public unless there is a state permitting law specifically giving them that authority. This bill was one of the conservation community's Common Agenda bills.

Conservation community position: support

Senate vote: 3rd reading failed 25-25

Bill status: Killed

SB 337: Remove the restriction on conservation easement on school trust lands

SB 337 (Dan Weinberg, D-Whitefish) would have removed the current restriction limiting state lands easements for conservation purposes, and allowed other

voluntary easements benefiting school trust lands to be adopted. The state would have had the flexibility to convey conservation easements that might provide for historic uses or protect uses of adjacent lands.

Conservation community position: support

Senate vote: 3rd reading 28-22

House vote: Motion to take the bill from the House Natural Resources Committee where it had been tabled on a 9-9 partisan vote, and place it on 2nd reading. The motion failed 52-48 (60 votes needed).

Bill status: Killed

SB 415: Expand the production and use of renewable energy in Montana.

SB 415 (Jon Tester, D-Big Sandy) requires Montana to adopt a 15% Renewable Energy Standard by the year 2015, therefore addressing the need for affordable, reliable energy in Montana while spurring rural development and bringing important jobs to the state. The House Federal Relations, Energy, and Telecommunications Committee weakened the bill with an amendment that artificially discriminated against renewable energy in comparisons with other energy options. Governor Schweitzer offered an amendment to correct this problem, but the amendment was rejected by the House. This bill was one of the conservation community's Common Agenda bills.

Conservation community position: support

Senate vote: 3rd reading 32-18 and 2nd reading on Governor's amendment 26-24

House vote: 2nd reading 54-46 and 2nd reading on Governor's amendment 45-55.

Bill status: Signed into law

SB 417: Require the Governor to submit a petition under the federal roadless rule that favors less protection for roadless areas

SB 417 (Aubyn Curtiss, R-Fortine) would have replaced sound national forest roadless area conservation with a slanted process that does not provide for the normal public debate and input warranted for public lands. It placed the authority to guide decisions on public federal lands with county commissioners who do not represent the broader public ownership of these public resources, and was designed to unfairly give certain users of forest resources an upper hand in promoting their own agenda.

Conservation community position: oppose

Senate vote: Motion to take the bill from the Senate Natural Resources Committee where it had been tabled, and place it on 2nd reading. The motion failed 24-26.

Bill status: Killed

SB 462: Revise venue requirements for legal actions against state agencies

SB 462 (Keith Bales, R-Otter) would have required that the venue for any lawsuit brought against a state agency be in the county where the proposed activity would take place. It would have applied primarily to challenges to water rights litigation and to decisions on state lands. This requirement would have led to greater inefficiencies in legal actions; it was a misleading attempt to find judges that may be more sympathetic to local projects but could also be less familiar with state actions, and would have led to greater costs for the state agency and attorneys involved with specific cases.

Conservation community position: oppose

House vote: 3rd reading 51-47

Governor Schweitzer vetoed the bill.

Bill status: Killed

Resolutions (Votes are Featured, but are not included in the calculation of scores)

HJ 21: Urge Montana to use a federal 1866 mining law to support the establishment of roads and other developments on roadless and other public lands.

HJ 21 (John Sinrud, R-Bozeman) would have allowed certain ski resorts and ATV highways through current roadless lands under an obscure provision of an 1866 mining law (codified as RS 2477) intended to be used to help develop the West. It attempted to use this outdated mining law as a tool to undermine conservation efforts that have great public interest, and have served to protect water quality, wildlife habitat, and spectacular natural and historic resources. HJ 21 stated that the federal government has no power to govern land, thus putting the Montana legislature on record in favor of the theory that the federal government cannot manage national parks, forests, wildlife refuges or any American public lands.

Conservation community position: oppose

House vote: 2nd reading 54-46

Senate: Failed to pass the bill

Bill status: Killed

SJ 17: Urge Congress to extend the federal renewable energy tax credit for 10 years

SJ17 (Dan Weinberg, D-Whitefish) calls on Congress to extend two renewable energy programs, the Renewable Energy Production Incentive Program, which was established to encourage new renewable energy projects and expired in September 2003; and the Energy Production Tax Credit Program, established to encourage wind energy production in particular, which is scheduled to expire in December 2005. These programs provide consistent incentives for the development of clean, renewable energy that boost our national energy independence.

Conservation community position: support

Senate vote: 3rd reading 38-12.

Passed both chambers and filed with the Secretary of State

Bill status: Signed into law

Coal Bed Methane: Two Steps Back and One Step Forward

One of the conservation community's Common Agenda bills was **SB 336** (Lane Larson, D-Billings), which would have required adequate bonding for coal bed methane reclamation to protect farmers, ranchers and the state's water resources. This bill did not pass the senate, nor did **SB 258**, which proposed giving landowners more say over how coal bed methane development happens on their land (see narrative, above).

Despite failing to pass either bill, legislators of both parties, and in both houses, acknowledged that the challenges faced by landowners confronted with coal bed methane development needed more scrutiny. They subsequently passed **HB 790**, which requires the Environmental Quality Council to conduct a study on split estates of property between mineral owners and surface owners related to oil and gas development and CBM reclamation and bonding. The conservation community added HB 790 as a Common Agenda priority bill, and the bill passed the House and Senate on 3rd reading votes of 93-7 and 50-0, respectively, and bill is now law. For more information on this study, contact the Environmental Quality Council at 444-3742, or visit its web site at http://leg.state.mt.us/css/lepo/2005_2006/. You can also contact the Northern Plains Resource Council at 406-248-1154.

REPRESENTATIVES

Habitat Montana
(2nd reading)
Zortman-Landusky
Mercury Emissions
(Motion)
Metal Mine Bonding
(2nd reading)

