



MONTANA AUDUBON

BILL TABLE – 2015 MONTANA LEGISLATURE

This table contains the bills we worked on during the 2015 Montana Legislature. For more information, contact [Amy Seaman](mailto:aseaman@mtaudubon.org) (406-443-3949; aseaman@mtaudubon.org).

Ah, acronyms. FWP: MT Fish, Wildlife & Parks. DNRC: Dept. of Natural Resources & Conservation

Legislation we are tracking falls in these categories:

- Wildlife & Habitat Protection
- Wildlife Program Funding
- Climate Change & Energy
- General Environmental Protection
- Public Lands, Recreation & Parks
- Subdivisions & Land Use Planning
- General Government Policies

Legislation at the 2015 Montana Legislature			
Bill Number/ Sponsor	Description	Status	Audubon Position
Wildlife & Habitat Protection			
SB 261 Sen. Bradley Hamlett (SD 15 – Great Falls)	The Sage Grouse Stewardship Act sets up Montana to conserve this species and its habitat via the Core Area approach. It includes creating the Montana Sage Grouse Oversight Team, a system to fund on-the-ground voluntary conservation efforts on public land (including easements), and methods to use the best available science.	Passed House and Senate; Signed into Law	Support with gusto!
SB 100 Sen. Cliff Larsen (47-Missoula)	This bill allows the Board of Livestock to control and eradicate feral swine (a pig that appears to be untamed, undomesticated, or in a wild state) while also establishing rule-making authority. Feral swine are an invasive species that threaten native wildlife, wildlife habitat, livestock, and agriculture, and are difficult to remove once established. This is the first legislation in Montana to address this issue.	Passed House and Senate; Signed into Law	Support

<p><u>SB 21</u></p> <p>Sen. Jill Cohenour (42- East Helena)</p>	<p>This bill increases the penalty imposed on individuals who knowingly purchase and use a replacement hunting license. This has been an increasing problem for Fish, Wildlife & Parks, and it is believed a steeper penalty will deter this habit.</p>	<p>Passed House and Senate; Signed into Law.</p>	<p>Support</p>
<p><u>HB 150</u></p> <p>Rep. Kelly Flynn (70 - Townsend)</p>	<p>This bill revises and increases the penalties for those who violate fishing and wildlife laws. If a repeat offender is caught, he/she may lose their license for up to 24 months and will be fined at least \$500. It is believed this will incentivize ethical hunting habits and practices in Montana.</p>	<p>Passed House and Senate; Signed into Law.</p>	<p>Support</p>
<p><u>SB 87</u></p> <p>Sen. Mike Phillips (31 - Bozeman)</p>	<p>This bill would have standardized the prohibition of possession, shipment, or the transport of live fish across the state by eliminating exceptions for the Eastern fishing district. The bill is intended to reduce the instance of illegal fish introductions. 65 bodies of water in the eastern fishing district have been found harboring invasive fish with an unknown origin.</p>	<p>Failed in (Senate) Fish and Game Committee</p>	<p>Support</p>
<p><u>SB 247</u></p> <p>Sen. John Brenden (17 - Scobey)</p>	<p>This bill would have prohibited all sage grouse hunting in the state of Montana. This bill does not address the science-based reasons for the decline of Sage-Grouse populations in Montana. The Fish and Wildlife Commission should regulate the hunting of game animals.</p>	<p>Failed in (House) Fish, Wildlife and Parks Committee</p>	<p>Oppose</p>
<p><u>HB 557</u></p> <p>Rep. Bill Harris (29 - Winnett)</p>	<p>This bill revised Montana’s 1919 legal fence law to include 3-strand electric fences to the list of legal fences and also to make the height of legal fences at least 44 inches. The law previously read that legal fences must be between 44-48 inches. We initially opposed this bill because the new raising fence height could become a great threat to wildlife. Many standards are set at 42 inches. After amendments to eliminate changes in height Audubon supported this bill.</p>	<p>Passed House and Senate; Signed into Law</p>	<p>Support – with amendments</p>
<p><u>SB 284</u></p> <p>Sen. John Brenden (17-Scobey)</p>	<p>This bill would have required authorization by the board of county commissioners before wild bison were released into a county. It would also require the release of wild bison meet conditions of a counties growth policy before</p>	<p>Passed House and Senate; VETOED by the Governor</p>	<p>Oppose</p>

