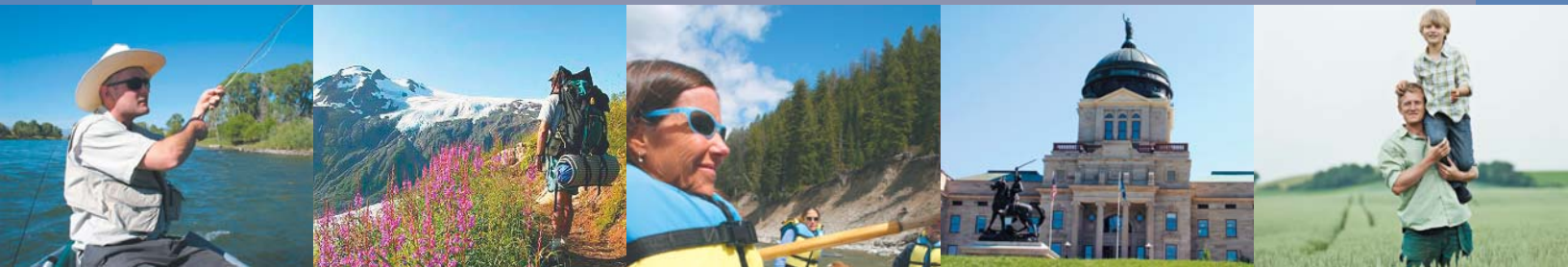


# MONTANA LEGISLATIVE **2007** SCORECARD



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**Montana Conservation Voters** is the nonpartisan political voice of Montana's conservation and environmental community. MCV is dedicated to informing voters of the votes and actions of elected officials - from City Hall to Congress - affecting clean water and air, fish and wildlife, public health, open space, and citizen participation in government. Through its affiliated Political Action Committee, MCV supports candidates who will fight for Montana's conservation values.

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## Know the Score

This scorecard shows you how legislators voted on key environmental bills. In consultation with the other groups working on legislation, MCV used the following criteria for featured scorecard votes:

- The vote is on a bill deemed important to MCV members;
- The votes reflect a broad cross-section of issues deemed important by the groups lobbying for conservation and the environment in Helena;
- The vote shows a clear choice by legislators for or against conservation aims. The scorecard doesn't include votes where there was no significant lobbying on one side or the other. Votes that were nearly unanimous were excluded because they lack information about how legislators voted when faced with a choice to protect the environment;
- The votes used in determining the scores are on actual legislation and procedural votes on priorities.

While the scorecard is a reliable indicator of where legislators stand on important conservation issues, it doesn't give enough credit to legislators who sponsor bills or speak on the House and Senate floor and in committees, or those who work behind the scenes to pass good legislation and kill bad bills. Look at the sponsors of the measures supported by MCV for a picture of the conservation champions in the legislature. Likewise, a vote tally does not exclusively show the actions of legislators who worked to weaken Montana's conservation laws or set us back.

Votes on bills in key committees (pages 17-18) provide more insight into legislators' voting patterns, illustrating how some voted on bills that never made it to a floor vote because they were killed in committee. Committee votes aren't counted in legislators' scores.

MCV serves a unique purpose as the political arm of the environmental and conservation community. Advocating on behalf of priorities set by the wider conservation community are MCV legislative lobbyists Sarah Cobler and Jeanne Marie Souvigny. To help achieve conservation victories with our friends, MCV phoned thousands of voters and conducted outreach by mail, email, and door canvass. MCV produced the weekly *Hot List* for legislators, convened legislative meetings, and organized regular meetings with environmental lobbyists. When it's all said and done, with your help, MCV holds legislators accountable for their votes.

# Dear Conservation Voter,

The 60<sup>th</sup> Montana Legislative Session was another reminder that voters can make a difference in conservation and environmental policy. Citizens like you who called, wrote and visited legislators influenced the outcome of this session on behalf of the environment. After almost two decades of legislative attacks on Montana's cornerstone environmental laws, this legislature, like the 2005 session, defeated all the bills opposed by the conservation community save one, which was vetoed by Governor Schweitzer.

Lest you think that stopping the bad stuff was our greatest accomplishment, there's more to the story. This legislature passed good bills promoting energy conservation and renewables, protection of private property, new requirements for Public Service Commission-permitted energy facilities and responsible planning and growth. That's the result of the coordinated efforts of the conservation group lobbyists in Helena and grassroots organizing to connect conservation voters to their legislators.

The legislature also saw conservation advocates and legislators push the envelope on the most critical issues ranging from global warming to public access of Montana's tremendous water and land. And there were no rollbacks in Montana voting rights.

This all may come as a surprise, since the rancorous battles over the state's projected budget surplus, and the antics of a few legislators, grabbed the vast majority of headlines.

