



BILL TABLE – 2019 MONTANA LEGISLATURE

This table contains the bills we are working on during the 2019 Montana Legislature. For more information, contact Amy Seaman at 406-210-9449 or aseaman@mtaudubon.org, or Wyatt Smith at 406-241-7897 or wsmith@mtaudubon.org.

Acronyms: FWP - MT Fish, Wildlife & Parks; DNRC - MT 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

Legislation at the 2019 Montana Legislature			
Bill Number/ Sponsor	Description	Status	Audubon Position
Wildlife & Habitat Protection			
<u>HB 227</u> Rep. Forrest Mandeville (R-Columbus)	HB 227 attempts to amend the rabies control act by adding a 5th provision to definitions and a 4th provision to prohibition of wild animals exceptions of ‘vaccinated animal’ that allows anyone to own a wild animal -- skunk, fox, raccoon, or bat -- that is born in captivity and vaccinated on a schedule designed by the Department of Public Health and Human Services.	Tabled in Committee	Oppose
<u>HB 161</u> Rep. Brad Tschida (R-Missoula)	The bill would require Montana Fish, Wildlife and Parks (MTFWP) to only use facts and scientific data when prescribing wildlife management. However, under Montana’s Constitution, public input must be considered when making decisions on wildlife management, including on hunting seasons, fishing regulations and non-game wildlife. HB 161 ignores	Tabled in Committee	Oppose as amended

	this and would erode the public trust. Amendments to the bill further remove the human dimensions staffer from the departments work force.		
SB 68 Sen. Bruce Gillespie (R-Ethridge)	This bill removes the residency requirement for pilot participation in the state's aerial predator control program. This program licences between 16-24 pilots a year. This bill was amended to make sure animals not classified as predators, like grizzly bears and wolves are not affected.	Referred to House Committee	Neutral with amendments
HB 29 Rep. Theresa Manzella (R-Hamilton)	This bill, known as the "bird-dog" bill modifies regulations put in place in the early 80's to regulate bird-dog training. It cleans up old, unenforceable language and puts FWP on a better path towards modifying this section of law.	Referred to Senate Committee	Support
HB 132 Rep. Kenneth Holmlund (R-Miles City)	This bill adds a clarification to the definition of "wild bison" or "wild buffalo" to include "never has been subject to a per capita fee under 15-24-921." The changes are not necessary, and target herds on private lands.	Passed 2nd Reading	Oppose
HB 142 Rep. Joshua Kassmier (R - Fort Benton)	This bill amends the definition of weed management in our state to "integrated weed management", a simple change that acknowledges the multifaceted approach needed to treat noxious weeds in our state. It would allow funding for weed management to extend far beyond herbicides to include multiple treatment types and to support education around the issue.	Hearing 2/19	Support
HB 143 Rep. Neil Duram (R - Eureka)	This simple bill lifts the sunset on the three-day non-resident upland bird hunting license. These licenses help fund the upland game bird enhancement program that benefits many other birds and wildlife as well.	Waiting Executive Action	Support
HB 265 Rep. Kerry White (R - Bozeman)	If passed, this bill would require MT Fish, Wildlife & Parks to have land acquisitions and conservation easements approved by the Land Board if they are larger than 100 acres or cost more than \$100,000. This politicizes the opportunity landowners have to put conservation easements on their land.	Waiting for 2nd Reading	Oppose
HB 279 Rep. Bob Brown (R-Thompson Falls)	This bill would allow "ethical trappers" licensed to trap wolves to be reimbursed with private money for costs incurred during harvest. This bill amounts to a bounty on wolves, commercializes wildlife, and won't solve elk or wolf management challenges.	Waiting for Executive Action - likely 2/14	Oppose

