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TSRIA NEWS

March 2015

2015 Montana Legislative Session

The 2015 Montana Legislative Session has reached its mid-point and will reconvene Thursday, March 5. It has been a busy session for bills important to Montana's natural resource industries. The following is a description of some of the bills in which TSRIA has engaged or monitored.

Agriculture

Still Alive

SB 284-Sen. Brenden-Require county commissioner approval for bison relocation-Passed Senate 32-17.

HB 145-Rep. Cuffe-Create livestock loss reduction restriction account-Passed House 89-10.

SB 255-Sen. T. Brown-Revise requirements for advancing agricultural education in Montana-Passed Senate 50-0.

Probably Dead

SB 342-Sen. Phillips-Revise bison management (define imminent threat of transmitting disease for when animal be destroyed)-missed transmittal deadline.

Construction/Transportation

Still Alive

HB 222-Rep. Hollandsworth-Revise laws related to oversize loads-Passed House 73-27.

SB 353-Sen. Ripley-Constitutional referendum to divert coal trust to create infrastructure building program-Passed Senate 30-20.

SB 354-Sen. Ripley-Create infrastructure funding program-Passed Senate 29-21.

SB 314-Sen. Webb-Interstate pipeline compact-Passed Senate 29-21.

Coal Mining

Still Alive

SB 112-Sen. Ankney-Establish TMDLs for certain water bodies-Passed Senate 33-17.

SJ 13-Sen. Ankney-Joint resolution in support of coal exports-Passed Senate 37-13.

SB 160-Sen. Ankney-Add definition for natural condition of a stream-Passed Senate 36-14.

HB 421-Rep. Berry-Extend termination date of coal severance coal washing credit-In House Tax Committee.

Probably Dead

SB 159-Sen. Ankney-Revise water standards for Eastern Montana tributaries-missed transmittal deadline.

Hard Rock Mining

Still Alive

HB 235-Rep. Lynch-Reallocate metal mines tax-Passed House 93-7, referred to House Appropriations Committee.

SB 20-Sen. Vincent-Reallocate metal mines tax-In Senate Natural Resources Committee.

Probably Dead

SB 218-Sen. Sheehy-Moe-Increase the bond for certain metal mines-missed transmittal deadline.

HB 458-Rep. Z. Brown-Smith River Legacy Act-missed transmittal deadline.

HB 476-Rep. McConnell-Require reinjection of groundwater at mines-missed transmittal deadline

Utilities/Electricity Generation & Transmission

Still Alive

SJ 12-Sen. Connell-Study net metering laws-Passed Senate Energy Committee 12-0.

SB 327-Sen. Blasdel-Revise Qualifying Facility laws-Passed Senate 49-0.

SB 114-Sen. Debby Barrett-Define all hydroelectric power as renewable-Passed Senate 34-16.

SB 321-Sen. Blasdel-Exclude propane delivery from PSC regulation-Passed Senate 41-9.

Probably Dead

SB 182-Sen. Phillips-Provide neighborhood net metering-missed transmittal deadline.

HB 294-Rep. B. Smith-Revise net metering laws-missed transmittal deadline.

HB 188-Rep. Wittich-Revise net metering laws-missed transmittal deadline.

HB 192-Rep. Wittich-Revise net metering laws-missed transmittal deadline.

HB 485-Rep. Wittich-Revise net metering laws-missed transmittal deadline.

HB 489-Rep. Pinocci-Revise net metering laws-missed transmittal deadline.

SB 343-Sen. Webb-Revise net metering laws-missed transmittal deadline.

SB 134-Sen. Fielder-Allow aggregate net metering-missed transmittal deadline.

HB 230-Rep. Zolnikov-Repeal Community Renewable Energy Project laws-missed transmittal deadline.

SB 236-Sen. Webb-Limit authority to regulate carbon to discretion of the Legislature-missed transmittal deadline.

HB 401-Rep. Fitzpatrick-Revise renewable resource laws pertaining to treated wood-missed transmittal deadline.

SB 305-Sen. Kary-Revise Community Renewable Energy Project laws-missed transmittal deadline.

Oil and Gas

Still Alive

HB 226-Rep. Richmond-Revise oil and gas impact mitigation account-Passed House 95-4.

SB 145-Sen. Hamlett-Revise allocation of oil and gas revenue for impact projects-Passed Senate 44-6.

HB 310-Rep. Jacobson-Amend Montana Constitution to establish oil and gas trust fund-Passed House Tax 11-9.

HB 411-Rep. Richmond-Revise price of barrel of crude oil in relation to production tax rates-in House Tax Comm.

Probably Dead

HB 243-Rep. Dunwell-Require full public disclosure of hydraulic fracture fluids-missed transmittal deadline.