This is the first legislative session marked by a robust debate about what Montana needs to do to confront global warming pollution. People who care about keeping Montana a great place to live, work and raise a family recognize the threat global warming poses to our beautiful state, and that we need to do something about it. Lawmakers formed a global warming caucus to discuss its causes and solutions. Local officials, agricultural interests, small business and

church groups came from across the state to testify in support of clean energy, energy efficiency and carbon capture.



Unfortunately, some of the best bills advanced by conservation groups failed to pass. The petroleum industry persuaded lawmakers to reject measures that would have helped grow a fledgling Montana biodiesel industry and ensure affordable, renewable fuel and a reduction in transportation-related global warming pollution. Farmers and ranchers still face threats from irresponsible and poorly-regulated coal bed methane development. Landowners face more flooding and water quality degradation from the development pressures too close to Montana's rivers and big streams. Bipartisan, proactive measures were defeated, mostly by Republican votes in House committees, or on party-line votes on the House floor.

MCV wishes to thank those legislators on both sides of the aisle that stood up for good bills and worked against attacks on clean air and water, public health and our right to participate in government. The conservation and environmental community has seen real legislative progress in Helena since MCV began in 1999, thanks to their leadership.

But it's clear that a conservation majority is needed to achieve farther-reaching reforms.

That's where you and this scorecard come in. Please read it to find out how your legislators voted. Thank those who stood up for the environment and hold accountable those who consistently opposed Montanans' commitment to clean air and water, affordable, renewable energy and our shared outdoor values.

Theresa M. Keaveny  
Montana Conservation Voters Executive Director

## Acknowledgments

MCV acknowledges the leadership and dedication of the conservation community lobbyists and coalition partners who are chiefly responsible for the legislative priorities featured in this scorecard including Montana Audubon's Janet Ellis and intern Molly Immen; Montana Environmental Information Center staff Anne Hedges, Patrick Judge, and Jeff Barber and intern Ana Pederson; Montana Public Interest Research Group director Matt Leow and intern Derf Johnson; Northern Plains staff Rick Moore and Julia Page (as well as incredible organizing staff at home in Billings); Clark Fork Coalition's Matt Clifford; Greater Yellowstone Coalition staff Patricia Dowd and Scott Bosse; Montana Sierra Club lobbyist Don Judge and legislative coordinator Bob Clark; Montana Smart Growth Coalition director Tim Davis; Montana Trout Unlimited staff Mark Aagenes; Natural Resources Defense Council's Chuck Magraw; Montana Wildlife Federation staff Scott Chehock and lobbyist Bob Throssel; National Center for Appropriate Technology lobbyist Linda Gryczan and director Kathy Hadley; S.A.V.E. Foundation director Matt Elsaesser and staff Tyler Evilsizer; Montana Association of Churches director Rev. Brady Vardemann and volunteer Dee Anna; and National Wildlife Federation director Tom France and staff Land Tawney. Thanks also to the whole MCV staff, lobbyists Jeanne Marie Souvigney and Sarah Cobler, and legislative intern Siri Smillie.

# Conservation Votes That Count

The following descriptions detail the broad cross-section of conservation bills that appear in the Scorecard. Conservation Victories include both good conservation bills that were signed into law and bad bills that were defeated.

## SB 78: Protect public stream and river access from bridges

**Sponsor:** Sen. Lane Larson (D-Billings)

SB 78 provides a mechanism and funding for legal livestock fences at public right-of-ways on county bridges, so long as they allow public access. This measure aims to secure Montanans' constitutional right to access streams and rivers while respecting landowners' need to erect fences to manage livestock and protect private land.

Montana Trout Unlimited and the Montana Wildlife Federation were the primary conservation groups supporting the bill, with help from Hal Harper, the Governor's chief policy advisor and dozens of hunters and anglers. The Montana Stockgrowers Assn. acted as primary opponents to the bill. Members of the House Fish, Wildlife and Parks Committee added new, anti-access amendments, causing committee Democrats to table the bill. A motion to bring the original version of the bill to the House floor later failed.

**Conservation Community Position:** Support

**Senate Vote:** 2nd Reading, Feb. 9: 31Y/19N

**House Vote:** Blast Motion, Apr. 4: 47Y/50N

**Bill Status:** Passed the Senate but died in the House.

## SB 201: Give Montanans a voice in growth



**Sponsor:** Sen. Rick Laible (R-Darby)

SB 201 provides incentives for cities and counties to plan together and adopt clear standards for quality growth. It will help give people a voice in future growth and its effect on them, their property and taxes.

Montana Smart Growth Coalition and the Montana Realtors joined together in support of this measure. The bill passed with bipartisan support in the Senate and from the House Taxation committee, but awaited scheduling for 2nd reading in the House for 11 days in a so-called "pocket veto" by Speaker Sales. House members blasted the bill from committee, and it passed.