Representative	Dist	City	Term Ltd.	HB 79	HB 379	HB 455	HB 460
Andersen, Joan (R)	59	Fromberg	T	-	+	-	-
Arntzen, Elsie (R)	53	Billings		-	+	-	-
Balyeat, John (R)	100	Missoula		-	-	-	-
Barrett, Debby (R)	72	Dillon		-	+	-	-
Becker, Arlene (D)	52	Billings		+	+	+	+
Bergren, Bob (D)	33	Havre		+	+	+	+
Bixby, Norma (D)	41	Lame Deer		+	+	+	+
Branae, Gary (D)	54	Billings		+	+	+	+
Brown, Dee (R)	3	Hungry Horse		-	+	-	-
Brown, Roy (R)	49	Billings	T	-	-	-	-
Butcher, Edward (R)	29	Winifred		-	-	-	-
Buzzas, Rosalie (D)	93	Missoula	T	+	+	+	+
Caferro, Mary (D)	80	Helena		+	+	+	+
Callahan, Tim (D)	21	Great Falls		+	+	+	+
Campbell, Margaret (D)	31	Poplar		+	+	+	+
Clark, Paul (D)	13	Trout Creek	T	+	+	+	+
Cohenour, Jill (D)	78	E Helena		+	+	+	+
Dickenson, Sue (D)	25	Great Falls		+	+	+	+
Dowell, Tim (D)	8	Kalispell	T	+	+	+	+
Driscoll, Robyn (D)	51	Billings		+	+	+	+
Eaton, Emelie (D)	58	Laurel		+	+	+	+
Everett, George (R)	5	Kalispell		-	-	-	-
Facey, Tom (D)	95	Missoula	T	+	+	+	+
Franklin, Eve (D)	24	Great Falls		+	+	+	+
Furey, Kevin (D)	91	Missoula		+	A	+	+
Gallik, Dave (D)	79	Helena		+	+	+	+
Galvin-Halcro, Kathleen (D)	26	Great Falls	T	+	+	+	+
Glaser, Bill (R)	44	Huntley		+	+	-	+
Golie, George (D)	20	Great Falls	T	+	+	+	+
Grinde, Wanda (D)	48	Billings		+	+	+	+
Groesbeck, George (D)	74	Butte		+	+	-	+
Gutsche, Gail (D)	99	Missoula	T	+	+	+	+
Hamilton, Robin (D)	92	Missoula		+	+	+	+
Harris, Christopher (D)	66	Bozeman		+	+	+	+
Hawk, Ray (R)	90	Florence		-	-	-	-
Heinert, Ralph (R)	1	Libby		-	-	-	-
Hendrick, Gordon (R)	14	Superior		-	+	-	-
Henry, Teresa (D)	96	Missoula		+	+	+	+
Himmelberger, Dennis (R)	47	Billings		-	+	-	-
Hiner, Cynthia (D)	85	Deer Lodge		+	+	+	-
Jackson, Verdell (R)	6	Kalispell	T	-	-	-	-
Jacobson, Hal (D)	82	Helena		+	+	+	+
Jayne, Joey (D)	15	Arlee		+	+	+	+
Jent, Larry (D)	64	Bozeman		+	+	+	+
Jones, Lew (R)	27	Conrad		-	+	-	-
Jones, William (R)	9	Bigfork		+	+	-	-
Jopek, Mike (D)	4	Whitefish		+	+	+	+
Juneau, Carol (D)	16	Browning	T	+	+	+	+
Kaufmann, Christine (D)	81	Helena		+	+	+	+
Keane, Jim (D)	75	Butte		+	+	-	-

LEGEND

“+”: Vote in support of MCV’s position

“-”: Vote against MCV’s position

“A”: Absent or not voting, not counted in score

“E”: Excused from voting, not counted in score

“^”: Previous session’s MCV score where applicable

HJ 21 is for informational purposes only, and is not counted in the average score.

	<i>EIS Costs</i>	<i>Small Mine Impound. (2nd reading)</i>	<i>Environmental Crimes</i>	<i>Electricity Supplies (2nd reading)</i>	<i>State Conservation Easements (Motion)</i>	<i>Renewable Energy (2nd Reading)</i>	<i>Renewable Energy (Governor-Amended)</i>	<i>Court Venues</i>	<i>Resolution: Public Lands (2nd reading)</i>	2005 Score	2003 Score^	2001 Score^	1999 Score^	Representative
	HB 470	HB 606	HB 615	HB 685	SB 337	SB 415	SB 415	SB 462	HJ 21					
	+	+	-	-	-	-	-	-	-	25%	7%	6%	11%	Andersen
	+	+	-	-	-	-	-	-	-	25%	-	-	-	Arntzen
	-	+	-	-	-	-	-	-	-	8%	-	-	-	Balyeat
	-	+	-	-	-	-	-	-	-	17%	0%	6%	-	Barrett
	+	+	+	+	+	+	+	+	-	100%	100%	-	-	Becker
	+	+	+	+	+	+	+	-	-	92%	57%	-	-	Bergren
	+	+	+	+	+	+	+	+	+	100%	100%	100%	-	Bixby
	+	+	+	+	+	+	+	+	+	100%	92%	100%	-	Branae
	+	+	-	-	-	-	-	-	-	25%	0%	6%	-	Brown, D
	+	+	-	-	-	-	-	-	-	17%	7%	18%	11%	Brown, R
	+	+	-	-	-	-	-	-	-	17%	13%	20%	-	Butcher
	+	+	+	+	+	+	+	+	+	100%	100%	100%	100%	Buzzas
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Cafferro
	+	+	+	+	+	+	+	+	+	100%	100%	94%	-	Callahan
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Campbell
	+	+	+	+	+	+	+	+	+	100%	100%	76%	89%	Clark
	+	+	+	+	+	+	+	+	+	100%	93%	-	-	Cohenour
	+	+	+	+	+	+	+	+	+	100%	100%	-	-	Dickenson
	+	+	+	+	+	+	+	+	+	100%	100%	-	-	Dowell
	+	+	+	+	+	+	+	+	-	100%	-	-	-	Driscoll
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Eaton
	-	+	-	-	-	-	-	-	-	8%	0%	-	-	Everett
	+	+	+	+	+	+	+	+	+	100%	100%	100%	100%	Facey
	+	+	+	+	+	+	+	+	+	100%	86%	93%	100%	Franklin
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Furey
	+	+	+	+	+	+	+	+	+	100%	86%	94%	-	Gallik
	+	+	+	+	+	+	-	+	+	92%	86%	100%	100%	Galvin-Halcro
	-	+	-	-	-	-	-	-	-	33%	0%	13%	9%	Glaser
	+	+	+	+	+	+	-	+	+	92%	93%	94%	67%	Golie
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Grinde
	+	+	+	+	+	+	+	+	+	92%	-	-	-	Groesbeck
	+	+	+	+	+	+	+	+	+	100%	100%	100%	100%	Gutsche
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Hamilton
	+	+	+	+	+	+	+	+	+	100%	100%	94%	-	Harris
	-	-	-	-	-	-	-	-	-	0%	0%	-	-	Hawk
	+	+	+	-	-	-	-	-	-	25%	-	-	-	Heinert
	+	+	-	-	-	-	-	-	-	25%	-	-	-	Hendrick
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Henry
	-	-	-	-	-	-	-	-	-	8%	-	18%	-	Himmelberger
	+	+	+	+	+	+	+	+	+	92%	-	-	-	Hiner
	A	-	-	-	-	-	-	-	-	0%	0%	12%	22%	Jackson
	+	+	+	+	+	+	+	+	+	100%	93%	82%	-	Jacobson
	+	+	+	+	+	+	+	+	+	100%	100%	100%	-	Jayne
	+	+	+	+	+	+	-	+	+	92%	100%	100%	-	Jent
	+	+	-	-	-	-	-	-	-	25%	-	-	-	Jones, L
	-	-	-	-	-	-	-	+	-	25%	-	-	-	Jones, W
	+	A	+	+	+	+	+	+	+	100%	-	-	-	Jopek
	+	+	+	+	+	+	+	+	+	100%	100%	94%	100%	Juneau
	+	+	+	+	+	+	+	+	+	100%	100%	100%	-	Kaufmann
	+	+	+	+	+	+	-	-	+	67%	71%	82%	-	Keane

REPRESENTATIVES

Habitat Montana
(2nd reading)
Zortman-Landusky
Mercury Emissions
(Motion)
Metal Mine Bonding
(2nd reading)

