

Montana Conservation Community
Legislative Hotlist, Senate
Week 12: Mar. 23 – Mar. 28, 2009

Please Support:

HB 98, Revise energy performance contracting for state buildings, Rep. Barrett (D-Missoula). This bill allows the state, including the university system, to enter into energy performance contracts as a means to provide capital for energy efficiency improvements in buildings. Private companies implement energy savings technology improvements, and the state pays back with money saved in energy costs. Energy and Telecommunications, pending committee vote. Contact Matt Leow, Northern Plains Resource Council, 396.1766, or matt@northernplains.org.

HB 190, Clarify bridge access law, Rep. Van Dyk (D-Billings). This bill provides a mechanism and funding for legal livestock fences at public right-of-ways on county bridges, so long as they allow public access. This measure aims to secure Montanan's constitutional right to access streams and rivers while respecting landowners' need to erect fences to manage livestock and protect private land, solving years of contentious debate between user groups. Fish and Game, pending committee vote. Contact Mark Aagenes, Montana Trout Unlimited, 554.9265, or mark@montanatu.org.

HB 420, Allow local government to adopt energy conservation building codes, Rep. Reinhart (D-Missoula). The bill allows local governments to establish voluntary incentive-based energy conservation standards for new green construction. It increases the energy efficiency of housing for long-term residents and businesses, while supporting local efforts for energy efficiency and economic independence. Local Government, pending committee vote. Contact Tyler Evilsizer, S.A.V.E., 202.1723.

HB 584, Siting process for wind energy, Rep. Art Noonan (D-Butte). This bill requires MT Dept. of Fish, Wildlife and Parks (FWP) to conduct an interim study on a voluntary wind generation certification program for those wind facilities that are willing to minimize their impacts on wildlife, wildlife habitat, and cultural and historic resources. FWP is directed to establish a stakeholders group to make recommendations on how this program should be implemented. Using the recommendations of the stakeholders group, FWP will report to the 2011 Legislature about how this program can be implemented. Energy and Telecommunications, pending committee vote. Contact Janet Ellis, Montana Audubon, 431.9157, or jellis@mtaudubon.org.

HB 645, Appropriate federal stimulus money, Rep. Sesso (D-Butte). This bill should be amended to designate \$20 million for energy efficiency improvements in K-12 school facilities. This is one of the best ways that we can utilize stimulus money to create jobs and provide ongoing financial benefits in the form of reduced energy bills for schools. Joint Appropriations Subcommittee on Education, pending committee vote. Contact Matt Leow, Northern Plains Resource Council, 396.1766, or matt@northernplains.org.

Alternative Energy Resource Organization * Clark Fork Coalition * Climate Solutions* Montana Audubon * Montana Conservation Voters * Montana Environmental Information Center * MontPIRG* Montana Sierra Club* Montana Smart Growth Coalition * Montana Trout Unlimited * National Center for Appropriate Technology * Natural Resource Defense Council * Northern Plains Resource Council

SB 37, Revise income tax credit for energy conservation expenditures, Sen. Kaufmann (D-Bozeman). This bill increases the state's tax credit for home and small business owners for the installation of energy efficiency and alternative energy systems. Pending 2nd reading. Linda Gryczan, NCAT, 431.3635.

Please Oppose:

HB 483, Revising laws governing board of environmental review related to energy projects, Rep. Jones (R-Conrad). This bill undermines the air and water permitting processes and the Major Facility Siting Act. It effectively eliminates the ability of the public to challenge agency decisions on permits for "energy development projects," and creates different standards and sets of rules for citizens and industry to participate, unfairly advantaging corporations over citizens. Energy and Telecommunications, pending committee vote. Contact Anne Hedges, MEIC, 461.9546, or ahedges@meic.org.

HB 529, Reduce the required MEPA review on energy projects that include school trust land, Rep. Jones (R-Conrad). This bill ensures that any environmental review under MEPA on an energy development project that included school trust land would only look at the impacts of the project on school trust land – impacts to adjacent properties could not be considered, even if those impacts were significant. As an example, the Judith Gap wind farm covers 84 acres, with only 11 acres of school trust land. An environmental review of this project would only look at the impact of the 11 acres of school trust land. Energy and Telecommunications, pending committee vote. Contact Janet Ellis, Montana Audubon, 431.9157, or jellis@mtaudubon.org.

SB 183, Revise wolf policy, Sen. Bayleat (R-Bozeman). This bill voids Montana's Wolf Conservation and Management Plan, already 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. Pending 2nd reading. Contact Janet Ellis, Montana Audubon, 431.9157, or jellis@mtaudubon.org

SB 217, Reimburse livestock producers for tests for disease transmitted by wildlife, Sen. Barrett (R-Dillon). This bill requires Fish, Wildlife and Parks to reimburse livestock producers for required disease testing. It also includes an \$18 million fiscal note which would wipe out FWP budget. Pending 2nd reading. Contact Janet Ellis, Montana Audubon, 431.9157 or jellis@mtaudubon.org.

Please Oppose, continued:

SB 402, Clarify property rights for which just compensation is due when taken, Sen. Peterson (R-Butte). This bill liberally defines “regulatory takings” under Montana law. The immediate result is to overturn two Montana Supreme Court cases, requiring the state to pay two game farm owners that were regulated under a citizens’ initiative I-143. The settlement would cost the state more than \$1 million. Pending 2nd reading. Contact Janet Ellis, Montana Audubon, 431.9157, or jellis@mtaudubon.org.

SB 435, Prohibit net gain of State Lands, Rep. Brenden (R-Scobey). This bill prohibits a net gain in land ownership by the state. This would disallow Fish Wildlife and Parks from purchasing land under the Habitat Montana program, land for new parks, or projects like the purchase of Plum Creek property under the proposed Working Forests Initiative. Pending 2nd reading. Janet Ellis, Montana Audubon, 431.9157 or jellis@mtaudubon.org.

SB 505, Temporary permit for coal bed methane water, Sen. Bales (R-Otter). This bill allows coal bed methane companies to take groundwater from aquifers and call it surface water. The bill gives the coal bed methane company pipes legal status as the source of the water, and that means senior water rights holders cannot protest the “temporary” permits. The only reason the water rights are temporary is they only last until all the water has been pumped from the aquifer. At that point, the ranchers are on their own for water, and their senior water rights have been stolen. Pending 2nd reading. Contact Julia Page, Northern Plains Resource Council, 223.9923, or julia@northernplains.org.

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

Alternative Energy Resource Organization * Clark Fork Coalition * Climate Solutions* Montana Audubon * Montana Conservation Voters * Montana Environmental Information Center * MontPIRG* Montana Sierra Club* Montana Smart Growth Coalition * Montana Trout Unlimited * National Center for Appropriate Technology * Natural Resource Defense Council * Northern Plains Resource Council