SB 172-Sen. Stewart-Peregoy-Require water testing at oil and gas well sites-missed transmittal deadline.

SB 173-Sen. Kaufmann-Require bonds for oil and gas development-missed transmittal deadline.

SB 177-Sen. McNally-Prohibit oil and gas drilling within 1000' radius of surface water-missed transmittal deadline.

HB 253-Rep. Court-Prohibit earthen pits or ponds for oil and gas development-missed transmittal deadline.

Forest/Wood Products

Still Alive

SB 188-Sen. Vincent-Revise liability for forest and range fires-Passed Senate 38-11

SB 256-Sen. Hamlett-Authorize Attorney General to intervene in timber reduction projects-Passed Senate 50-0.

Probably Dead

HB 465-Rep. Manzella-Preserve citizens' right to heat structures with wood-missed transmittal deadline.

Wildlife

Still Alive

SB 247-Sen. Brenden-Prohibit sage grouse hunting in Montana-Passed Senate 37-11.

SB 261-Sen. Hamlett-Create Montana Sage Grouse Stewardship Act-Passed Senate 41-9.

Water

Still Alive

SB 82-Sen. Hamlett-Expand Water Policy Interim Committee duties-Passed Senate 40-8, Passed House Natural Resources Committee 17-0.

SB 262-Sen. Vincent-CSKT Water Compact-Passed Senate 31-19.

HB 180-Rep. B. Smith-Create Treasure State Endowment Regional Water System Fund-Passed House 84-13.

HB 519-Rep. Glimm-Revise exempt well laws-Passed House 67-33.

SB 325-Sen. Keane-Revise process for adopting water quality regulations-Passed Senate 49-1.

SB 330-Sen. Hamlett-Clarify state water reservation review laws-Passed Senate 50-0.

HB 36-Rep. Lynch-Allow water permit voluntary change due to incomplete use-Passed House 95-4.

HB 168-Rep. Fitzpatrick-Define combined appropriation for exempt wells-Passed House 97-2.

HB 270-Rep. Richmond-Create compliance schedule for nutrient standards-Passed House 93-6.

HB 427-Rep. Bob Brown-Appropriate funds to defend state based water rights-in House Judiciary Comm.

SB 56-Sen. Hamlett-Revise notification process for use of navigable riverbeds-Passed Senate 48-0.

SB 57-Sen. Vincent-Revise water adjudication funding-Passed Senate 50-0.

SB 58-Sen. Connell-Revise public notice for certain water rights-signed into law

SB 97-Sen. Vincent-Revise process for modifying classification of state water bodies-Passed Senate 48-1.

SB 118-Sen. Hamlett-Clarify water right not abandoned if conveyance disrupted-Passed Senate 41-9.

SB 232-Sen. Moore-Revise stream access laws to reflect Galt decision-Passed Senate 49-0.

SB 387-Sen. C. Smith-Revise water quality violation penalties-in Senate Natural Resources Committee.

SB 389-Sen. Hamlett-Define intermittent and ephemeral streams-Passed Senate 37-13.

HB 553-Rep. Noland-Revise aquatic invasive species laws-Passed House 100-0.

Probably Dead

SJ 4-Sen. Tutvedt-Joint resolution supporting CSKT Water Compact process-missed transmittal deadline.

SB 203-Sen. Hamlett-Revise exempt well laws-missed transmittal deadline.

Permitting

Still Alive

SB 102-Sen. Ankney-Revise air quality permit fee structure-Passed Senate 48-0.

Probably Dead

HB 398-Rep. Richmond-Revise laws relating to recovery of attorney fees in resource permitting-missed transmittal deadline.

Taxation

Still Alive

HB 156-Rep. Miller-Revise pollution control equipment tax laws-Passed House Tax Committee 16-4.

HB 323-Rep. Jacobson-Revise taxation of Class 5 pollution control equipment-in House Tax Committee.

SB 156-Sen. Tutvedt-Revise tax protest laws-in Senate Tax Committee.

SB 171-Sen. Tutvedt-Revise income tax and corporate tax laws-Passed 2nd Reading in Senate 33-17, passed Senate Finance and Claims Committee 16-3.

HB 213-Rep. Miller-Revise business equipment tax laws-Passed House Tax Committee 12-8.

Remediation

Still Alive

SB 136-Sen. Hamlett-Revise hazardous waste fees-Passed Senate 50-0.

SB 49-Sen. Keane-Expand use of petroleum mixing zones-Passed Senate 48-0.

SB 96-Sen. Keane-Revise controlled allocation of liability laws-Passed Senate 49-0.

Labor

Still Alive

HB 440-Rep. Kipp-Revise oil pipeline and labor laws-in House Tax Committee.