<p><u>HB 280</u> Rep. Bob Brown (R-Thompson Falls)</p>	<p>This bill adds a wolf harvesting license to the state's resident class AAA Combination Sports license for no extra cost. If this bill passes, the Dept. of Fish, Wildlife & Parks will lose funding normally directed to the state's comprehensive wolf management program. Proposed amendments change to cost to reduce financial losses to MTFWP.</p>	<p>Waiting for Executive Action</p>	<p>Oppose unless amended to reduce financial impacts</p>
<p><u>HB 281</u> Rep. Bob Brown (R-Thompson Falls)</p>	<p>This bill adds a wolf harvesting license to the state's non-resident class B-10 Combination Sports license for no extra cost. If this bill passes, the Dept. of Fish, Wildlife & Parks will lose funding normally directed to the state's comprehensive wolf management program. Proposed amendments change to cost to reduce financial losses to MTFWP.</p>	<p>Waiting for Executive Action</p>	<p>Oppose unless amended to reduce financial impacts</p>
<p><u>SJ 6</u> Sen. Mike Cuffe (R-Eureka)</p>	<p>This resolution calls for the delisting from the federal Endangered Species Act of grizzly bears throughout all of Montana. Grizzly bear recovery has come a long way, but several recovery areas within Montana are well below the targeted population for recovery, and some have no confirmed grizzly bears. It calls on Congress to bypass the U.S. Fish and Wildlife Service, and make the boundary of Montana a distinct grizzly population regardless of science about connectivity of bear populations. SJ 6 is premature and sends the message that Montana isn't ready for long-term grizzly conservation and management.</p>	<p>Waiting for Executive Action</p>	<p>Oppose</p>
<p><u>HB 287</u> Rep. Bridget Smith (D - Wolf Point)</p>	<p>This bill would require 24 hour checks for both traps and snares used to trap furbearers. It also allows licensed trappers to check each others traps, to accommodate the 24 rule, and limit trapper hardship.</p>	<p>Waiting for Executive Action</p>	<p>Support</p>
<p><u>SB 127</u> Sen. Jill Cohenour (D-East Helena)</p>	<p>SB 127 would prohibit the sale of wildlife location and identification information to hunters.</p>	<p>Passed Committee as Amended (10-0)</p>	<p>Support</p>
<p><u>HB 411</u> Rep. Willis Curdy (D-Missoula)</p>	<p>This bill would provide for continued funding for the state's Aquatic Invasive Species (AIS) program through the purchase of an invasive species pass for all vessels operated on the waters of this state, including motorized and non-motorized vessels. It extends the fees for hydroelectric facilities and it decreases fee for nonresident anglers.</p>	<p>Hearing 2/22 House Natural Resources</p>	<p>Support</p>

<p>HB 402 Rep. Greg Hertz (R-Polson)</p>	<p>This bill defines invertebrate pests as invasive species as defined in 80-7-1003. The bill allows a local governing body to create programs to manage and suppress invertebrate pests as they do with vertebrate pests. It also allows these entities to enter cooperative agreements with other agencies to execute this management. The bill further defines penalties for violations of invasive species ordinances.</p>	<p>Hearing 3/13 House Natural Resources</p>	<p>Oppose as alternative to fully funding state-wide AIS programs.</p>
<p>SB 190 Sen. Mike Phillips (D-Bozeman)</p>	<p>This bill strengthens federal prohibitions on the import, sale, purchase, barter, or possession with intent to sell, of ivory and rhinoceros horn, but excludes elk ivories.</p>	<p>Waiting for Executive Action</p>	<p>Support</p>
<p>SB 186 Sen. Mike Phillips (D-Bozeman)</p>	<p>This bill seeks to prohibit contest for harvesting predatory animals including coyotes and red foxes. Some exemptions for contests concerning largest antlers, or weight, etc. will remain in statute.</p>	<p>Hearing 2/19 Senate Fish and Game</p>	<p>Support</p>
<p>SB 187 Sen. Mike Phillips (D-Bozeman)</p>	<p>This bill would prohibit the use of a motor vehicle to purposely injure or kill predatory animals, a practice we were surprised to learn happens at all!</p>	<p>Hearing 2/19 Senate Fish and Game</p>	<p>Support</p>
<p>HB 332 Rep. Joshua Kassmier (R - Fort Benton)</p>	<p>This bill would require approval by a board of county commissioners prior to wild bison or wild buffalo being released into a county. This erodes FWP authority over wildlife, and the bill is written so that prohibiting bison in a county could be enforced by a county growth policy. This would be the only instance when a growth policy has regulatory power. The bill also requires transferred bison to certified as brucellosis free.</p>	<p>Hearing 2/14 House Agriculture</p>	<p>Oppose</p>
<p>HB 509 Rep. Gordon Pierson (D-Dearlodge)</p>	<p>Each wildlife population count conducted by the department or commission must be reviewed for accuracy at least once every 5 years by an independent third party.</p>	<p>Hearing 2/21 House Fish, Wildlife, & Parks</p>	<p>Oppose</p>
<p>HB 497 Rep. Wylie Galt (R - Martinsdale)</p>	<p>This bill enables the Fish & Wildlife Commission to establish shoulder seasons for the harvesting of elk. This could allow a single individual harvest up to 3 elk in a license year.</p>	<p>Hearing 2/19 Fish, Wildlife, & Parks</p>	<p>Oppose</p>