**Conservation Community Position:** Support

**Senate Vote:** 2nd Reading Mar. 28: 34Y/15N

**House Vote:** 2nd Reading Apr. 24: 65Y/33N

**Bill Status:** SB 201 passed the House and Senate and was signed by Gov. Schweitzer.

## SB 210: Expand consumer incentives for installing energy efficiency and conservation measures

**Sponsor:** Sen. Jesse Laslovich (D-Anaconda)

Montana currently offers a tax credit for home conservation and weatherization installations. The tax credit can

be claimed for 25% of the total expenses of a project, up to \$500 per taxpayer. SB 210 originally sought to increase the tax credit so that the state would reimburse 75% of the expenses for an installation, up to \$5000.

The Senate Taxation Committee reduced the significant fiscal impact of the original version of the bill, while slightly increasing the available credit to \$800. It also improved low to moderate income families' access to conservation installations by allowing them to take a tax refund instead of a credit.

The National Center for Appropriate Technology was the primary supporter of the bill. The bill stood unopposed in both Senate and House committees but was tabled by the House Taxation Committee.

**Conservation Community Position:** Support

**Senate Vote:** 2nd Reading, Mar. 28: 39Y/10N

**Bill Status:** Passed the Senate but died in the House.

## SB 218: Establish sequestration standards for carbon dioxide

**Sponsor:** Sen. Greg Lind (D-Missoula)

SB 218 would have defined carbon sequestration and called on the Board of Environmental Review to establish standards for carbon sequestration, the first step to ensuring that new and expanding coal plants are "clean and green."

The Montana Assn. of Churches, Evan Barrett, the Governor's Chief Economic Development officer and a broad coalition of conservation groups like the MEIC, the Natural Resources Defense Council and MontPIRG supported this measure. Industry interests Rio Tinto Energy America, the Montana Coal Council and Great Northern Power Development opposed it. Although the Senate Natural Resources committee passed the bill with bi-partisan support and continued to receive support from Republicans and Democrats in the floor of the Senate, the bill died on a party-line vote in the House Federal Relations, Energy and Telecommunications Committee.

**Conservation Community Position:** Support

**Senate Vote:** 2nd Reading, Feb. 20: 37Y/13N

**Bill Status:** Passed the Senate but died in the House.

## SB 345: Protect Montana's rivers through the Montana Steam Legacy Act

**Sponsor:** Sen. Bob Hawks (D-Bozeman)

Rivers and streams increasingly suffer from development pressures. This legislation would have created minimum statewide setbacks for new non-agricultural buildings along rivers and streams, protecting riparian areas, public access to waterways, and drinking water supplies.

Montana Audubon, Montana Trout Unlimited and the Greater Yellowstone Coalition were joined by Hal Harper (Gov. Schweitzer's chief policy advisor), numerous fishing guides and outfitters, individual realtors, the Assn. of State Floodplain Managers and Missoula, Flathead and Gallatin Counties in support of the measure. The Montana Assn. of Realtors and the Montana Home Builders Assn. were

the primary opponents to the bill. This tightly crafted and broadly supported bill died on the Senate floor after an outstanding hearing in Senate Local Government, where the bill passed with bipartisan support, 7-4.

**Conservation Community Position:** Support  
**Senate Vote:** 2nd Reading Mar. 30: 20Y/30N  
**Bill Status:** Died in the Senate.

### **SB 391: Allow conservation easements on state school trust land**

**Sponsor:** Sen. Dan Weinberg (D-Whitefish)

This bill would give state agencies the authority to place conservation easements on school trust lands - giving them another tool to manage land for public use while recognizing its conservation values.

In locations across the state, large tracts of public, state-owned land are managed in trust for the public schools. Traditionally, the state leases the land for cattle grazing, farming or timber production while leaving the landscape and public access intact. In areas where land values are increasing, these public lands increasingly are sold to developers to profit the state in the short-term.

Montana Audubon and the Montana Smart Growth Coalition were the primary supporters of this measure, while the Montana Stockgrowers, the Montana Wood Products and Montana Logging Assns. opposed the bill. After passing the Senate Natural Resources Committee 6-3, and transmitting to the House, members of the Federal Relations, Energy and Telecommunications (FRET) Committee amended the bill to require reappraisal of easements every 10 years after the first 50 years. The conservation community opposed the amendments and withdrew support from the amended bill.

**Conservation Community Position:** Support  
**Senate Vote:** 3rd Reading, Feb. 26: 26Y/24N  
**Bill Status:** Passed the Senate but died in the House.



### **SB 407: Create a loophole to allow coal bed methane companies to irresponsibly discharge degraded water**

**Sponsor:** Sen. Keith Bales (R-Otter)

While coal bed methane (CBM) developers enjoy broad exemptions from laws governing groundwater use, SB 407 would further exempt industry by allowing water discharges into impoundments for an undefined "emergency."

