

Montana Conservation Community
Legislative Hotlist, Senate
Week 7: Feb. 17 — Feb. 23, 2009

Please Support:

SB 129, Authorize voluntary wildfire mitigation conservation easements on wildland-urban interface, Sen. Lewis (R-Helena). This bill sets up a voluntary program that gives landowners incentives to put fewer homes at risk in the wildland-urban interface. Participating landowners get a tax benefit for putting their property in a conservation easement that restricts where they can build. (Any buildings must be consistent with local fire protection priorities). Taxation, pending committee vote. Contact Janet Ellis, Montana Audubon, 406.431-9157, or jellis@mtaudubon.org.

SB 301, Tax credit for alternative energy capital investment, Sen. Cooney (D-Helena). Taxation, pending committee vote. Contact Linda Gryczan, NCAT, 406.431.3635.

SB343, Regulation of zebra mussel and other invasive species, Sen. Jackson (R-Kalispell). This bill creates a framework for State Departments of Fish, Wildlife and Parks; Livestock; or Agriculture to prevent and manage invasive species, focusing on thwarting the spread of damaging aquatic non-natives, like the zebra mussel. It authorizes these departments to work cooperatively to 1) identify and prioritize threats, 2) develop invasive species plans, and 3) establish invasive species management areas, if necessary. Passed Agriculture as amended, referred to Finance and Claims. Contact Janet Ellis, Montana Audubon, 406.431-9157, jellis@mtaudubon.org.

SB 370, Replace RIGWA with permit fee for sand and gravel operations, Sen. Perry (R-Manhattan). Natural Resources, pending committee vote. Contact Anne Hedges, MEIC, 406.461.9546, or ahedges@meic.org

SB 437, Clarify fish pond licensure, Sen. Perry (R-Manhattan). Natural Resources, pending committee vote. Contact Mark Aagenes, Montana Trout Unlimited, 406.544.9265, or mark@montanatu.org.

SB 475, Require notice of oil or gas lease sale, Sen. Perry (R-Manhattan). Energy and Telecommunications, 02/19/2009, 3pm, Rm 317. Contact Mark Aagenes, Montana Trout Unlimited, 406.544.9265, or mark@montanatu.org.

Please Oppose:

SB 183, Revise Wolf Policy, Sen. Bayleat (R-Bozeman). SB 183 voids Montana's Wolf Conservation and Management Plan, which has already been approved by the US Fish and Wildlife Service – an essential step before wolves are eligible to be removed from Endangered Species Act protections. Consequently, it will cause the wolf delisting program to grind to a halt and start over. Fish and Game, 02/19/2009, 3pm, Rm 422. Contact Janet Ellis, Montana Audubon, 406.431.9157 or jellis@mtaudubon.org.

SB 257, Revise definition of renewable energy resource, Sen. Keane (D-Butte). This bill undermines the Renewable Energy Standard, which is successfully spurring the growth of the clean, renewable wind industry, by allowing the owners of large hydroelectric dams to retroactively count routine upgrades toward the requirements of the renewable energy standard, decreasing statewide incentives to develop new renewable sources. The bill would represent a significant financial give away to PPL Montana. Energy and Telecommunications,

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pending committee vote. Contact Matt Leow, Northern Plains, 406.393.1766, matt@northernplains.org or Anne Hedges, MEIC, 406.461.9546, ahedges@meic.org

SB 288, Require bond for challenge to natural resource development, Sen. Hinkle (R-Thompson Falls). This bill further weakens the ability of Montanans to protect their private property and health from industrial activities that are not following the law. This bill raises the amount of a bond that the public would have to post to protest a permit issued to an industrial activity and eliminates the courts' ability to waive the bond "in the interest of justice." Judiciary, pending committee vote. Contact Anne Hedges, MEIC, 406.461.9546, ahedges@meic.org.

SB 292, Revise coal severance tax, Sen Gebhardt (R-Roundup). This bill revises the coal severance tax to reclassify auger mining as underground mining rather than strip mining, and thereby reduces the taxable rate. This would result in a reduction in potential coal tax revenues to the state. Taxation, pending committee vote. Contact Matt Leow, Northern Plains, 406.393.1766, matt@northernplains.org.

