



3117 Cooney Dr. Ste 101
Helena, MT 59602
(406) 443-5541
tsria@mt.net
www.tsria.org

TSRIA NEWS

May 2015

2015 Montana Legislative Session

The 2015 Montana Legislative Session adjourned on April 28. Much of the media coverage since adjournment has centered on the Legislature's failure to pass SB 416—a compromise bill that would have funded a variety of infrastructure projects around Montana. However, a quite a few bills important to Montana's natural resource industries made it through the process and were signed into law. The following bills were monitored throughout the session by TSRIA.

Agriculture/Livestock

Signed into Law

- SB 62, Sen. T. Brown-Revise the reporting dates for per capita livestock fees
- SB 108, Sen. Moore-Clarify and revise department of livestock per capita fee calculation
- HB 108, Rep. Salomon-Revise noxious weed budget laws
- HB 194, Rep. Redfield-Revise bison laws (required forage analysis)
- HB 390, Rep. Lang-Revise agricultural commodity committee laws
- HB 145, Rep. Cuffe-Revise livestock loss laws
- SB 183, Sen. T. Brown-Revise milk licensing assessments
- HB 557, Rep. B. Harris-Revise laws regarding legal fences

Transmitted to Governor

- SB 284, Sen. Brenden-Require county approval for bison relocation

Died in Process

- SB 210, Sen. Vuckovich-Include mountain lion in livestock loss program
- HB 245, Rep. Ballance-Revise laws related to raw milk

Water

Signed into Law

- SB 56, Sen. Hamlett-Revise riverbed laws
- SB 58, Sen. Connell-Revise public notice for certain water rights
- SB 97, Sen. Vincent-Revise process to modify classification of state water bodies
- SB 82, Sen. Hamlett-Expand water policy interim committee duties
- HB 36, Rep. Lynch-Allow water permit volume change due to incomplete use

HB 168, Rep. Fitzpatrick-Define combined appropriation for exempt wells in certain cases
SB 57, Sen. Vincent-Revise water adjudication funding and benchmarks
SB 112, Sen. Ankney-Require TMDL development for certain water bodies
SB 232, Sen. Moore-Revise stream access laws to reflect Galt decision
SB 262, Sen. Vincent-Implement CSKT water rights settlement
SB 325, Sen. Keane-Revise process for adopting water quality regulations
SB 330, Sen. Hamlett-Clarify state water reservation reviews
SB 255, Sen. T. Brown-Revise requirements for advancing agricultural education in Montana
HB 553, Rep. Noland-Revise aquatic invasive species laws
HB 525, Rep. Noland-Revise aquatic invasive species laws
HB 180, Rep. B. Smith-Revise regional water laws

Transmitted to Governor

SB 389, Sen. Hamlett-Provide definitions for intermittent, ephemeral streams

Vetoed

SB 160, Sen. Ankney-Revise natural condition of stream
SB 37, Sen. Fielder-Revise laws for filing of exempt water right claims

Died in Process

HB 519, Rep. Glimm-Revise exempt well laws

Oil and Gas

Signed into Law

HB 67, Rep. B. Smith-Remove Wall Street Journal as source for oil prices
SB 49, Sen. Keane-Expand the use of petroleum mixing zones
HB 393, Rep. Richmond-Certify incidental carbon storage
Filed with Secretary of State
HJ 11, Rep. Lang-Resolution supporting Keystone Pipeline
SB 368, Sen. Rosendale-Require certain pipeline information to be publicly available
HB 411, Rep. Richmond- Revise price of barrel of crude oil in relation to production tax rates

Transmitted to Governor

HB 226, Rep. Richmond-Revise oil and gas laws related to the oil and gas damage mitigation account

Vetoed

SB 145, Sen. Hamlett-Revise allocation of oil and gas revenue for oil and natural gas impact projects

Died in Process

SB 314, Sen. Webb-Interstate Pipeline Compact
HB 402, Rep. Knudsen-Generally revise laws related to oil and gas development

Electricity Generation/Distribution

Signed into Law

SB 111, Sen. Ankney-Wind generation facility impact fee for local governments
SB 327, Sen. Blasdel-Revise Qualifying Facility laws
SB 102, Sen. Ankney-Revise air quality fee structure laws

Passed Legislature

SJ 12, Sen. Connell-Study net metering laws

Vetoed

SB 114, Sen. Debby Barrett-Classify all hydroelectric power as renewable

Died in Process

SB 402, Sen. Ankney-Revise laws related to utilities and coal-fired generation

Forest and Wood Products

Signed into Law

SB 47, Sen. Pomnichowski-Increase assessments on owners of classified forest land

SB 256, Sen. Hamlett-Authorize Attorney General to intervene in timber reduction projects