Representative	Dist	City	Term Ltd.	HB 79	HB 379	HB 455	HB 460
Klock, Harry (R)	83	Harlowton		-	+	-	-
Koopman, Roger (R)	70	Bozeman		-	-	-	-
Lake, Bob (R)	88	Hamilton		-	-	-	-
Lambert, Carol (R)	39	Broadus		-	+	-	-
Lange, Michael (R)	55	Billings		+	+	-	-
Lenhart, Ralph (D)	38	Glendive		+	+	+	+
Lindeen, Monica (D)	43	Huntley	T	+	+	-	-
MacLaren, Gary (R)	89	Victor		+	+	-	+
Maedje, Rick (R)	2	Fortine		-	+	-	+
Malcolm, Bruce (R)	61	Emigrant		+	+	-	-
Matthews, Gary (D)	40	Miles City	T	+	+	-	+
McAlpin, Dave (D)	94	Missoula		+	+	+	+
McGillvray, Tom (R)	50	Billings		-	+	-	-
McKenney, Joe (R)	18	Great Falls	T	+	+	-	-
McNutt, Walter (R)	37	Sidney		-	+	-	-
Mendenhall, Scott (R)	77	Clancy		-	-	-	-
Milburn, Mike (R)	19	Cascade		+	+	-	-
Morgan, Penny (R)	57	Billings		-	-	-	-
Musgrove, John (D)	34	Havre		+	+	+	+
Noennig, Mark (R)	46	Billings	T	+	+	-	-
Noonan, Art (D)	73	Butte		+	+	+	+
Olson, Alan (R)	45	Roundup		-	+	-	-
Olson, Bernie (R)	10	Lakeside		+	+	-	-
Parker, John (D)	23	Great Falls		+	+	+	+
Peterson, Jim (R)	30	Buffalo		-	+	-	-
Raser, Holly (D)	98	Missoula		+	+	+	+
Rice, Diane (R)	71	Harrison		-	+	-	-
Ripley, Rick (R)	17	Wolf Creek		-	-	-	-
Roberts, Don (R)	56	Billings		+	+	-	-
Ross, Jack (R)	60	Absarokee		-	+	-	-
Sales, Scott (R)	68	Bozeman		-	+	-	-
Sesso, Jon (D)	76	Butte		+	+	+	-
Sinrud, John (R)	67	Bozeman		-	-	-	-
Small-Eastman, Veronica (D)	42	Lodge Grass		+	+	+	+
Sonju, Jon (R)	7	Kalispell		+	+	-	-
Stahl, Wayne (R)	35	Saco		-	+	-	-
Stoker, Ron (R)	87	Darby		-	+	-	-
Taylor, Janna (R)	11	Dayton		-	+	-	-
Villa, Dan (D)	86	Anaconda		+	+	+	+
Wagman, Pat (R)	62	Livingston		-	+	-	-
Waitschies, Karl (R)	36	Peerless		-	+	-	-
Wanzenried, David (D)	97	Missoula	T	+	+	+	+
Ward, John (R)	84	Helena		+	+	-	-
Warden, Bill (R)	63	Bozeman		+	+	-	-
Wells, Jack (R)	69	Bozeman		-	-	-	-
Wilson, Bill (D)	22	Great Falls		+	+	+	+
Windham, Jeanne (D)	12	Polson		+	+	+	+
Windy Boy, Jonathan (D)	32	Box Elder		+	+	+	+
Wiseman, Brady (D)	65	Bozeman		+	+	+	+
Witt, John (R)	28	Carter	T	-	-	-	-

LEGEND

“+”: Vote in support of MCV’s position

“-”: Vote against MCV’s position

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HJ 21 is for informational purposes only, and is not counted in the average score.

	<i>EIS Costs</i>	<i>Small Mine Impound. (2nd reading)</i>	<i>Environmental Crimes</i>	<i>Electricity Supplies (2nd reading)</i>	<i>State Conservation Easements (Motion)</i>	<i>Renewable Energy (2nd Reading)</i>	<i>Renewable Energy (Governor-Amended)</i>	<i>Court Venues</i>	<i>Resolution: Public Lands (2nd reading)</i>	2005 Score	2003 Score^	2001 Score^	1999 Score^	Representative
	HB 470	HB 606	HB 615	HB 685	SB 337	SB 415	SB 415	SB 462	HJ 21					
	+	+	-	-	-	+	-	A	-	36%	-	-	-	Klock
	-	-	-	-	-	-	-	E	-	0%	-	-	-	Koopman
	+	-	-	-	-	-	-	-	-	8%	0%	-	-	Lake
	+	+	-	-	-	-	-	-	-	25%	0%	-	-	Lambert
	-	+	-	-	-	-	-	-	-	25%	7%	-	-	Lange
	+	+	+	+	+	+	+	-	-	92%	64%	94%	89%	Lenhart
	+	+	+	+	+	+	+	-	+	75%	86%	76%	89%	Lindeen
	+	+	-	-	+	-	-	-	-	50%	-	-	-	MacLaren
	-	-	-	-	-	-	-	-	-	17%	0%	-	-	Maedje
	-	+	-	-	-	-	-	-	+	25%	7%	-	-	Malcolm
	+	+	+	-	+	+	+	-	-	75%	21%	41%	22%	Matthews
	+	+	+	+	+	+	+	+	+	100%	-	-	-	McAlpin
	+	+	-	-	-	-	-	-	-	25%	-	-	-	McGillvray
	+	+	-	-	-	-	-	+	-	42%	7%	0%	11%	McKenney
	+	+	-	-	-	-	-	-	-	25%	6%	7%	18%	McNutt
	-	+	-	-	-	-	-	-	-	8%	7%	-	-	Mendenhall
	+	+	-	-	-	-	-	-	-	33%	-	-	-	Milburn
	+	A	-	-	-	-	-	-	-	9%	0%	-	-	Morgan
	+	+	+	+	+	+	+	+	+	100%	79%	82%	-	Musgrove
	+	+	+	-	+	+	-	-	-	58%	36%	35%	33%	Noennig
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Noonan
	-	+	-	-	-	-	-	-	-	17%	0%	12%	-	Olson, A
	-	+	-	-	-	+	-	-	-	33%	0%	-	-	Olson, B
	+	+	+	+	+	+	+	+	+	100%	100%	-	-	Parker
	+	+	-	-	-	-	-	-	-	25%	0%	-	-	Peterson
	+	+	+	+	+	+	+	+	+	100%	100%	94%	-	Raser
	-	+	-	-	-	-	-	-	-	17%	0%	6%	-	Rice
	+	+	-	-	-	-	-	-	-	17%	0%	6%	-	Ripley
	+	+	+	-	-	-	-	-	-	42%	0%	-	-	Roberts
	-	+	-	-	-	-	-	-	+	17%	7%	-	-	Ross
	-	-	-	-	-	-	-	-	-	8%	21%	-	-	Sales
	+	+	+	+	+	+	+	+	-	92%	-	-	-	Sesso
	-	+	-	-	-	-	-	-	-	8%	0%	-	-	Sinrud
	+	+	+	+	+	+	+	+	+	100%	93%	-	-	Small-Eastman
	+	-	-	-	-	-	-	-	-	25%	-	-	-	Sonju
	+	+	-	-	-	+	+	-	-	42%	-	-	-	Stahl
	-	+	-	-	-	-	-	-	-	17%	0%	-	-	Stoker
	+	+	-	-	-	-	-	-	-	25%	-	-	-	Taylor
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Villa
	+	-	-	-	-	-	-	-	-	17%	0%	-	-	Wagman
	+	+	-	-	-	-	-	-	-	25%	0%	6%	-	Waitschies
	+	+	+	+	+	+	+	+	+	100%	100%	88%	-	Wanzenried
	+	+	-	-	-	-	-	-	-	33%	-	-	-	Ward
	+	+	-	-	-	-	-	-	-	33%	-	-	-	Warden
	+	+	-	-	-	-	-	-	-	17%	-	7%	25%	Wells
	+	+	+	+	+	+	-	+	+	92%	100%	-	100%	Wilson
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Windham
	+	+	+	+	+	+	-	+	+	92%	100%	-	-	Windy Boy
	+	+	+	+	+	+	+	+	+	100%	-	-	-	Wiseman
	+	+	-	-	-	-	-	-	-	17%	14%	0%	0%	Witt

