

**Montana Conservation Community**  
**Legislative Hotlist, House of Representatives**  
Week 13: Mar. 30 – Apr. 4, 2009

**Feature bill- Support energy efficiency:**

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**HB 641, Energy efficiency weatherization standard**, Rep. Art Noonan (D-Butte). Montana is sitting on a goldmine fuel source that has gone largely untapped – energy efficiency. Tapping into energy-efficient technologies could save the state between 25 and 30 percent on energy spending through 2030, and rate-payers more than \$140 million by 2020. Typically, it costs half as much to save a kilowatt as it costs to produce one, so literally - a kilowatt saved is a kilowatt earned. Eighteen other states have adopted similar, common sense solutions to rising energy costs.

This bill requires major gas and electric utilities (serving more than 20,000 customers) to study potential energy savings throughout their systems and set biennial goals for reducing energy use. Utilities are directed to use their own innovative techniques to *implement only cost-effective* energy efficiency measures. This bill, supported by a wide coalition including Northwestern Energy, the Public Service Commission, unions, the energy efficiency industry and conservationists will help spur a new element of the energy economy. Contact Anne Hedges, MEIC, 461.9546, ahedges@meic.org, or Chuck Magraw, NRDC, 449.3375, c.magraw@bresnan.net.

Action needed today: Please contact your Representatives to support HB 641. Call 406.444.4800 or email them at <http://leg.mt.gov/css/Sessions/61st/legwebmessage.asp>.

**Also please support:**

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**HB 361, Create energy improvement districts**, Rep. Wiseman (D-Bozeman). This bill authorizes cities and counties to establish Energy Improvement Districts in order to make loans to property owners for energy efficiency and renewable energy upgrades. It creates jobs, reduces energy bills, and diminishes the environmental impact of energy consumption. Pending 3rd reading. Contact Linda Gryczan, NCAT, 431.3635.

**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. Taxation, 04/01/2009, 9am, Rm 152. Linda Gryczan, NCAT, 431.3635.

**SB 200, Restrict phosphorus cleaning products in certain areas**, Sen. Erickson, (D-Missoula). Phosphorus is a naturally occurring element, and an important nutrient for a healthy ecosystem. But too much phosphorus in our rivers and streams results in heavy algal blooms that harm water quality. This bill bans phosphorus-containing household cleaning products in the Clark Fork River basin, and sets up a framework for other counties voluntarily, or when DEQ releases water quality nutrient criteria standards. Pending 2nd reading. Contact Brianna Randall, Clark Fork Coalition, 370.5289.

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**SB 424, Control disposal of mercury thermostats**, Sen. Barkus (R-Kalispel). SB 424 would prohibit the sale of thermostats in Montana that contained mercury after Jan. 1, 2010. It would require the manufacturers to establish a collection and recycling program for thermostats containing mercury. Pending 2nd reading. Contact Linda Gryczan, Women's Voices of the Earth, 431.3635.

**Please oppose:**

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**HB 575, Redefine polluted coal bed methane water as "production water,"** Rep. McChesney (D-Miles City). This bill would threaten senior water rights holders. It allows permits to evade the Water Use Act by declaring that CBM water originates in the pipeline system and is appropriated from there. This overturns 140 years of water law, and endangers rights of farmers and ranchers. Pending 2nd reading, Julia Page, Northern Plains, 223.9923, or julia@northernplains.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 includes an \$18 million fiscal note, which would wipe out the FWP budget. FW&P, pending committee date. Contact Janet Ellis, Montana Audubon, 431.9157 or jellis@mtaudubon.org.

**SB 257, Revise definition of renewable energy resource,** Sen. Keane (D-Butte). The Renewable Energy Standard (Sen. Tester, SB 415, 2005) requires utilities to acquire 15% of their energy from renewable sources by the year 2015. It is successfully spurring the growth of the clean, renewable wind industry. This bill undermines the act by allowing the owners of large hydroelectric dams to retroactively count routine upgrades toward the requirements of the renewable energy standard, decreasing statewide incentives to develop new renewable sources. Pending 2nd reading. Contact Matt Leow, Northern Plains, 406.393.1766, matt@northernplains.org, or Anne Hedges, MEIC, 461.9546, or ahedges@meic.org.

**SB 292, Revise coal severance tax,** Sen. Gebhardt (R-Roundup). This bill revises the coal severance tax to reclassify auger mining as underground mining rather than strip mining, thereby reducing the taxable rate. This would result in a reduction in potential coal tax revenues to the state. Pending 2nd reading. Contact Matt Leow, Northern Plains, 393.1766, or matt@northernplains.org.

**SB 402, Clarify property rights for which just compensation is due when taken,** Sen. Peterson (R-Buffalo). 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. Judiciary, pending committee date. Contact Janet Ellis, Montana Audubon, 431.9157, or jellis@mtaudubon.org.

**SB 435, Prohibit net gain of State Lands,** Sen. Brenden (R-Scobey). This bill prohibits a net gain in land ownership by the state. This would disallow Fish Wildlife and Parks from

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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. FW&P, pending committee date. Janet Ellis, Montana Audubon, 431.9157 or jellis@mtaudubon.org.

**Please oppose, continued**

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**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. Natural Resources, pending committee date. 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.*

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