CBM production consumes enormous amounts of water, further squeezing struggling farming and ranching families. The Environmental Protection Agency (EPA) argued that this bill would not comply with the federal Clean Water Act.

Northern Plains Resource Council opposed this gift to the CBM industry, while Montana Stockgrowers and the oil and gas industry, led by the Montana Petroleum Assn., supported the bill. After dying in committee, the Senate successfully blasted SB 407 from Senate Natural Resources, and passed the bill 30-20. The Senate amended the bill

significantly, and sent it to the House where it passed both in committee and on the floor.

Fortunately, Gov. Schweitzer vetoed SB 407, citing threats to the farming and ranching community and the potential of the measure to violate federal clean water standards.

**Conservation Community Position:** Oppose  
**Senate Vote:** 2nd Reading, Feb. 26: 30Y/20N  
**House Vote:** 2nd Reading, Apr. 14: 58Y/42N  
**Bill Status:** SB 407 passed the House and Senate but was vetoed by Gov. Schweitzer.

### **SB 432: Blend all diesel sold in Montana with home-grown, clean and renewable biodiesel fuel**

**Sponsor:** Sen. John Brueggeman (R-Polson)

This measure would establish a biodiesel standard to diversify Montana's fuel sources through the use of clean, homegrown biodiesel. The bill, modeled after a similar successful measure in Minnesota, would require all fuel sold in Montana to contain a 2% blend of Montana-grown and produced biodiesel, with triggers to increase the blend to 5% based on in-state production capacity. The measure is meant to build Montana's fledgling biodiesel industry and bring jobs and value-added agriculture to rural communities. Biodiesel is cost-competitive, and often cheaper, than petroleum-based diesel and carbon neutral.

The House Transportation Committee tabled this bill on a 6-4, party-line vote. Several conservation groups, including Northern Plains, MontPIRG, MEIC, the S.A.V.E. Foundation and MCV joined the Montana Graingrowers Assn., the Montana Farmers Union and the Governor's office to support the bill. Several farmers and concerned citizens traveled from as far away as Circle, MT to speak in favor of SB 432. The bill was opposed primarily by the petroleum and trucking industries, including Exxon-Mobil, the Montana Petroleum Assn. and the Montana Petroleum Marketers and Retailers.

**Conservation Community Position:** Support  
**Senate Vote:** 2nd Reading, Feb. 26: 35Y/15N  
**House Vote:** Blast motion, Apr. 20: 50Y/49N  
**Bill Status:** Passed the Senate but died in the House.



### **SB 449: Increase the fuel economy standards for state-owned vehicles**

**Sponsor:** Sen. Kim Gillan (D-Billings)

SB 449 will phase in increased fuel efficiency to achieve 100% of the Federal CAFE (Corporate Average Fuel Economy) standard for state fleets. The bill also includes an annual reporting provision, so the public can monitor the state's progress toward increased fuel efficiency in state-owned vehicles.

In the last biennium, the State Motor Pool's fuel budget posted a \$5 million shortfall due to the price spike in gasoline following Hurricane Katrina. Increasing fuel efficiency in state vehicles reduces air pollution, including greenhouse gas emissions and shields Montana taxpayers from future price spikes.

MontPIRG was the primary bill supporter.

**Conservation Community Position:** Support

**Senate Vote:** 3rd Reading, Feb. 27: 47Y/3N

**House Vote:** 3rd Reading, Apr. 4: 59Y/40N

**Bill Status:** SB 449 passed the Senate and House and was signed by Gov. Schweitzer



### **HB 25: Repeal disastrous deregulation of Montana's energy utility**

**Sponsor:** Rep. Alan Olson (R-Roundup)

In 1997, the Montana Legislature enacted SB 390 deregulating the electric utility industry. Consumer, low-income and conservation groups opposed deregulation, predicting increased demand on limited energy resources and serious price spikes. Deregulation resulted in the sale of Montana's electricity generation facilities to an out-of-state corporation (PPL), while North-Western Energy purchased the distribution systems.

HB 25 moves Montana toward repairing the damage of deregulation.

- First, the bill allows NorthWestern to build its own sources (instead of depending on PPL) for long-term, low-cost power. This facilitates resources necessary to support ("firm") increased wind power generation.
- A new power plant may not be approved by the Public Service Commission (PSC) for inclusion in the utility's rate base unless it will capture and sequester at least 50% of its carbon dioxide emissions.
- Furthermore, a proposed power plant cannot be approved by the PSC until the final air-quality permit is obtained and the public has had an opportunity to review that permit and submit comments.

The Montana Environmental Information Center and other conservation groups worked closely with the Montana Consumer Counsel and PSC commissioners Jergeson, Mood, Raney and Toole in support of this bill. Commissioner Molnar, PPL Montana, the City of Great Falls and several other parties opposed it.