SENATORS

Habitat Montana
Zortman-Landusky
Small Mine
Impoundments
Environmental
Crimes

Senator	Dist	City	Term Ltd.	HB 79	HB 379	HB 606	HB 615
Bales, Keith (R)	20	Otter		-	-	-	-
Balyeat, Joe (R)	34	Bozeman		+	-	-	-
Barkus, Gregory (R)	4	Kalispell		-	-	+	-
Black, Jerry (R)	14	Shelby		+	-	+	-
Brueggeman, John (R)	6	Polson		+	-	+	-
Cobb, John (R)	9	Augusta		+	+	+	-
Cocchiarella, Vicki (D)	47	Missoula		+	+	+	+
Cooney, Mike (D)	40	Helena		+	+	+	+
Cromley, Brent (D)	25	Billings		+	+	+	+
Curtiss, Aubyn (R)	1	Fortine		-	+	-	-
Ellingson, Jon (D)	49	Missoula	T	+	+	+	+
Elliott, Jim (D)	7	Trout Creek		+	+	+	+
Esp, John (R)	31	Big Timber		-	-	+	-
Essman, Jeff (R)	28	Billings		+	+	+	+
Gallus, Steve (D)	37	Butte		+	+	+	+
Gebhardt, Kelly (R)	23	Roundup		+	-	-	+
Gillan, Kim (D)	24	Billings		+	+	+	+
Grimes, Duane (R)	39	Clancy	T	-	-	-	+
Hansen, Ken (D)	17	Harlem		+	+	+	+
Harrington, Dan (D)	38	Butte		+	+	+	+
Hawks, Bob (D)	33	Bozeman		+	+	+	+
Keenan, Bob (R)	5	Bigfork	T	-	+	-	-
Kitzenberg, Sam (R)	18	Glasgow		+	+	+	+
Laible, Rick (R)	44	Victor		-	+	+	+
Larson, Lane (D)	22	Billings		+	+	+	+
Laslovich, Jesse (D)	43	Anaconda		+	+	+	+
Lewis, Dave (R)	42	Helena		-	-	-	+
Lind, Greg (D)	50	Missoula		+	+	+	+
Mangan, Jeff (D)	12	Great Falls		+	+	+	+
McGee, Daniel (R)	29	Laurel		-	-	-	-
Moss, Lynda (D)	26	Billings		+	+	+	+
O'Neil, Jerry (R)	3	Col. Falls		-	-	-	+
Pease, Gerald (D)	21	Lodge Grass		+	+	+	+
Perry, Gary (R)	35	Manhattan		+	+	+	+
Roush, Glenn (D)	8	Cut Bank	T	+	+	+	+
Ryan, Don (D)	10	Great Falls		+	+	+	+
Schmidt, Trudi (D)	11	Great Falls		+	+	+	+
Shockley, Jim (R)	45	Victor		+	+	+	+
Smith, Frank (D)	16	Poplar		+	+	+	+
Squires, Carolyn (D)	48	Missoula		+	+	+	+
Stapleton, Corey (R)	27	Billings		-	+	+	-
Steinbeisser, Donald (R)	19	Sidney		-	-	-	-
Story, Robert (R)	30	Park City		-	-	+	-
Tash, Bill (R)	36	Dillon		-	-	+	-
Tester, Jon (D)	15	Big Sandy	T	+	+	+	+
Toole, Ken (D)	41	Helena		+	+	+	+
Tropila, Joseph (D)	13	Great Falls		+	+	+	+
Weinberg, Dan (D)	2	Whitefish		+	+	+	+
Wheat, Michael (D)	32	Bozeman		+	+	+	+
Williams, Carol (D)	46	Missoula		+	+	+	+

LEGEND

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	Riverside Setbacks (2nd Reading)	Carcinogens	CBM (2nd Reading)	MEPA	State Conservation Easements	Renewable Energy	Renewable Energy (Governor-Amended)	Roadless Lands (Motion)	Resolution: Energy Tax Credits	2005 Score	2003 Score^	2001 Score^	1999 Score^	Senator
	SB 173	SB 236	SB 258	SB 281	SB 337	SB 415	SB 415	SB 417	SJ 17					
-	-	-	-	-	-	-	-	-	-	0%	0%	6%	-	Bales
-	-	-	-	-	-	-	-	-	-	8%	15%	12%	-	Balyeat
-	-	-	-	-	-	-	-	-	-	8%	6%	-	-	Barkus
-	-	-	-	-	-	-	-	-	-	17%	13%	-	-	Black
-	-	-	-	-	-	+	-	-	+	25%	0%	0%	-	Brueggeman
-	-	+	-	-	+	+	+	-	+	50%	81%	33%	13%	Cobb
+	+	-	+	+	+	-	-	+	+	75%	69%	73%	91%	Cocchiarella
+	+	+	+	+	+	+	+	+	+	100%	100%	-	-	Cooney
+	+	+	+	+	+	+	+	+	+	100%	81%	-	-	Cromley
-	-	-	-	-	-	-	-	-	-	8%	0%	6%	0%	Curtiss
+	+	+	+	+	+	+	+	+	+	100%	100%	100%	100%	Ellingson
-	+	+	+	+	+	+	+	-	+	83%	88%	60%	-	Elliott
-	-	-	-	-	-	-	-	-	-	8%	6%	6%	-	Esp
-	-	-	-	-	-	-	-	-	+	33%	-	-	-	Essman
+	+	+	-	+	+	+	+	+	+	92%	64%	82%	67%	Gallus
-	-	-	-	-	-	-	-	-	-	17%	0%	-	-	Gebhardt
+	+	-	+	+	+	+	-	+	+	83%	86%	94%	89%	Gillan
-	-	-	-	-	-	-	-	-	+	8%	6%	13%	18%	Grimes
+	+	+	+	+	+	+	+	+	+	100%	88%	-	-	Hansen
+	+	+	+	+	+	+	+	+	+	100%	67%	87%	56%	Harrington
+	+	+	+	+	+	+	+	+	+	100%	-	-	-	Hawks
-	-	-	-	-	-	-	-	-	-	8%	6%	20%	82%	Keenan
+	-	+	-	+	+	+	+	-	+	75%	44%	20%	11%	Kitzenberg
-	-	-	-	-	-	-	-	-	-	25%	0%	6%	-	Laible
+	+	+	+	+	+	+	-	+	+	92%	-	-	-	Larson
-	+	+	+	+	+	+	+	+	+	92%	79%	82%	-	Laslovich
-	-	-	-	-	-	+	+	-	+	25%	7%	12%	-	Lewis
+	+	+	+	+	+	+	+	+	+	100%	-	-	-	Lind
+	+	-	+	+	+	+	-	+	+	83%	50%	94%	89%	Mangan
-	-	-	-	-	-	-	-	-	-	0%	0%	12%	11%	McGee
+	+	+	+	+	+	+	+	+	+	100%	-	-	-	Moss
-	-	-	-	-	-	-	-	-	-	8%	6%	14%	-	O'Neil
+	+	+	+	+	+	+	+	+	+	100%	87%	80%	-	Pease
-	-	-	-	-	-	-	-	-	+	33%	6%	-	-	Perry
+	+	-	-	+	+	+	+	+	+	83%	38%	40%	64%	Roush
+	+	+	+	+	+	+	+	+	+	100%	88%	87%	-	Ryan
+	+	-	+	+	+	+	+	+	+	92%	93%	88%	100%	Schmidt
-	-	-	-	-	-	+	-	-	+	42%	36%	24%	56%	Shockley
-	+	-	+	+	+	+	+	+	+	83%	86%	94%	89%	Smith
+	+	+	+	+	+	+	+	+	+	100%	100%	-	89%	Squires
E	-	-	-	-	-	+	-	-	+	27%	0%	0%	-	Stapleton
-	-	-	-	-	-	-	-	-	-	0%	7%	0%	-	Steinbeisser
-	-	-	-	-	-	-	-	-	+	8%	6%	0%	0%	Story
-	-	-	-	-	-	-	-	-	+	8%	0%	7%	22%	Tash
-	+	+	+	+	+	+	+	+	+	92%	71%	73%	64%	Tester
+	+	+	+	+	+	+	+	+	+	100%	100%	100%	-	Toole
+	+	+	+	+	+	+	+	+	+	100%	94%	88%	67%	Tropila
+	+	+	+	+	+	+	+	+	+	100%	-	-	-	Weinberg
+	+	+	+	+	+	+	+	+	+	100%	94%	-	-	Wheat
+	+	+	+	+	+	+	+	+	+	100%	-	-	100%	Williams