HJ 18 Rep. Wylie Galt (R - Martinsdale)	This is a joint Senate and House resolution intended to send Montana Fish, Wildlife & Parks and the Montana Fish & Game Commission a message about the urgency of establishing a shoulder season for elk.	Hearing 2/19 Fish, Wildlife, & Parks	Oppose
Wildlife Program Funding			
HB 5 Rep. Jim Keane (D-Butte)	This bill contains funding authorization for FWP's capital projects, including Habitat Montana, Upland Game Bird Enhancement Program, Migratory Bird Program, Bighorn Sheep Auction Funds and Fishing Access Site Acquisition. Funding for these programs comes from sportsmen and women's license dollars and is earmarked specifically for these programs. Not authorizing them simply means the funds stay in the bank. The funds support conservation and enhancement of critical wildlife habitat, and provide great hunting and fishing access opportunities.	Re-referred to House Appropriations	Support
HB 32 Rep. Willis Curdy (D - Missoula)	This bill provides for continued funding for the state's Aquatic Invasive Species (AIS) program through the purchase of an invasive species pass for all vessels operated on the waters of this state, including motorized and non-motorized vessels. It also requests the appropriation of about 2 million in state general funds. While we support boaters' contributions to the AIS program, we support a more comprehensive approach that includes contributions from hydro power producers as well.	Waiting for Executive Action	Oppose
HB 148 Forrest Mandeville (R-Columbus)	If passed, the bill would require a 2/3 supermajority vote in each chamber to enact a new tax or fee or tax or fee increase. This bill would strip future legislatures of the ability to responsibly manage state finances and cripple our ability to meet pressing revenue needs, including adjusting items like hunting and fishing licenses, natural resource permit applications, and other state special revenue sources critical for agencies to accomplish their statutory obligations.	Waiting for Executive Action	Oppose
Climate Change & Energy			
HB 78 Rep. Zac Perry (D-Martin City)	HB 78 had unanimous support in the energy interim committee. It requires for-profit electric utilities (i.e. NorthWestern Energy and Montana Dakota Utilities) to hold at least two public meetings as part of their long-term resource planning processes. HB 78 is a step forward for transparency and consumer	Referred to Senate	Support