SB 351-Sen. Blasdel-Prohibit labor organizations from requiring membership for those under 18-Passed Senate 27-23.

Probably Dead

SB 205-Sen. Driscoll-Hire Montanans First Act-tabled

HB 362-Rep. Dunwell-Revise occupational health and safety standards-missed transmittal deadline.

General

Still Alive

SB 293-Sen. Hamlett-Eliminate Environmental Quality Council term limits-Passed Senate 44-6.

HB 315-Rep. Harris-Revise federal mandates act-Passed House 58-41.

SB 326-Sen. Hinkle-Revise state land laws to require public notice of land closures and restrictions to recreational use-in Senate Natural Resources Committee.

HB 244-Rep. Essman-Fund litigation to protect Montana's interests in interstate commerce-Passed House 53-45.

SB 298-Sen. Fielder-Enforce provisions of enabling act regarding sale of public lands in Montana-Passed Senate 33-17. (Sen. Fielder had a number of other bills relating to state management of federal lands in Montana that missed the transmittal deadline).

HB 593-Rep. Essman-Establish Montana Unmanned Aerial Vehicle Act-in House Judiciary Committee.

HB 586-Rep. Curdy-Prohibit unmanned aerial vehicles over certain airports, critical infrastructure and emergency operations-in House Judiciary Committee.

Probably Dead

HB 369-Rep. Fiscus-Require losing party to pay litigation costs-missed transmittal deadline.

Montana Board of Environmental Review Hearing

The Montana Board of Environmental Review will hold a hearing this week on proposed rules. On Wednesday, March 4 at 1:30 p.m., the BER will consider a proposed rule amendment to distinguish between hazardous waste generated by remediation and non-remediation activities. The rule would also reduce the fee on remediation waste to \$15 per ton and provide for a step increase in the as-generated waste fee by increasing the as-generated waste fees from \$20 per ton to \$30 per ton over the next two years. Comments on the proposed rule are due March 12.

Nearly \$1 Million Available in Specialty Crop Block Grant Program

The Montana Department of Agriculture announced an estimated \$986,000 in federal funding is expected to be available through the Specialty Crop Block Grant (SCBG) program. The department is now accepting applications for this competitive grant program. All grants must be approved by the State of Montana and the United States Department of Agriculture (USDA). Montana's SCBG program benefits projects solely enhancing the competitiveness of Montana specialty crops. Specialty crops include fruits and vegetables, peas, lentils, horticulture and nursery crops, including floriculture. A list of crops commonly considered Montana specific is available on the program's website <http://agr.mt.gov/agr/Programs/Development/GrantsLoans/SCBG/Definition.html>.

Senate Keystone Veto Override Vote Expected Thursday

By Laura Barron-Lopez of *The Hill*, 3/2/15

The Senate will vote Thursday on whether to override President Obama's veto of legislation authorizing the Keystone XL oil sands pipeline. Don Stewart, spokesman for Senate Majority Leader Mitch McConnell (R-Ky.), said the senator will file cloture on Wednesday to set up the final vote. "The cloture vote would then likely be Wednesday and the override on Thursday," Stewart said. Republican leadership had originally planned to hold the cloture vote Tuesday, and final override vote on Wednesday, but late action on Friday by the House to fund the Department of Homeland Security changed the schedule.

Coal Company Says EPA Climate Rule Already Hurting Industry

By Timothy Cama of *The Hill*, 2/27/15

A major coal company is arguing that the Environmental Protection Agency's (EPA) proposed climate rule for power plants is already having an effect on its operations.

Murray Energy Corp. told the Court of Appeals for the District of Columbia Circuit Thursday that, since the EPA's proposal is already hurting its finances, it should be allowed to pursue its lawsuit against the rule. "The mere pendency of the proposed rule causes immediate harm because coal producers and utility customers must make — and are making — current business decisions now," the company wrote in its final brief to the court before oral arguments for the case in April.

"EPA's pursuit of this rule-making continues to pressure states and capital markets to dismantle Murray Energy's customer base," it said.

Murray's argument is in response to the EPA's assertion to the court that since the regulation has only been proposed and has not been enforced, companies like Murray do not have standing to challenge it. "The cloture vote would then likely be Wednesday and the override on Thursday," Stewart said.

Republican

Upcoming Events/Dates

March 4-5 Montana Board of Environmental Review Hearing MDEQ, Helena	March 31 Montana Legislature: transmittal of appropriation and revenue bills
March 12-14 REAL Montana-State Government Seminar Helena	April 30 Montana Legislature: 90 th Legislative Day
March 16 MT Board of Land Commissioners Supreme Court Chambers Helena	May 20-21 Montana Mining Association Annual Meeting Fairmont Hot Springs