CHANGES IN ELECTION LAWS MAKE IT EASIER TO VOTE

Montana's election process became significantly more efficient, effective, and useful to Montana voters as a result of bills supported by Montana Conservation Voters, and passed by the 2005 legislature and signed by Governor Schweitzer.

The two most significant bills, SB 302 (Jon Ellingson, D-Missoula) and SB 88 (Carolyn Squires, D-Missoula) are consensus bills reached after months of work among such diverse interests as Montana Conservation Voters, the Montana Association of Clerks and Recorders, the Montana Secretary of State, AFL-CIO, the Montana Democratic Party, AARP, Montana Women Vote, the League of Women Voters, Associated Students of the University of Montana, and the Montana Advocacy Program. Both have been signed by the Governor.

SB 302 generally revises election laws. As passed, it:

- Provides for a late voter registration period (the last 30 days before an election); residents registering during this late period must vote at the county courthouse where election administrators can use the new statewide voter file to confirm they are not registered elsewhere in the state;
- Makes absentee ballots for federal general elections available 45 days before an election instead of 30 days;
- Allows verified signatures to qualify ballots as regular ballots for legally registered voters;
- Allows third parties to deliver absentee ballot request forms to election administrators; the forms must be addressed to the election administrator;
- States that legally registered voters do not have to re-register; and
- Provides for a paper trail and auditing of new voting systems.

SB 302 passed on 3rd reading in the Senate by a vote of 46-4, with Republican senators McGee (Laurel), Shockley (Victor), Stapleton (Billings) and Story (Park City) opposed. It passed the House on a 3rd reading vote of 89-8, with Republican representatives John Balyeat (Missoula), Dee Brown (Hungry Horse), Everett (Kalispell), Koopman (Bozeman), Lake (Hamilton), Maedje (Fortine), Sales (Bozeman), and Wells (Bozeman) opposed.

SB 88 allows electors, when applying for an absentee ballot, to request an absentee ballot for each subsequent election. Electors will be able to indicate whether they want absentee ballots for all elections or just federal elections, and will be mailed a confirmation card that must be returned prior to each election. SB 88 passed 3rd reading in the Senate by a vote of 36-14, and in the House by a third reading vote of 91-7.

Other important election bills that passed include:

- **HB 297** (Brady Wiseman, D-Bozeman), which requires that new voting systems approved for use in Montana must use a paper ballot; it passed 3rd reading in the House by a vote of 96-1, with Rep. John Balyeat (R-Missoula) dissenting, and passed unanimously in the Senate.
- **SB 182** (Kim Gillan, D-Billings), to require that election administrators count the absentee ballots of electors who die before Election Day; it passed the House 70-30, concurred in the Senate 44-6.
- **HB 177** (Alan Olson, R-Roundup), which includes several changes to the election statutes, most notably, clarifying procedures for counting overvotes and undervotes. Adopted by both House (97-2) and Senate (49-1) conference committees.
- **SB 500** (John Cobb, R-Augusta), to facilitate voting by disabled electors; it passed the senate 50-0; and passed the house 71-29.



The signing of SB 88 and SB 302. At the table: Darrell Holzer, AFL-CIO; Governor Brian Schweitzer; Elaine Gravely with the Secretary of State's office. Standing: Joy Bruck, AARP; behind her, Brad Martin, MT Democratic Party; Diane Sands, aid to Sen. Jon Ellingson; Jeanne-Marie Souvigney, MCV; Sen. Jeff Essman (R-Billings); Sen. Carolyn Squires (D-Missoula), sponsor of SB 88; Sen. Jon Ellingson (D-Missoula), sponsor of SB 302; Mark Simonich with the Secretary of State's office; and Pat Callbeck Harper, AARP.

THE INITIATIVE PROCESS: IT'S NOT WHAT IT SEEMS

Montanans won a victory in their efforts to require the state to comply with the principle of “one person, one vote” after a U. S. District court ruled in late March that changes to Montana’s Constitution affecting how initiatives qualify for the ballot were unconstitutional.

The saga started when the 2001 legislature referred two constitutional initiatives (C-37 and C-38) to the voters at the behest of special interest lobbyists who opposed measures passed previously by voters. C-37 and C-38, which were ultimately passed by the voters in the November 2002 election after virtually no public discussion, changed the signature-gathering distribution requirements for Constitutional and statutory initiatives from legislative districts to counties. Certain legislators and special interests supported these changes, which gave electors in sparsely populated rural counties greater voting strength to control which initiatives would qualify for the ballot. They saw the changes as a way to make it harder for citizens to use the ballot to pass legislation.

In its ruling, the court found that the changes to county distribution requirements resulted in unequal treatment of qualified electors in different counties and are unconstitutional under the Equal Protection clause of the U.S. Constitution’s Fourteenth Amendment. The ruling prohibited Montana from enforcing the county distribution requirements. Within two weeks of the court decision, Montana Attorney General Mike McGrath issued an opinion that such a court decision restores the previous legislative district distribution requirement which existed prior to the approval of the invalidated amendments.

The legislature, meanwhile, also entered the picture. Two weeks before the legislature adjourned, Rep. Paul Clark (D-Trout Creek) presented two of the last bills introduced at the legislature, both of which proposed to submit to voters new amendments correcting the unconstitutional language. Rep. Ron Stoker (R-Darby) attempted to amend one of the bills on the House floor to increase the number of districts from which signatures would be required from one-third of the districts to two-fifths. That motion failed on a vote of 48-52; both bills subsequently passed the House, but the Senate State Administration Committee tabled the bills three days later.

Consequently, if you search Montana’s Constitution for information on the required distribution of signatures to qualify a statutory or constitutional initiative for the ballot, you will be misled by what you read because the unconstitutional language is still on the books. In fact, signatures must be gathered from legislative districts, not counties.

Be prepared for future attempts to increase the number of districts from which signatures must be gathered as a way to make it harder for citizens to use the ballot process to pass legislation.