Transmitted to Governor

SB 188, Sen. Vincent-Revise liability for forest and range fires

Mining

Transmitted to Governor

SB 409, Sen. Vincent-Revise metal mine laws

SB 20, Sen. Vincent-Reallocate metal mines license tax

Passed Legislature

SJ 2, Sen. Hamlett-Study state assumption of federal dredge and fill permitting

SJ 13, Sen. Ankney-Joint resolution supporting coal

Died in Process

HB 235, Rep. Lynch-Revise disposition of metal mines license tax

Taxation

Signed into Law

HB 41, Rep. Hunter-Revise tax appeal laws

HB 421, Rep. Berry-Extend termination date of coal severance coal washing credit

Transmitted to Governor

SB 171, Sen. Tutvedt-Revise income tax and corporate tax laws

HB 156, Rep. Miller-Revise tax laws related to pollution control equipment

HB 244, Rep. Essmann-Fund litigation to protect Montana's interests in interstate commerce

General

Signed into Law

HB 222, Rep. Hollandsworth- Revise laws related to oversize loads

SB 96, Sen. Keane-Revise Controlled Allocation of Liability laws

SB 136, Sen. Hamlett-Revise hazardous waste fees

SB 355, Sen. Ankney-Revise brownfield site cleanup eligibility

Transmitted to Governor

HB 270, Rep. Richmond-Revise nutrient laws to provide for modified permits

SB 261, Sen. Hamlett-Sage Grouse Stewardship Act

SB 387, Sen. C. Smith-Revise water quality violation penalties
SB 326, Sen. Hinkle-Revise state land laws requiring public notice of land closures and restrictions to recreational use
SB 298, Sen. Fielder-Enforce provisions of enabling act regarding sale of public lands in Montana

Vetoed

SB 321, Sen. Blasdel-Prevent Public Service Commission from regulating propane distribution
HB 315, Rep. Harris-Revise federal mandates act

Passed Legislature

SR5, Sen. Vincent-Confirm MDEQ Director and BER appointees

Died in Process

SB 353-Sen. Ripley-Constitutional referendum to divert coal trust to create infrastructure building program
SB 354-Sen. Ripley-Create infrastructure funding program
SJ 18, Sen. Phillips-Study light detection and ranging data
SB 416, Sen. Ankney-Provide for statewide infrastructure

Consolidated Federal Oil and Gas and Indian Coal Valuation Reform

The deadline to comment on the Department of Interior's recently proposed rule "Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform" is May 8. The proposed rule would change regulations governing valuation for royalties from oil and gas produced from federal onshore and offshore leases and coal produced from federal and Indian leases.

Comments may be mailed to: Armand Southall, Regulatory Specialist, PO Box 25165, MS 61030A, Denver, CO 80225.

Comments may also be submitted electronically at:

<http://www.regulations.gov/#!searchResults;rpp=25;po=0;s=ONRR-2012-0004;fp=true;ns=true>.

Proposed Amendment to Hazardous Waste Rules

The Montana Department of Environmental Quality is accepting comments until the end of business, May 1, on its proposed amendment to hazardous waste rules. The proposal would define "as-generated waste" as hazardous waste generated from tanks, containers, and other process units in the course of regular, ongoing, and closure of commercial, production, or other industrial activities. The Department would also define "remediation waste" as all hazardous waste, debris, and media, including ground water, surface water, soils, and sediments, that are managed for implementing cleanup.

The proposed rule assesses a \$200 plus per-ton fee for all regulated hazardous waste generated in the previous calendar year and increases fees for regulated hazardous remediation waste and as-generated waste.

The proposed rule appears to create a conflict the definitions and cap established in Montana statute with the passage of SB 136 (Hamlett, D-Cascade), which was signed into law by Governor Bullock on April 29. That legislation established: "fees for a facility or a site as a result of the generation of remediation waste may not exceed \$25,000 annually."

Comments may be addressed to: Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; or e-mailed to ejohnson@mt.gov.

Save the Date: TSRIA 2015 Annual Meeting

The 2015 Treasure State Resource Industry Association Meeting will be held September 22-23, 2015 at the Lodge at Whitefish Lake. The event will once again feature a golf scramble, banquet and a full day of presentations on issues important to Montana's natural resource industries. Additional information will soon be available at www.tsria.org.

Upcoming Events/Dates

May 8 Water Pollution Control Advisory Committee MDEQ, Helena
May 20-21 Montana Mining Association Annual Meeting Fairmont Hot Springs
September 1-2 MT Petroleum Association Annual Meeting Crowne Plaza Billings
September 22-23 TSRIA Annual Meeting Lodge at Whitefish Lake