**Conservation Community Position:** Support as amended

**House Vote:** 3rd Reading, Conference Report, Apr. 19: 60Y/40N

**Senate Vote:** 3rd Reading, Conference Report, Apr. 19: 29Y/21N

**Bill Status:** HB 25 passed the House and Senate and was signed by Gov. Schweitzer.

### **HB 276: Strip the state's chief environmental rule-making entity of its authority**

**Sponsor:** Rep. Walter McNutt (R-Sidney)

This bill attempted to revise the Board of Environmental Review's rulemaking authority by prohibiting the consideration of any subject already considered by the legislature.

The Senate Natural Resources Committee killed this bill on a 5-4 vote. The opposition to HB 276 included a broad coalition of conservation interests, led by Montana Audubon and the MEIC. Primary proponents included mining interests, the Columbia Falls Aluminum Company,

the Montana Mining Assn. and the Montana Chamber of Commerce.

**Conservation Community Position:** Oppose

**House Vote:** 2nd Reading, Feb. 20: 59Y/40N

**Bill Status:** Passed the House but died in the Senate.



### **HB 405: Define all energy development as "clean," and exempt projects from environmental laws**

**Sponsor:** Rep. Michael Lange (R-Billings)

House Majority Leader Michael Lange sponsored one of the most egregious attacks on clean air, water and the public process this session. HB 405 would categorize all power production as "clean," regardless of a plant's emissions of mercury, carbon dioxide, and other pollutants. The bill's definition of "clean" would include any electrical generation facility other than nuclear. Additionally, the bill would have exempted all electrical generation facilities other than nuclear plants from Montana's bedrock environmental laws, including the Montana Environmental Policy Act and the Major Facilities Siting Act.

Senate Natural Resources tabled this bill 5-4. The primary opponent of HB 405 was Evan Barrett, (the Governor's chief economic development officer), who was supported by a wide-range of conservation and environmental groups. Proponents included the Montana Chamber of Commerce and other industry interests like the Montana Petroleum Assn., the Montana Contractors Assn., the Montana Mining Assn. and the Western Environmental Trade Assn.

**Conservation Community Position:** Oppose

**House Vote:** 2nd Reading Feb. 26: 51/49

**Bill Status:** Passed the House but died in the Senate.



### **HB 557: Limit local governments' ability to properly locate gravel mines**

**Sponsor:** Rep. Ralph Heinert (R-Libby)

HB 557 aimed to allow gravel mining in areas currently zoned as residential and remove a local government's ability to plan where gravel pits would be most appropriately located. Under this bill, current homeowners could find that property next to their home that they thought could only be developed residentially could now be used for a large-scale gravel operation.

Senate Natural Resources tabled this bill 5-4. Opponents to HB 557 were led by the Montana Smart Growth Coalition and Montana Audubon. Proponents included the Montana Contractors Assn. and the Montana Assn. of Home Builders.

**Conservation Community Position:** Oppose

**House Vote:** 2nd Reading, Feb. 27: 54/46

**Bill Status:** Passed the House but died in the Senate.



### **HB 610: Strip the Montana Environmental Policy Act (MEPA)**

**Sponsor:** Rep. Jim Keane (D-Butte)

HB 610 would render MEPA useless by eliminating public participation and recourse

in the decision process. This measure strips the public of its right to sue for violations of the Act, thus eliminating the incentive for agencies to thoroughly analyze the impacts of major projects like a coal mine.

The Senate Judiciary Committee tabled this bill 7-5. Opponents to HB 610 included MEIC, Montana Audubon and Northern Plains Resource Council. Bull Mountain Development, Montana Mining Assn. and the Montana Coal Council acted as proponents of this measure.

**Conservation Community Position:** Oppose

**House Vote:** 3rd Reading, Feb. 27: 59Y/40N

**Senate Vote:** 2nd Reading, Apr. 20: 24Y/26N

**Bill Status:** Passed the House but died in the Senate.

### Special Session blast motion to rollback the Montana Environmental Policy Act (MEPA)



**House Sponsor:** Rep. Jim Keane (D- Butte)

**Senate Sponsor:** Sen. Kelly Gebhardt (R-Roundup)

The 60th Legislature did not complete its business during the 90-day Regular Session. Gov. Schweitzer called the body back to Helena specifically to finish work on the state budget and take up his energy proposal.

Legislators attempted to broaden the scope of the Special Session with motions from the House and Senate seeking to allow MEPA rollbacks similar to HB 610.

Democrat Jim Keane of Butte and House Republicans voted to expand the work of the Special Session to allow an attack on MEPA, but the Senate rejected the motion.