SUPREME COURT UNDER ATTACK

The Montana Supreme Court was the subject of a barrage of bills in the 2005 session, most offered by disgruntled legislators seemingly frustrated by the results of recent court elections or past rulings by the court. Common sense prevailed, however. Of 18 such bills, only one passed: SB 470, sponsored by Sen. Dan Harrington (D-Butte) to open certain proceedings of the Supreme Court to the public. Most of the remaining bills were tabled in the committees where they were first heard.

The proposals ran the gamut of the more mundane attempts to reduce terms of office, apply term limits, or slash salaries, to the more outlandish proposals to eliminate the requirement that the justices that serve as the final arbiters of our Constitution and statutes must be attorneys, or to allow the public to recall justices for no cause – except, perhaps, that certain voters might be aggrieved by certain justices’ decisions overturning an unconstitutional directive they happened to like. SB 397, offered by Republican Senator Joe Balyeat of Bozeman (who introduced 8 of the 18 bills, including four that would have attempted to amend the constitution) would have nonetheless thrown Montana’s Constitution out the window by simply allowing a legislature and governor to override decisions of the Supreme Court.

Other judicial proposals entered the electoral arena, stemming perhaps from frustration over the outcome of recent justice campaigns. Rep. John Sinrud (R-Bozeman), who introduced three of the 18 bills, was clearly annoyed that certain Montana citizens have rallied through donations to political committees to express their opinions in justice races. His bill (HB 659) and another by Sen. Balyeat (SB 396) would have strictly limited contributions to committees involved in justice races – limitations not imposed on other races – or to the candidates themselves. At the same time, Sens. Balyeat and Laible (R-Victor) also proposed bills allowing for the partisan election or support of justices.

The legislature refuted all attempts in the 2005 session to insert partisan politics into Supreme Court races, or to muzzle free speech guaranteed by the U. S. Constitution. They defended the integrity of the court and need for an independent judiciary, which are absolutely critical to the court’s ability to uphold individual rights guaranteed in the Montana Constitution.

SELECTED SENATE AND HOUSE COMMITTEE VOTES

This Montana Conservation Voters' scorecard includes votes on several bills for which there were floor votes. Yet the outcome of many bills of interest to the conservation community was determined in committees, and in some cases that may be the only recorded vote on a bill. Below are selected committee votes on bills of interest to the conservation community.

Senate Natural Resources Committee

SB 336 (Lane Larson, D-Billings) - Requiring sufficient bonding for coal bed methane reclamation to protect farmers, ranchers and Montana's water resources. Conservation position: support. This was one of the conservation community's Common Agenda bills. (See Coal Bed Methane discussion on page ___ for more information.) The Senate Natural Resources Committee tabled this bill on a 5-4 vote.

Senator	SB 336	SB 337	SB 376	HB 606	HJ 21
Curtiss, Aubyn (R)	-	-	-	-	-
Gebhardt, Kelly (R)	-	-	-	-	-
Harrington, Dan (D)	+	+	+	+	+
Lind, Greg (D)	+	+	+	+	+
Perry, Gary (R)	-	-	-	+	-
Roush, Glenn (D)	-	+	+	+	-
Tash, Bill (R)	-	-	-	-	-
Toole, Ken (D)	+	+	+	+	+
Wheat, Mike (D)	+	+	+	+	+

SB 337 (Dan Weinberg, D-Whitefish) – See page 4.

SB 376 (Mike Wheat, D-Bozeman) – Requiring the Department of Environmental Quality to complete the necessary environmental impact statement on the proposed Outstanding Resource Water designation of the Gallatin River. Conservation position: support. The bill died on a partisan tie vote in the House Natural Resources Committee but the requirement for the study was added to the appropriations bill so the study should go forward.

HB 606 (Gail Gutsche, D-Missoula) – See page 3.

HJ 21 (John Sinrud, R-Bozeman) – See page 5.

Senate Local Government Committee

SB 195 (Mike Wheat, D-Bozeman) – Requiring certain local jurisdictions to work together to plan for growth and creating guidelines for growth jurisdictions. Conservation position: support. Failed to pass the House.

Senator	SB 195	SB 262	SB 456
Esp, John (R)	-	-	-
Gebhardt, Kelly (R)	+	-	-
Gillan, Kim (D)	+	+	+
Hawks, Bob (D)	+	+	+
Laible, Rick (R)	+	-	-
Mangan, Jeff (D)	+	+	+
Moss, Lynda (D)	+	+	+
O'Neil, Jerry (R)	-	-	-
Shockley, Jim (R)	+	-	-
Squires, Carolyn (D)	+	+	-
Wheat, Michael (D)	+	+	+

SB 262 (Aubyn Curtiss, R-Fortine) – Requiring governments to compensate landowners for any reduction in property values resulting from any land use, subdivision, or zoning law or regulation. Conservation position: oppose. This was one of the conservation community's Common Agenda 'no rollbacks' bills. Tabled in Senate Local Government Committee.

SB 456 (Rick Laible, R-Victor) – Prohibiting local governments from including building regulations in their subdivision regulations. Conservation position: oppose. Tabled in House Local Government Committee.

House Federal Relations, Energy and Telecommunications Committee

HB 48 (Sue Dickenson, D-Great Falls) – Requiring DEQ to regulate waste from coal-fired power plants to help prevent pollution of waters and neighboring lands. Conservation position: support. Failed to pass House.

HB 136 (Alan Olson, R-Roundup) – Eliminating USB funding for certain renewable energy systems. Conservation position: support. Failed in House Energy Committee on a partisan tied vote.

HB 388 (Alan Olson, R-Roundup) – Creating a new publicly-funded energy authority that would be exempt from certain state regulations. Conservation position: oppose. Failed in House Energy Committee on a partisan tied vote.

HB 685 (Roy Brown, R-Billings) – See page 3.

SB 415 (Jon Tester, D-Big Sandy) – See page 4.

SJ 17 (Dan Weinberg, D-Whitefish) – See page 5.

Representative	HB 48	HB 136	HB 388	HB 685	SB 415	SJ 17
Driscoll, Robyn (D)	+	+	+	+	+	+
Gallik, Dave (D)	+	+	+	+	+	+
Groesbeck, George (D)	+	+	+	+	+	+
Hamilton, Robin (D)	+	+	+	+	+	+
Himmelberger, Dennis (R)	-	-	-	-	-	-
Jacobson, Hal (D)	+	+	+	+	+	+
Klock, Harry (R)	-	-	-	+	-	-
Noennig, Mark (R)	+	-	-	-	+	+
Olson, Alan (R)	-	-	-	-	-	+
Parker, John (D)	+	+	+	+	+	+
Rice, Diane (R)	-	-	-	-	-	+
Stahl, Wayne (R)	-	-	-	-	+	+
Waitschies, Karl (R)	-	-	-	-	-	-
Wiseman, Brady (D)	+	+	+	+	+	+

House Natural Resources Committee

HB 51 (Alan Olson, R-Roundup) – Redefining cumulative impacts under MEPA to prohibit consideration of federal or private actions on nearby lands. Conservation position: oppose. Failed to pass House Natural Resources Committee.

HB 57 (Chris Harris, D-Bozeman) – Allowing DEQ to recover costs of replacing drinking water because of hazardous substance releases. Conservation position: support. Failed to pass Senate.