	releasing animals.		
SB 342 Sen. Mike Phillips (31-Bozeman)	This bill would have revised laws related to the management of wild buffalo or bison for disease control. This bill would also have defined “Imminent Threat” when it comes to bison trespassing on private property and endangering livestock through potential <i>Brucella abortus</i> infection.	Tabled (S) Ag, Livestock, and Irrigation	Support
SI 11 Sen. Mike Phillips (31-Bozeman)	This resolution was aimed at the United States Department of Agriculture (USDA) and Center for Disease Control (CDC) to reconsider the appropriateness of listing <i>Brucella abortus</i> as a bioterrorist agent to facilitate research into the transmission of the pathogen to cattle and domestic bison.	Passed in Senate, Failed in (House) Agriculture	Support
HB 495 Rep. Bruce Meyers (32-Box Elder)	This bill would have required Fish Wildlife and Parks to post a five thousand dollar bond for each wild bison transferred to tribal, public, or private lands to ensure payment for potential damages. This bill contained a large fiscal note that making funding extremely difficult for Fish Wildlife and Parks.	Failed in (House) Fish, Wildlife, and Parks	Oppose
HB 194 Rep. Alan Redfield (59-Livingston)	This bill requires a forage analysis as part of a management plan before wild bison are released or transplanted onto private or public land in Montana. The science provided from the forage analysis studies is helpful in determining forage capacity of the range.	Passed House and Senate; Signed into Law	Support
HB 553 Rep. Mark Noland (10-Bigfork)	This bill revised laws related to aquatic invasive species by updating departmental duties and allowing other entities to operate check stations to ensure better management and enforcement in the effort to control aquatic invasive species.	Passed House and Senate; Signed into Law	Support
HB 525 Rep. Mark Noland (10-Bigfork)	This bill revised aquatic invasive species funding laws by creating a trust fund and a grant account that used to support efforts to enforce laws around the management of aquatic invasive species. The bill restricts trust fund expenditures, provides grant criteria, while also providing clear rulemaking authority.	Passed House and Senate; Signed into Law	Support
SB 334	This bill would have revised the definition of game animal to include game birds, migratory	Passed House and Senate; VETOED by	Oppose

Sen. Jennifer Fielder (7-Thompson Falls)	game birds, and furbearers, while also adding badgers, raccoons, and red fox to the list of predatory animals. These changes would have legalized the use of calls and trapping of these new predators while unintentionally creating management challenges for FWP.	the Governor	
Wildlife and FWP Program Funding			
<u>SB 210</u> Sen. Gene Vuckovich (39-Anaconda)	This bill expands the livestock loss reduction program to include Mountain Lion predations. This bill also allows for more preventative measures to be taken in handling confrontations between carnivores and livestock. Preventative and non-lethal measures help avert conflicts and created a healthier relationship between humans and wildlife as they interact more frequently.	Failed in (House) Appropriations Committee	Support
<u>HB 145</u> Rep. Mike Cuffe (2-Eureka)	This bill created a fund from the state's general fund to support proactive measures to reduce and prevent human-livestock, and human-wildlife conflicts with grizzly bears and wolves.	Passed House and Senate; Signed into Law	Support
<u>HB 140</u> Rep. Jeffrey Welborn (72- Dillon)	This bill revised and streamlined FWPs license fees and licensing structure. The basics of the bill are a \$3 increase to the resident fishing license and an \$8 resident base hunting license increase. This bill is so important because license fees are a critical component of the FWP budget and their ability to execute the many programs and jobs the department is responsible for managing.	Passed House and Senate; Signed into Law	Support
<u>HB 269</u> Rep. Tom Jacobson (29-Great Falls)	This bill would have revised laws related to the hunting access enforcement program. This bill would have raised the hunting access fee (\$8) to help fund the block management program. This would provide an across-the-board method to fund block management at a reasonable rate in Montana.	Passed House; Failed in (Senate) Fish and Game	Support
<u>SB 120</u> Sen. Doug Kary (22 - Billings)	This bill would have negatively revised game damage laws and revised the regulation of game animals.	Failed in (Senate) Fish and Game	Oppose
<u>HB 403</u>	Funding authorization for FWP's capital	Passed House and	Support -