**Conservation Community Position:** Oppose

**House Vote:** Keane Motion, May 11: 51Y/49N

**Senate Vote:** Gebhardt Motion, May 11: 23Y/26N

**Motion Status:** Passed the House but died in the Senate.

### HB 753: Reduce Montana's contribution to climate change with the Global Warming Solutions Act

**Sponsor:** Rep. Betsy Hands (D-Missoula)

HB 753 sought to minimize Montana's contribution to climate change by reducing statewide greenhouse gas emissions to 1990 levels by the year 2020 using a variety of mechanisms including energy efficiency, increased reliance on renewable energy and carbon caps.

Though HB 753 garnered exceptional public support, boasting one of the largest hearings of the session in the House Natural Resources Committee, the committee tabled this bill on a 9-7 party-line vote. More than 40 private citizens from across the state lined up in support of the bill, as well as church, civic and conservation leaders. The bill met opposition from industry foot-draggers like PPL, Rio Tinto Energy America, Montana Petroleum Assn., as well as the Montana Family Coalition. House Democrats attempted to bypass the committee and bring it to the full floor for debate, but were defeated.

**Conservation Community Position:** Support

**House Vote:** Blast motion, Mar. 31: 46Y/46N

**Bill Status:** HB 753 died in the House.



### HB 763: Allow radioactive nuclear waste disposal

**Sponsor:** Rep. Duane Ankney (R- Colstrip).

This measure would have repealed part of a 1980 voter-approved citizen's initiative that created a statewide ban on nuclear waste disposal. HB 763 would enable the disposal of radioactive uranium mining tailings, facilitating a new radioactive waste industry in Montana. Uranium mine waste is classified as a low-level radioactive waste and is a state responsibility (as opposed to federal).

The Senate Natural Resources Committee wisely tabled this bill 5-4. The only proponent to come before the Senate committee was the Montana Mining Assn. MEIC and MontPIRG effectively opposed this attack on citizens' rights to a clean and healthful environment.

**Conservation Community Position:** Oppose

**House Vote:** 3rd Reading, Feb. 27: 53Y/45N

**Bill Status:** Passed the House but died in the Senate.

## Rep. Erickson Awarded



This year as a part of our 8th Annual Meeting in March, MCV honored Rep. Ron Erickson (D-Missoula) with the first annual Conservation Champion Award.

Erickson is a retired University of Montana professor and a four-term Representative who has taken courageous legislative positions and actions that have led to demonstrated improvements for Montana's environment.

Erickson co-founded the renowned Environmental Studies Program at UM three decades ago, served as its director from 1976 to 1984 and taught courses until 1981.

"Ron has been a constant and forceful advocate for Montana conservation," said MCV co-chairman and UM economist Richard Barrett.

Erickson continued his exemplary work this session by introducing a range of bills to promote responsible urban growth, enact standards for monitoring carbon dioxide emissions and slow global warming. In his final term in the House of Representatives, Erickson achieved yet another perfect 100% conservation voting record - his fourth in as many terms.

After receiving the award, Erickson quoted a line from one of his favorite poems: "Knowledge comes," he said. "Wisdom lingers."

# Senators

Term Limited in 2008 or 2010  
 Affirm stream access (2nd Reading), Support  
 Quality growth act (2nd Reading), Support  
 Energy efficiency incentive (2nd Reading), Support