HB 455 (Paul Clark, D-Trout Creek) – *See page 2.*

HB 460 (Paul Clark, D-Trout Creek) – *See page 2.*

HB 470 (Paul Clark, D-Trout Creek) – *See page 2.*

HB 491 (Norma Bixby, D-Lame Deer) – Requiring DEQ to monitor water quality of certain streams impacted by coal bed methane discharge. Conservation position: support. Failed in House Natural Resources Committee on a partisan tied vote.

HB 501 (Norma Bixby, D-Lame Deer) – Requiring the Board of Oil and Gas to comply with MEPA before making certain decisions. Conservation position: support. Failed in House Natural Resources Committee on a partisan tied vote.

SB 236 (Greg Lind, D-Missoula) – *See page 3.*

SB 269 (Mike Wheat, D-Bozeman) – Revising the water appropriation permitting system and criteria in the closed Upper Missouri River basin in order to protect instream flows from depletions caused by new groundwater permits. Conservation position: support. Failed in House Natural Resources Committee on a partisan tied vote.

SB 337 (Dan Weinberg, D-Whitefish) – *See page 4.*

SB 376 (Mike Wheat, D-Bozeman) - Requiring the Department of Environmental Quality to complete the necessary environmental impact statement on the proposed Outstanding Resource Water designation of the Gallatin River. Conservation position: support. The bill died on a partisan tie vote in the House Natural Resources Committee but the requirement for the study was added to the appropriations bill so the study should go forward.

Representative	HB 51	HB 57	HB 455	HB 460	HB 470	HB 491	HB 501	SB 236	SB 269	SB 337	SB 376
Barrett, Debby (R)	-	-	-	-	-	-	-	-	-	-	-
Bixby, Norma (D)	+	+	+	+	+	+	+	+	+	+	+
Brown, Dee (R)	-	-	-	+	+	-	-	-	-	-	-
Clark, Paul (D)	+	+	+	+	+	+	+	+	+	+	+
Dickenson, Sue (D)	+	+	+	+	+	+	+	+	+	+	+
Everett, George (R)	-	-	-	-	+	-	-	-	-	-	-
Gutsche, Gail (D)	+	+	+	+	+	+	+	+	+	+	+
Harris, Christopher (D)	+	+	+	+	+	+	+	+	+	+	+
Heinert, Ralph (R)	-	-	-	-	+	-	-	-	-	-	-
Jent, Larry (D)	+	+	+	+	+	+	+	+	+	+	+
Jones, Llew (R)	-	-	-	-	+	-	-	-	-	-	-
Jopek, Mike (D)	+	+	+	+	+	+	+	+	+	+	+
Lambert, Carol (R)	-	-	-	-	-	-	-	-	-	-	-
Maedje, Rick (R)	-	+	-	-	-	-	-	-	-	-	-
Peterson, Jim (R)	-	-	-	+	+	-	-	-	-	-	-
Ross, Jack (R)	-	-	-	-	+	-	-	-	-	-	-
Small-Eastman, Veronica (D)	+	+	+	+	+	+	+	+	+	+	+
Wanzenried, David (D)	+	+	+	+	+	+	+	+	+	+	+



Montana House of Representatives members in committee

House Fish and Game Committee

HB 79 (George Golie, D-Great Falls) – *See page 2.*

HB 394 (Paul Clark D-Trout Creek) – Protecting fish and wildlife during the permitting process under MEPA. Conservation position: support. Tabled in House Fish, Wildlife and Parks Committee.

HB 514 (Gail Gutsche, D-Missoula) – Increasing the restitution for illegal taking of a grizzly bear. Conservation position: support. Signed into law.

HB 668 (Art Noonan, D-Butte)

– Defining exemptions to the prohibitions on exotic wildlife and testing facilities. Conservation position: support. Signed into law.

Representative	HB 79	HB 394	HB 514	HB 668
Balyeat, John (R)	+	-	+	-
Becker, Arlene (D)	+	+	+	+
Brown, Dee (R)	+	-	-	-
Clark, Paul (D)	+	+	+	+
Cohenour, Jill (D)	+	+	+	+
Driscoll, Robyn (D)	+	+	+	+
Everett, George (R)	+	-	-	-
Facey, Tom (D)	+	+	+	+
Golie, George (D)	+	+	+	+
Groesbeck, George (D)	+	-	+	+
Hamilton, Robin (D)	+	+	+	+
Jent, Larry (D)	+	+	+	+
Klock, Harry (R)	+	-	+	+
Koopman, Roger (R)	-	-	-	-
Milburn, Mike (R)	+	-	+	+
Noonan, Art (D)	+	+	+	+
Roberts, Don (R)	+	-	+	+
Sales, Scott (R)	+	-	+	-
Ward, John (R)	+	-	+	+
Warden, Bill (R)	+	-	+	+

House Local Government Committee

Representative	HB 594	HB 626	SB 195	SB 456
Arntzen, Elsie (R)	+	-	-	-
Barrett, Debby (R)	-	-	-	-
Caferro, Mary (D)	+	+	+	+
Campbell, Margaret (D)	+	+	+	+
Dickenson, Sue (D)	+	+	+	+
Eaton, Emelie Kay (D)	+	+	+	-
Harris, Chistopher (D)	+	+	+	+
Hendrick, Gordon (R)	+	-	-	+
Henry, Teresa (D)	+	+	+	+
Jacobson, Hal (D)	+	+	+	+
Jopek, Mike (D)	+	+	+	+
MacLaren, Gary (R)	+	-	+	-
Maedje, Rick (R)	-	-	-	-
McAlpin, Dave (D)	+	+	+	+
McGillvray, Tom (R)	+	-	-	-
Noennig, Mark (R)	+	+	+	-
Olson, Bernie (R)	+	+	-	+
Stahl, Wayne (R)	-	-	-	+

HB 594 (Roger Koopman, R-Bozeman) – Proposing a constitutional amendment to require compensation for reductions in land value resulting from the implementation of land use laws and regulations. Conservation position: oppose. This was one of the conservation community’s Common Agenda ‘no rollbacks’ bills. Tabled in House Local Government Committee.

HB 626 (Diane Rice, R-Harrison) – Increasing the percentage of landowners needed on a petition for a citizen-initiated zoning district from 60 percent to 85 percent. Conservation position: oppose. Tabled in House Local Government Committee.

SB 195 (Mike Wheat, D-Bozeman) – Requiring certain local jurisdictions to work together to plan for growth and ceating guidelines for growth jurisdictions. Conservation position: support. Failed to pass the House.

SB 456 (Rick Laible, R-Victor) – Prohibiting local governments from including building regulations in their subdivision regulations. Conservation position: oppose. Tabled in House Local Government Committee.

FISH, WILDLIFE, AND PUBLIC ACCESS LEGISLATION

In a notable departure from legislative sessions of the last several years, the 59th legislature took proactive steps to ensure that Montana’s hunting and fishing heritage would be protected, by removing sunset provisions on several programs that have proven effective. The most widely-heralded measure, HB 79, sponsored by Rep George Golie (D-Great Falls), made permanent the very successful Habitat Montana program. This bill is featured in MCV’s Scorecard. HB 56, sponsored by Rep. Bill Warden (R-Bozeman) made the fishing access enhancement program permanent, while Sen. “Kim” Hansen (D-Harlem) was successful in sponsoring SB 77, a proposal that made the Block Management program permanent. Another victory for Montana’s anglers included Rep Paul Clark’s (D-Trout Creek) HB 298, which provides emergency stream flow sufficient for fisheries and aquatic resources during emergency low-flow conditions, a must in drought-stricken Montana.