<p>Rep. Dave Hagstrom (52 - Billings)</p>	<p>projects, including Habitat Montana, Upland Game Bird Enhancement Program, Migratory Bird Program, Big Horn Sheep Auction Funds and Fishing Access Site Acquisition have been severely amended by the House Appropriations Committee. Funding for these programs comes from sportsmen and women’s license dollars, and is earmarked specifically for these programs, and not authorizing them simply means the funds stay in the bank. These funds cannot be used for other things, and by not authorizing them there is no savings to any other program. The funds support conservation and enhancement of critical wildlife habitat, and provide greater hunting and fishing access to lands that might otherwise be inaccessible.</p>	<p>Senate; Signed into Law</p>	<p>after funding was returned to the bill!</p>
<p>Climate Change & Energy</p>			
<p><u>SB 114</u> Sen. Debby Barret (36 - Dillon)</p>	<p>This bill would have eviscerated Montana’s Renewable Energy Standard law by making all water power from existing commercial dams count towards the standard - eliminating incentives for the production of new renewable resources such as wind and solar.</p>	<p>Passed House and Senate; VETOED by Governor</p>	<p>Oppose</p>
<p><u>HB 192</u> Rep. Art Wittich (68 - Bozeman)</p>	<p>Montana law caps the size of an energy consumer's net-metered (i.e., tied to the grid) solar array, wind turbine or micro-hydro generator at 50 kilowatts (kW). That's big enough for a home or small business, but it's too small to allow a large farm, manufacturing facility, hospital or school to meet their energy needs with on-site clean energy. This bill would have raised the cap to 1 megawatt (mW).</p>	<p>Failed in (House) Federal Relations, Energy and Telecommunications Committee</p>	<p>Support</p>
<p><u>HB 188</u> Rep. Art Wittich (68 - Bozeman)</p>	<p>Under current law a net-metered customer must sacrifice any unused net metering credits to the utility at the end of a 12-month billing cycle. The customer receives no compensation for the extra energy they've given to the utility. As a matter of fairness, customers should be able to keep those credits indefinitely. This bill looked to allow customers to “roll-over” their energy credits through a 24-month billing cycle.</p>	<p>Failed in House Federal Relations, Energy and Telecommunications Committee</p>	<p>Support</p>
<p><u>SB 134</u> Sen. Jennifer Fielder (7 -</p>	<p>Under current law, each farm, university or multi-unit housing project with multiple electric meters on the same or adjacent property should be able to run all those meters with the energy</p>	<p>Failed in (Senate) Energy and Telecommunications Committee</p>	<p>Support</p>

Thompson Falls)	from one solar array or wind turbine. This simple fix would have streamlined on-site renewable energy projects and cut costs.		
SB 182 Sen. Mike Phillips (31-Bozeman)	Many Montanans want the option to control their energy costs with rooftop solar power but don't own a good site or can't afford a full system. This bill would have allowed utility customers to subscribe to a portion of the output from a community solar or wind energy system and receive a credit on their power bill according to how much of the project they own, and how much energy the system produces each month. This bill applied to investor owned utilities (NorthWestern and Montana Dakota Utilities) but not rural electric co-ops.	Failed in (Senate) Energy and Telecommunications Committee	Support
SB 177 Sen. Mary McNally (24-Billings)	This bill would have protected rural landowners by prohibiting the drilling of an oil or gas well within 1,000 feet of surface water, water wells, or habitable buildings. Landowners could still permit drilling of an oil or gas well near their property if desired.	Failed in (Senate) Natural Resources	Support
SB 172 Sen. Sharon Stewart-Peregoy (21-Crow Agency)	This bill would have provided land and mineral owners within 1 mile of a proposed oil or gas well the ability to have their groundwater tested by a third party before and after development. The drilling company applicant would have paid for the testing costs.	Failed in (Senate) Natural Resources	Support
HJ 11 Rep. Mike Lang (33-Malta)	This joint resolution of the Senate and House of Representatives supports prompt Congressional and Presidential approval for the Keystone XL Pipeline. The proposed Keystone XL Pipeline would have major consequences for Montana's wildlife, and would add 1.44 million metric tons of carbon dioxide into the atmosphere each year that it operates.	Passed House and Senate	Oppose
HB 253 Rep. Virginia Court- (50-	This bill would have prohibited the use of earthen pits or ponds during oil or gas development. This bill would have required all future wells to implement a closed loop system at well sites. A closed loop system is an old	Failed in (House) Federal Relations, Energy and Telecommunications Committee	Support