	<p>protection. Having at least two public planning meetings allows more experts to provide perspective and feedback to the utility that it might not otherwise have access to or consider. All other major utilities in the northwest hold planning meetings that are open for anyone to attend. Only NorthWestern currently has closed-door, invite-only meetings. HB 78 is a step in the right direction for more participation and transparency in the planning process.</p>		
<p>SB 93 Sen. Tom Richmond (R-Billings)</p>	<p>This bill requires solar installations with greater than 2MW capacity to provide for decommissioning bonds that will be posted during year 15 of operation. Bonds could be modified as needed, however the small scale of projects targeted could complicate the growth of an industry we want to encourage.</p>	<p>Bill Passed Committee as Amended (8-5)</p>	<p>Oppose as written</p>
<p>HB 193 Rep. Mary Ann Dunwell (D - East Helena)</p>	<p>HB 193 by Rep. Mary Ann Dunwell (D-Helena) would require large sources of greenhouse gases (i.e., coal-fired power plants and refineries) to pay \$10 per ton of greenhouse gases that they emit into the atmosphere. It also would require the state to develop and implement a modest plan to reduce greenhouse gas emissions below 2005 levels by 25% by 2035 and 50% by 2050. This bill would force large industrial polluters to incorporate climate risks caused by greenhouse gases into the cost of doing business. A carbon price helps level the playing field by making sure all fuel prices reflect a small portion of impacts. The revenue generated by HB 193 would go toward coal community transition, remediation of contaminated sites, economic development, infrastructure and the state general fund.</p>	<p>Tabled in Committee</p>	<p>Support</p>
<p>SB 97 Sen. Frank Smith (D - Poplar)</p>	<p>SB 97, by Sen. Frank Smith (<i>D-Poplar</i>), requires pipeline permit applicants to complete construction within seven years of their application approval. Applicants who fail to meet this deadline will have to reapply. It will also require that agencies evaluate the impacts to cultural resources, such as important Native American sites, when conducting an environmental impact statement for a pipeline application. SB 97 also requires installation of shut-off valves to protect critical freshwater resources, leak detection equipment to improve response times for pipeline bursts, and siting</p>	<p>Tabled in Committee</p>	<p>Support</p>

	requirements to avoid “sensitive” areas.		
HB 271 Rep. Bridget Smith (D-Wolf Point)	HB 271, by Rep. Bridget Smith (<i>D-Wolf Point</i>), requires that new pipelines, such as the Keystone XL Pipeline, be located within the footprint of existing pipeline infrastructure and that the pipeline avoid sensitive areas such as state parks, federal Wilderness areas, and tribally recognized cultural sites. HB 271 also requires installation of shut-off valves to protect critical freshwater resources, and a more thorough analysis of a proposed pipeline’s impacts to Montana heritage properties. The bill also requires that the pipeline be constructed within seven years of permit approval.	Waiting for Executive Action	Support
SB 189 Sen. Dick Barrett (D-Missoula)	SB 189 would establish a tax on greenhouse gas emissions from electric generation facilities. The bill also directs the Montana Board of Environmental Review to adopt rules governing emission reporting, a carbon offset program, and carbon fees to fund the state program. The bill also institutes a \$10 carbon tax less any carbon offsets that are authorized by rule. Sources can reduce their carbon emissions obligations by 50% using carbon offsets.	Waiting for Executive Action	Support
HB 415 Joe Read (R-Ronan)	Would prohibit the state from implementing any federal regulation limiting greenhouse gas pollution. The bill also prohibits any state employee from participating in any national discussion of greenhouse gas regulatory programs meaning Montana's opinion will not be considered when the federal government crafts a regulation on climate change.	Waiting for Executive Action	Oppose
SB 190 Sen. Mike Phillips (D-Bozeman)	SB 190 would require the state to develop a plan to reduce greenhouse gas emissions below 2010 levels by the following time frame: 25% reduction by 2022; 50% reduction by 2030; and 100% reduction by 2050. The state must also develop a monitoring and reporting program and track progress toward the reduction goals.	Tabled in Committee	Support
HB 22 Sen. Laurie Bishop (D-Livingston)	HB 22 returns contract lengths for independent wind and solar "Qualifying Facilities" (QF's) to 25 years, the same length they were before a harmful 2017 Public Service Commission ruling. QF's are the largest driver of new wind and solar projects in Montana. 25 years is a standard contract length for power plants.	Waiting for Executive Action	Support