| Senator                  | Dist | City           |   | SB 78 | SB 201 | SB 210 |  |
|--------------------------|------|----------------|---|-------|--------|--------|--|
| Bales, Keith (R)         | 20   | Otter          | T | -     | -      | +      |  |
| Balyeat, Joe (R)         | 34   | Bozeman        |   | +     | -      | -      |  |
| Barkus, Greg (R)         | 4    | Kalispell      | T | -     | -      | -      |  |
| Black, Jerry (R)         | 14   | Shelby         | T | -     | +      | +      |  |
| Brown, Roy (R)           | 25   | Billings       |   | +     | -      | +      |  |
| Brueggeman, John (R)     | 6    | Polson         |   | +     | +      | +      |  |
| Cobb, John (R)           | 9    | Augusta        | T | -     | +      | +      |  |
| Cocchiarella, Vicki (D)  | 47   | Helena         | T | +     | +      | +      |  |
| Cooney, Mike (D)         | 40   | Helena         | T | +     | +      | +      |  |
| Curtiss, Aubyn (R)       | 1    | Fortine        | T | -     | -      | +      |  |
| Elliott, Jim (D)         | 7    | Trout Creek    | T | +     | +      | +      |  |
| Esp, John (R)            | 31   | Big Timber     | T | -     | -      | -      |  |
| Essmann, Jeff (R)        | 28   | Billings       |   | +     | +      | +      |  |
| Gallus, Steve (D)        | 37   | Butte          |   | +     | +      | +      |  |
| Gebhardt, Kelly (R)      | 23   | Roundup        |   | -     | -      | +      |  |
| Gillan, Kim (D)          | 24   | Billings       |   | +     | E      | E      |  |
| Hansen, Ken (D)          | 17   | Harlem         | T | +     | +      | +      |  |
| Harrington, Dan (D)      | 38   | Butte          | T | +     | +      | +      |  |
| Hawks, Bob (D)           | 33   | Bozeman        |   | +     | +      | +      |  |
| Jackson, Verdell (R)     | 5    | Kalispell      |   | -     | -      | +      |  |
| Jent, Larry (D)          | 32   | Bozeman        |   | +     | +      | +      |  |
| Juneau, Carol (D)        | 8    | Browning       |   | +     | +      | -      |  |
| Kaufmann, Christine (D)  | 41   | Helena         |   | +     | +      | +      |  |
| Kitzenberg, Sam (D)      | 18   | Glasgow        | T | -     | +      | +      |  |
| Laible, Rick (R)         | 44   | Darby          | T | -     | +      | +      |  |
| Larson, Lane (D)         | 22   | Billings       |   | +     | +      | +      |  |
| Laslovich, Jesse (D)     | 43   | Anaconda       |   | +     | +      | +      |  |
| Lewis, Dave (R)          | 42   | Helena         |   | -     | +      | +      |  |
| Lind, Greg (D)           | 50   | Missoula       |   | +     | +      | -      |  |
| McGee, Daniel (R)        | 29   | Laurel         | T | -     | -      | +      |  |
| Moss, Lynda (D)          | 26   | Billings       |   | +     | +      | +      |  |
| Murphy, Terry (R)        | 39   | Cardwell       |   | -     | +      | +      |  |
| O'Neil, Jerry (R)        | 3    | Columbia Falls | T | +     | -      | -      |  |
| Pease, Gerald (D)        | 21   | Lodge Grass    | T | +     | +      | +      |  |
| Perry, Gary (R)          | 35   | Manhattan      | T | -     | -      | +      |  |
| Peterson, Jim (R)        | 15   | Buffalo        |   | -     | -      | +      |  |
| Ryan, Don (D)            | 10   | Great Falls    | T | +     | +      | +      |  |
| Schmidt, Trudi (D)       | 11   | Great Falls    | T | +     | +      | -      |  |
| Shockley, Jim (R)        | 45   | Victor         |   | +     | +      | -      |  |
| Smith, Frank (D)         | 16   | Poplar         |   | +     | +      | +      |  |
| Squires, Carolyn (D)     | 48   | Missoula       | T | +     | +      | +      |  |
| Stapleton, Corey (R)     | 27   | Billings       | T | -     | -      | -      |  |
| Steinbeisser, Donald (R) | 19   | Sidney         |   | -     | -      | +      |  |
| Story, Robert (R)        | 30   | Park City      | T | -     | -      | +      |  |
| Tash, Bill (R)           | 36   | Dillon         | T | -     | +      | +      |  |
| Tropila, Mitch (D)       | 12   | Great Falls    |   | +     | +      | +      |  |
| Tropila, Joe (D)         | 13   | Great Falls    | T | +     | +      | +      |  |
| Wanzenried, Dave (D)     | 49   | Missoula       |   | +     | +      | -      |  |
| Weinberg, Dan (D)        | 2    | Whitefish      |   | +     | +      | +      |  |
| Williams, Carol (D)      | 46   | Missoula       |   | +     | +      | +      |  |