While bi-partisan collaboration was able to foster these common sense measures, partisan politics killed several ‘good’ bills. For example, Rep. Paul Clark’s (D-Trout Creek) HB 560 would have ensured public access to streams and rivers by drafting into statute Montana Attorney General’s opinion that the public has the right to access rivers and streams on the county road and bridge right-of-ways. And SB 269 was aimed at controlling instream flows in the Missouri River basin from depletions cause by groundwater permits. Backed by Montana Trout Unlimited and carried by Sen. Mike Wheat (D-Bozeman), SB 269 died in the House Natural Resource Committee on a 9-9 party line vote.

Finally, one of the most ambitious conservation measures was Sen. Bob Hawks’ (D-Bozeman) SB 173. Part of the *Common Sense Conservation Agenda*, this bill was an attempt to protect both the landscape and residents of Montana by creating a ‘set back’ for new development along Montanan’s waterways. It was killed narrowly in the Senate (See page 3).

Information for this article was obtained from the websites of the Montana Wildlife Federation www.montanawildlife.com and Montana Trout Unlimited www.montanatu.org.

For a summary of Fish & Wildlife and Public Administration legislation, go to www.respectmontana.org or call Jeremy Seidlitz with the Montana Conservation Voters Education Fund at (406) 254-1593.

WELCOME TO MONTANA CONSERVATION VOTERS' 2005 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, and then take action. Make your voice heard, and your vote count!

The MCV 2005 Legislative Scorecard includes a comparison of legislators' votes this year to those of previous sessions, voting averages of legislators in various regions of the state, and an in-depth look at committee votes.

CONTACT YOUR MONTANA LAWMAKERS

Governor Brian Schweitzer

PO Box 200801, State Capitol
Helena, MT 59620-0801
(406) 444-3111 governor@mt.gov

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

Senator Max Baucus

511 Hart Senate Office Building
Washington, D.C. 20510
(202) 224-2651 (800) 332-6106
max@baucus.senate.gov

Attorney General Mike McGrath

PO Box 201401
Helena, MT 59620-1401
(406) 444-2026 mmcgrath@mt.gov

State Auditor John Morrison

PO Box 4009
Helena, MT 59604-4009
(406) 444-2040 jmorrison@mt.gov

Senator Conrad Burns

187 Dirksen Senate Office Building
Washington, D.C. 20510
(202) 224-2644 (800) 344-1513
conrad@burns.senate.gov

Secretary of State Brad Johnson

PO Box 202801, State Capitol
Helena, MT 59620-2801
(406) 444-2034 sos@mt.gov

Superintendent of Public Instruction

Linda McCulloch
PO Box 202501
Helena, MT 59620-2501
(406) 444-3095 lmcculloch@mt.gov

Representative Denny Rehberg

516 Cannon House Office Building
Washington, D.C. 20515
(202) 225-3211
denny.rehberg@mail.house.gov

Montana Conservation Voters
PO Box 63 • Billings, MT 59103

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SCORECARD SNAPSHOT

Montana State Legislature Scores	2005	2003	2001	1999
Score Average	60%	43%	42%	43%
Democrat Score Average	96%	85%	85%	83%
Republican Score Average	21%	8%	13%	17%

House	2005	2003	2001	1999
Score Average	59%	44%	44%	43%
Democrat Score Average	97%	88%	89%	83%
Republican Score Average	22%	5%	12%	15%

Senate	2005	2003	2001	1999
Score Average	60%	40%	39%	42%
Democrat Score Average	94%	78%	76%	82%
Republican Score Average	19%	13%	15%	20%

County Comparison (House Averages)				
County	2005	2003	2001	1999
Yellowstone	55%	42%	43%	42%
Missoula	86%	68%	78%	71%
Flathead	38%	16%	12%	20%
Cascade	83%	61%	57%	58%
Gallatin	45%	41%	40%	39%
Lewis and Clark	66%	55%	44%	49%
Ravalli	19%	9%	25%	25%
Silver Bow	88%	61%	72%	51%

County Comparison (Senate Averages)				
County	2005	2003	2001	1999
Yellowstone	61%	28%	27%	27%
Missoula	92%	62%	62%	69%
Flathead	30%	6%	10%	27%
Cascade	85%	71%	61%	64%
Gallatin	60%	60%	36%	44%
Lewis and Clark	57%	58%	50%	45%
Ravalli	33%	0%	7%	14%
Silver Bow	94%	33%	42%	40%

Most Encouraging and Disappointing Scorecard Changes

Below is a snapshot of the voting record for legislators whose MCV voting record in 2005 changed at least 10 percentage points from 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, Representative Gary Matthews' 54% score illustrates that his MCV score increased from 21% in 2003 to 75% in 2005, an increase of 54%.

Senator	SD	City	% +/-
Roush, Glenn (D)	8	Cut Bank	45%
Mangan, Jeff (D)	12	Great Falls	33%
Harrington, Dan (D)	38	Butte	33%
Kitzenberg, Sam (R)	18	Glasgow	31%
Gallus, Steve (D)	37	Butte	28%
Perry, Gary (R)	35	Manhattan	27%
Stapleton, Corey (R)	27	Billings	27%
Brueggeman, John (R)	6	Polson	25%
Laible, Rick (R)	44	Victor	25%
Tester, Jon (D)	15	Big Sandy	21%
Cromley, Brent (D)	25	Billings	19%
Lewis, Dave (R)	42	Helena	18%
Gebhardt, Kelly (R)	23	Roundup	17%
Pease, Gerald (D)	21	Lodge Grass	13%
Laslovich, Jesse (D)	43	Anaconda	13%
Ryan, Don (D)	10	Great Falls	12%
Hansen, Ken (D)	17	Harlem	12%
Cobb, John (R)	9	Augusta	-31%

Representative	HD	City	% +/-
Matthews, Gary (D)	40	Miles City	54%
Roberts, Don (R)	56	Billings	42%
McKenney, Joe (R)	18	Great Falls	35%
Bergren, Bob (D)	33	Havre	35%
Olson, Bernie (R)	10	Lakeside	33%
Glaser, Bill (R)	44	Huntley	33%
Lenhart, Ralph (D)	38	Glendive	28%
Brown, Dee (R)	3	Hungry Horse	25%
Peterson, Jim (R)	30	Buffalo	25%
Waitschies, Karl (R)	36	Peerless	25%
Lambert, Carol (R)	39	Broadus	25%
Noennig, Mark (R)	46	Billings	22%
Musgrove, John (D)	34	Havre	21%
McNutt, Walter (R)	37	Sidney	19%
Lange, Michael (R)	55	Billings	18%
Andersen, Joan (R)	59	Fromberg	18%
Malcolm, Bruce (R)	61	Emigrant	18%
Maedje, Rick (R)	2	Fortine	17%
Ripley, Rick (R)	17	Wolf Creek	17%
Olson, Alan (R)	45	Roundup	17%
Wagman, Pat (R)	62	Livingston	17%
Rice, Diane (R)	71	Harrison	17%
Barrett, Debby (R)	72	Dillon	17%
Stoker, Ron (R)	87	Darby	17%
Franklin, Eve (D)	24	Great Falls	14%
Gallik, Dave (D)	79	Helena	14%
Brown, Roy (R)	49	Billings	10%
Ross, Jack (R)	60	Absarokee	10%
Lindeen, Monica (D)	43	Huntley	-11%
Sales, Scott (R)	68	Bozeman	-13%