Billings)	technology that is being implemented around the U.S. This system keeps drilling fluids from being exposed to native soils and water. It also prevents wildlife from being exposed to toxic water, keeping their habitats healthier.		
HB 401 Rep. Steve Fitzpatrick- (20-Great Falls)	This bill would have eliminated the five megawatt limit on facilities that burn railroad ties and counts them as renewable resources under the renewable energy standard. Railroad ties are treated with arsenic, creosote, and other hazardous chemicals. These toxic chemicals should not be qualified as clean, renewable energy resources.	Failed in (House) Federal Relations, Energy and Telecommunications Committee	Oppose
SI 13 Sen. Duane Ankney (20-Colstrip)	This resolution supports the development of coal as an energy source over others. Coal is an incredibly dirty form of energy that pollutes our air, fouls our water, and contributes to irreversible climate change. Coal is also becoming increasingly expensive as a source of electricity, being increasingly outcompeted by renewable energy sources.	Passed House and Senate	Oppose
SB 368 Sen. Matt Rosendale (368-Glendive)	This bill requires that certain pipeline information be collected by the Department of Environmental Quality and be made available on public website. Information about pipeline crossing navigable river waters will be the primary focus of the information that will be made public.	Passed House and Senate; Signed into Law	Support
SB 374 Sen. Christine Kaufmann (40-Helena)	This bill would have required oil and gas companies to pay their fair share through an equitable production tax structure. SB 274 would have imposed a “trigger” on the oil and gas tax holiday, requiring companies to pay a production tax when the price of oil is \$52.59 or higher per barrel. The price trigger would be set for inflationary adjustment. Half of the revenue generated would go to the cities and towns in oil-producing counties, and the other half would go into the general fund	Failed in (Senate) taxation	Support
HB 420 Rep. Mary Ann Dunwell (84- Helena)	This bill would have replaced the 0.5% production tax on oil and gas wells with a 4.5% rate during the first 18 months of qualified production. HB 420 would have allocated 10% of oil and gas production taxes to the cities and towns within oil and gas-producing counties.	Failed in (House) Taxation	Support

	These towns have been short-changed by the current formula, despite facing heavy financial burdens caused by development.		
<u>HB 591</u> Rep. Chris Pope (65-Bozeman)	This bill would have restructured the oil and gas tax holiday in a manner that would allow Montana to collect more revenue from oil development. Currently, Montana allows oil and gas companies a “holiday” during the first 18 months of production, in which they pay very little state production tax on the resources extracted. The first 18 months of shale oil well’s production yields a large portion of the potential reservoir. After 18 months, production drops sharply, and the state’s production tax revenues, which help deal with the impacts caused by drilling, drop as well.	Failed in (House) taxation	Support
<u>SI 17</u> Sen. Mike Phillips (31-Bozeman)	This resolution directed an interim study to analyze the economic, environmental, and public health costs and benefits of phasing out the burning and mining of coal in Montana. The resolution also directed the study to assess the potential for replacing coal-fired generation with alternative energy, to outline measure to minimize the economic impacts to coal reliant communities, and to assess Montana’s competitiveness in a carbon constrained economy.	Failed in (Senate) Natural Resources	Support
<u>HB 243</u> Rep. Mary Ann Dunwell (84-Helena)	This bill would have improved the public notice and disclosure laws related to hydraulic fracturing (i.e. fracking fluids) Currently, Montana has a weak disclosure law that allows companies to exempt themselves from disclosure if they claim the chemical formula is a trade secret. This bill also would have provided adjacent landowners with advance notice of proposed drilling activities.	Failed in (House) Federal Relations, Energy and Telecommunications Committee	Support
General Environmental Protection			
<u>SB 96</u> Sen. Jim Keane (38-Butte)	This act enables the Department of Environmental Quality to access money in the state’s Orphan Share account to take remedial action to clean up our states un-claimed Superfund and petroleum tank leaking sites.	Passed House and Senate; Signed into Law	Support