SB 305, Revise subdivision and platting act, Sen. Tutvedt (R-Kalispell). This bill undermines the ability of local governments to deny or condition subdivisions that will have an adverse impact on water, local services, public health, wildlife, agriculture, and the environment. It does this by moving the burden of proof from the subdivider to the public, and requires that a governing body approve a subdivision if they cannot make a decision within the existing timeframe. Local Government, pending committee vote. Contact Tim Davis, Montana Smart Growth Coalition, 406-449-6086 or smartgrowth@mcn.net.

SB 360, Revise major facility siting act, Sen. Keane (D-Butte). This bill would add to the long list of projects exempted from Major Facility Siting Act review, thus reducing the opportunity for citizens to have a say in energy development. Specifically, this bill exempts expansions to transmission lines outside of existing right-of-ways. (Expansions within existing right-of-ways are currently exempted.) Natural Resources, pending committee vote. Contact Matt Leow, Northern Plains, 406.393.1766, or matt@northernplains.org.

SB 387, Revise environmental permitting, Sen. Bales (D-Otter). This bill undermines the air and water permitting processes and the Major Facility Siting Act. It effectively eliminates the ability of the public to challenge agency decisions on permits for "energy development projects," and creates different standards and sets of rules for citizens and industry to participate, unfairly advantaging development. Energy, pending committee vote. Contact Anne Hedges, MEIC, 406.461.9546, ahedges@meic.org.

SB 402, Clarify property rights for which just compensation is due when taken, Sen. Peterson (R-Butte). SB 402 would define "regulatory takings" under Montana law. The immediate result is to overturn 2 Montana Supreme Court cases, requiring the state to pay two game farm owners (alternative livestock operations) because of a citizen-based initiative, I-143. The settlement would cost the state more than \$1 million. Judiciary, 02/19/2009, 8am, Rm 303. Contact Janet Ellis, Montana Audubon, 406.431.9157 or jellis@mtaudubon.org.

SB 417, Revise environmental impact laws, Sen. Keane (D-Butte). This bill destroys the Montana Environmental Policy Act (MEPA), the state's premier vehicle for citizen participation and environmental review. It eliminates the ability to sue under MEPA, and declares that the environmental reviews (EA and EIS) resulting from MEPA cannot be used by the very agencies that write them to inform decisions. Furthermore, the bill shifts the purpose of the act

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entirely, and insists environmental reviews are only meant to inform the legislature, wasting taxpayer money to complete now useless environmental review. Natural Resources, pending committee vote. Contact Janet Ellis, Montana Audubon, 406.431.9157 or jellis@mtaudubon.org.

SB 423, Montana river and stream protection, Sen. Jackson (R-Kalispel). SB 423 sets up a voluntary 20-foot best management practices zone next to every perennial stream in the state, discouraging permanent structures. This bill states that it is designed to protect water quality but the distance is not sufficient. It also conflicts with conservation district 310 laws. Local Government, 02/20/2009, 3pm, Rm 405. Contact Janet Ellis, Montana Audubon, 406.431.9157 or jellis@mtaudubon.org.

SB 440, Exempt air quality permits from MEPA review, Sen. Gebhardt (R-Roundup). This bill exempts all air permits from having to comply with the Montana Environmental Policy Act. If air permits are exempt from the MEPA many of the most significant impacts from a project would not be disclosed to the public. Natural Resources, 02/16/2009, 3pm, Rm 422. Contact Anne Hedges, MEIC, 406.461.9546, or ahedges@meic.org.

SB433, Revise open cut mining laws, Sen. Gebhardt (R-Roundup). This bill prevents local governments from adopting meaningful zoning regulations for gravel pits, and creates an permitting system that creates more problems than it solves for gravel pit permitting. Local Government, 02/18/2009, 3pm, Rm 405. Contact Anne Hedges, MEIC, 406.461.9546, or ahedges@meic.org.

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

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