	NorthWestern itself has asked for and received guaranteed revenue recovery for its own power plants at lengths of 25, 30, 34, and 50 years.		
SJ 8 Sen. Dick Barrett (D-Missoula)	SJ 8 is a joint resolution to the U.S. Congress that asks the federal government to change its current policy on climate change and join the international community in making a joint, concerted effort to implement global policy that would scale-back greenhouse gas emissions--among other important, forward-thinking policies--heading into the future.	Hearing 2/19 Sen. Energy & Telecommunications	Support
HB 487 Rep. Derek Skees (R - Kalispell)	This bill allows Montana utilities to incorporate hydropower into their Renewable Portfolio Standard. Currently Montana Dakota Utilities and Northwestern energy both need to meet the RPS, however MDU has no hydropower currently. Adding hydropower to the RPS would defeat the laws intent and disrupt positive market influences on Montana's energy sector.	Hearing 2/18 House Federal Relations, Energy & Telecommunications	Oppose
HB 417 Rep. Marvin Weatherwax (D - Browning)	This bill would mandate that if significant new environmental issues are discovered for a project requiring a Major Facility Siting Act (MFSA) certificate, the MFSA certificate holder is found to have made false statements in the application, or if the MFSA certificate holder fails to maintain safety standards to comply with the certificate, the Department of Environmental Quality must suspend or revoke the certificate. This bill could apply to the Keystone XL pipeline, forcing the company and state to try harder to prevent disastrous spills that could affect drinking and irrigation water of thousands of people near the pipeline.	Hearing 2/20 House Natural Resources	Support
General Environmental Protection			
SB 117 Sen. Dee Brown (R-Flathead)	This bill would require the MDOT only use chloride based liquid deicers between December 1st and March 31st, while reducing the current level of use by 10% each year over the 10 years following the enactment.	Waiting for Executive Action in Senate Finance and Claims	Support
SB 32 Sen. Jon Sesso (D- Butte)	This bill would create a stream gauge oversight working group that is supported by the DNRC. The group would improve the ability to monitor and manage water across the state. The bill was	Bill Passed as Amended (15-0)	Support

	amended with a sunset date in the Senate committee.		
SB 120 Sen. Sue Malek (D-Missoula)	<p>This bill would limit retail food establishments from providing single-use plastic straws unless they were requested by the consumer. This bill is a sensible step forward in reducing the estimated 500 million straws used daily in the US.</p> <p>*We are working with Sen. Malek on an amendment to exempt quick service restaurants from requiring that customers request straws to help this bill gain support within this committee.</p>	Tabled in Committee	Support as written
SB 121 Sen. Sue Malek (D-Missoula)	<p>This bill would establish a 4 cent fee on disposable plastic bags, and create a grant program that would allow those funds to be used for recycling and waste reduction programs.</p> <p>*We are working on amendments with Sen. Malek to exempt small businesses, farmers markets, and drive-throughs to help this bill gain support within the committee.</p>	Tabled in Committee	Support as written
HB 165 Rep. Marilyn Marler (D-Missoula)	<p>HB 165 would require food establishments and other establishments to phase out their use of styrofoam over a two year timeline from 2022 - 2024.</p>	Tabled in Committee	Support as written
SB 48 Sen. Tom Richmond (R-Billings)	<p>SB 48 would allow for the Montana DEQ to adopt rules and issue "variances" from water quality standards to polluters. DEQ claims that this bill is simply implementing federal clean water act regulations. However, the bill goes much farther than federal water quality regulations. There are important differences between SB 48 and the federal Clean Water Act and implementing regulations (some of which are currently before a federal district court in Montana). There are also serious legal conflicts between SB 48 and the Montana constitution. SB 48 allows for water pollution dischargers to receive variances years before they are required to produce and implement pollution reduction plan. A variance can be issued when a polluter can not "reasonably be expected to meet the standard" This is a new, undefined, and arbitrary standard which conflicts with federal law. Essentially, SB 48 contains provisions that will</p>	Waiting for Executive Action	Oppose

	dramatically weaken Montana's water quality protections and open the door for abuse.		
Public Lands, Recreation & Parks			
<u>SB 102</u> Sen. Roger Webb (R-Billings)	This bill would increase the \$6 dollar opt-out fee for state parks on your vehicle registration to a \$25 dollar opt-in fee. Passing this bill would result in around a \$2 million dollar net decrease in funding to the state park system.	Tabled in Committee	Oppose
Subdivisions & Land Use Planning			
<u>SB 33</u> Sen. Tom Richmond (R-Billings)	This bill removes the requirement for a “phased development” of a subdivision to include a public hearing prior to the commencement of developing each subsequent phase, ignoring adverse impacts that may have arisen during the platt’s development.	Tabled Local Government	Oppose