<p>SB 112</p> <p>Sen. Duane Ankney (20-Colstrip)</p>	<p>This bill requires the DEQ to complete a total maximum daily load (TMDL) analysis on an impaired waterbody if an industry seeks a water pollution discharge permit for that polluted waterbody. If DEQ fails to complete the TMDL analysis within 6 months, DEQ will have to pay damages to the industry that requested the analysis. Most TMDL analysis are complex and can take 2-3 years to complete. TMDLs are intended to protect existing uses of water.</p>	<p>Passed House and Senate; Signed into Law</p>	<p>Oppose</p>
<p>SB 159</p> <p>Sen. Duane Ankney (20 Colstrip)</p>	<p>This bill would have banned any water quality standards for tributaries of Rosebud Creek, the Tongue River, the Powder River, and the Little Powder River from being stricter than ambient conditions. Current water quality standards in southeast Montana are carefully designed to protect irrigators.</p>	<p>Failed in (Senate) Natural Resources Committee</p>	<p>Oppose</p>
<p>SB 325</p> <p>Sen. Jim Keane (38-Butte).</p>	<p>This bill revises water standards for Montana. It originally mimicked SB 159 and would have prevented any water quality standard across Montana from being stricter than ambient. The original bill was really bad for our water systems. The bill was amended to exclude human activities from the definition of "natural," protecting downstream users by allowing standards more stringent than the natural condition, and removing the irrelevant and impossible standard of having to "definitively" show that a proposed standard will diminish public health.</p>	<p>Passed House and Senate; Signed into Law</p>	<p>Oppose</p>
<p>SB 218</p> <p>Sen. Mary Sheehy Moe (12- Great Falls)</p>	<p>This bill would have required mines that are likely to produce acid mine drainage to bond at 150% of the normal bond calculation. This requirement more sufficiently guarantees that there is adequate financial assurance to fully reclaim lands and to prevent public tax dollars from having to be used.</p>	<p>Failed in (Senate) Natural Resources</p>	<p>Support</p>
<p>HB 626</p> <p>Rep. Nate McConnell (89 Missoula)</p>	<p>This bill would have prohibited the Department of Environmental Quality from issuing a metal mines operating permit if it is shown that the mine will require perpetual care of the disturbed lands and waters even after the life cycle of the operation and the reclamation process. Mines that require perpetual care after an operation end up being a burden that is</p>	<p>Failed in (House) Natural Resources</p>	<p>Support</p>

	shouldered by Montana’s taxpayer, since mining operations are commonly owned by out of state corporations and the lifespan of all mining corporation is not guaranteed to last indefinitely. This bill was a common sense approach to protecting Montana’s greatest natural resource; water		
Public Lands, Recreation & Parks			
<u>HB 167</u> Rep. Jeffrey Welborn (72 - Dillon)	This bill revises laws related to off-highway vehicle nonresident temporary-use permits. The bill would raise the price of out of state permits from \$5 to \$25 dollars, 50 cents being a search and rescue surcharge. The extra money will be allocated to the department of fish, wildlife, and parks, and will be used in program areas applicable to maintenance required for off-highway vehicle trails. The bill was amended to allow portions of fee to be used for noxious weed management.	Passed House and Senate; Signed into Law	Support
<u>HB 160</u> Rep. Willis Curdy (98-Missoula)	This bill will have prohibited the possession of exploding targets on state lands and waters. It would have significantly reduced fire hazards on public lands, especially during the dry summer months.	Failed in (House) Natural Resources	Support-
<u>HB 263</u> Rep. Matthew Monforton (69-Bozeman)	This bill would have removed Madison Buffalo Jump State Park from the list of primitive parks in Montana. Removing the park from the list would have allowed for greater commercial development of the park, and specifically a paved road leading to the lookout.	Failed in (House) Fish, Wildlife, and Parks	Oppose
<u>HJ 19</u> Rep. Ed Lieser (5-Whitefish)	This house joint resolution aimed to emphasize the importance and value of public lands in Montana. Public Lands are vital to Montana’s economy, recreation, heritage, and quality of life. This resolution opposed any effort to claim, take over, litigate, or sell off federal lands in the state of Montana.	Failed in (House) Natural Resources.	Support

<p>HB 496</p> <p>Rep. Kerry White (64, Bozeman)</p>	<p>This bill would have created a task force of four voting members (2 legislators from each party), 2 non-voting members (the state forester and the administrator for the trust land management division of the DNRC), and two presiding officers, to study assumptions of ownership and management for Bureau of Land Management and US Forest Service lands in Montana. The analysis was to include impacts of wildfire, how to make land transfer cost-effective, estimated values of existing natural resources, reporting on management costs, reporting on Payment in Lieu of Taxes, and Secure Rural Schools funding from the federal government, options for incremental transfer, and more. This bill included a \$35,000 price tag that is an unnecessary financial burden for tax payers.</p>	<p>Passed House and Senate; VETOED by the Governor</p>	<p>Oppose</p>
Subdivisions & Land Use Planning			
<p>HB 182</p> <p>Rep. Forrest Mandeville (57-Columbus)</p>	<p>This bill would have prohibited a governing body from considering how land proposed to be subdivided will be used unless the land is zoned. This bill would have severely weakened local governments from considering the impacts a proposed development might have on water quality, quantify, wildlife, agricultural lands, local services like police and fire transportation and public health and safety in un-zoned areas during the subdivision review process. There is a substantial difference between impacts from a single-family home, multifamily housing, commercial use or industrial use of a parcel of property.</p>	<p>Failed in the House</p>	<p>Oppose</p>
General Government Policies			
<p>SB 262</p> <p>Sen. Chas Vincent (1-Libby)</p>	<p>The 2015 Legislative session was the final opportunity for the state to ratify the Confederated Salish and Kootenai Tribes (CSKT) Water Compact. If the legislature did not approve the CSKT compact, the tribes would have had to file their water rights in the</p>	<p>Passed House and Senate; Signed into Law</p>	<p>Support</p>

	<p>Montana Water Court and pursue litigation to adjudicate their water rights by June 30, 2015. The CSKT Water Compact is a common sense solution to the difficult challenge of tribal reserved water rights. It offers a more certain path into the future for water users and the people of Montana.</p>		
<p>SB 248 Sen. John Brenden (17 - Scobey)</p>	<p>This bill would have required that during legislative public comment (either written testimony or during a hearing) the person providing testimony identify their name, city, and state of residence. If a person fails to provide this information, either through mistake or a concern of privacy issues, the legislator or committee may not accept the comment. Legislators already have the ability to weigh and consider public comments based upon their content and who has provided them. Furthermore, this bill would needlessly have prevented valuable information from being considered by the legislature.</p>	<p>Passed House and Senate; VETOED by the Governor</p>	<p>Oppose</p>
<p>SB 402 Sen. Duane Ankney (20, Colstrip)</p>	<p>This bill would have charged out-of-state utilities hundreds of millions of dollars per year for up to forty years if that company decides to close any portion of the Colstrip coal-fired power plant. Any owner who decides the close of any portion of the Colstrip plant would also be responsible for the clean-up costs of the other Colstrip owners. This bill was not only unconstitutional, it is terrible public policy and sends the message to Montana businesses that even if their business is not profitable, the legislature may require that business continue to operate if it creates jobs in the community.</p>	<p>Failed in the House</p>	<p>Oppose</p>