**Legend:**

"+": Vote in support of MCV's position

"-": Vote against MCV's position

"A": Absent or not voting, not counted in score

"E": Excused from voting, not counted in score

Scores in italics were earned in the House of Representatives



|  | Carbon sequestration standards<br>(2nd Reading), Support | Stream legacy act (2nd Reading),<br>Support | Conservation easements (3rd<br>Reading), Support | CBM water into impoundments<br>(2nd Reading), Support | Biodiesel standard (2nd Reading),<br>Support | Strip MEPA (2nd Reading),<br>Oppose | Gebhardt motion to roll back<br>MEPA (Motion), Oppose | Repeal deregulation of utilities (3rd<br>reading conf. report), Support | Past Scores |      |      |      | Senator      |
|--|--|---|--|---|--|-------------------------------------|---|---|-------------|------|------|------|--------------|
|  | SB 218   | SB 345                                      | SB 391   | SB 407  | SB 432                                       | HB 610                              |   | HB 25   | 2007        | 2005 | 2003 | 2001 |              |
|  | +  | -   | -  | -   | -  | -                                   | -   | -   | 18          | 0    | 0    | 6    | Bales        |
|  | -  | -   | -  | -   | -  | -                                   | -   | -   | 9           | 8    | 15   | 12   | Balyeat      |
|  | -  | -   | -  | -   | -  | -                                   | -   | +   | 9           | 8    | 6    | -    | Barkus       |
|  | +  | -   | -  | -   | +  | -                                   | -   | -   | 36          | 17   | 13   | -    | Black        |
|  | -  | -   | -  | -   | -  | -                                   | -   | -   | 18          | 17   | 7    | 18   | Brown        |
|  | +  | -   | -  | -   | +  | -                                   | -   | -   | 45          | 25   | 0    | 0    | Brueggeman   |
|  | +  | -   | -  | -   | +  | +                                   | +   | +   | 64          | 50   | 81   | 33   | Cobb         |
|  | +  | -   | +  | -   | +  | +                                   | +   | +   | 82          | 75   | 69   | 73   | Cocchiarella |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 100  | 100  | -    | Cooney       |
|  | -  | -   | -  | -   | -  | -                                   | -   | -   | 9           | 8    | 0    | 6    | Curtiss      |
|  | +  | +   | +  | +   | -  | +                                   | +   | +   | 91          | 83   | 88   | 60   | Elliott      |
|  | +  | -   | -  | -   | -  | -                                   | -   | +   | 18          | 8    | 6    | 6    | Esp          |
|  | -  | -   | -  | -   | -  | -                                   | -   | -   | 27          | 33   | -    | -    | Essmann      |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 92   | 64   | 82   | Gallus       |
|  | -  | -   | -  | -   | -  | -                                   | -   | +   | 18          | 17   | 0    | -    | Gebhardt     |
|  | +  | +   | +  | -   | +  | +                                   | +   | -   | 78          | 83   | 86   | 94   | Gillan       |
|  | +  | -   | +  | +   | +  | +                                   | +   | +   | 91          | 100  | 88   | -    | Hansen       |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 100  | 67   | 87   | Harrington   |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 100  | -    | -    | Hawks        |
|  | -  | -   | -  | -   | -  | -                                   | -   | -   | 9           | 0    | 0    | 12   | Jackson      |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 92   | 100  | 100  | Jent         |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 91          | 100  | 100  | 94   | Juneau       |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 100  | 100  | 100  | Kaufmann     |
|  | +  | -   | +  | -   | +  | +                                   | +   | +   | 73          | 75   | 44   | 20   | Kitzenberg   |
|  | +  | +   | -  | -   | +  | -                                   | E   | +   | 60          | 25   | 0    | 6    | Laible       |
|  | +  | +   | +  | +   | +  | -                                   | +   | -   | 82          | 92   | -    | -    | Larson       |
|  | +  | +   | +  | -   | +  | +                                   | +   | +   | 91          | 92   | 79   | 82   | Laslovich    |
|  | +  | -   | +  | -   | +  | -                                   | -   | +   | 55          | 25   | 7    | 12   | Lewis        |
|  | -  | +   | +  | +   | +  | +                                   | +   | +   | 91          | 100  | -    | -    | Lind         |
|  | -  | -   | -  | -   | +  | -                                   | -   | -   | 18          | 0    | 0    | 12   | McGee        |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 100  | -    | -    | Moss         |
|  | -  | -   | -  | -   | +  | -                                   | -   | -   | 27          | -    | -    | -    | Murphy       |
|  | -  | -   | -  | -   | -  | -                                   | -   | -   | 9           | 8    | 6    | 14   | O'Neil       |
|  | +  | -   | +  | +   | +  | +                                   | +   | -   | 82          | 100  | 87   | 80   | Pease        |
|  | +  | -   | -  | -   | -  | -                                   | -   | +   | 27          | 33   | 6    | -    | Perry        |
|  | -  | -   | -  | -   | -  | -                                   | -   | -   | 9           | 25   | 0    | -    | Peterson     |
|  | +  | -   | +  | -   | +  | +                                   | -   | -   | 64          | 100  | 88   | 87   | Ryan         |
|  | +  | +   | +  | +   | +  | +                                   | +   | -   | 82          | 92   | 93   | 88   | Schmidt      |
|  | +  | +   | -  | -   | -  | -                                   | -   | +   | 45          | 42   | 36   | 24   | Shockley     |
|  | +  | -   | -  | +   | +  | +                                   | +   | +   | 82          | 83   | 86   | 94   | Smith        |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 100  | 100  | -    | Squires      |
|  | -  | -   | -  | -   | +  | -                                   | -   | -   | 9           | 27   | 0    | 0    | Stapleton    |
|  | -  | -   | -  | -   | +  | -                                   | -   | +   | 27          | 0    | 7    | 0    | Steinbeisser |
|  | +  | -   | -  | -   | -  | -                                   | -   | -   | 18          | 8    | 6    | 0    | Story        |
|  | +  | -   | -  | -   | +  | -                                   | -   | +   | 45          | 8    | 0    | 7    | Tash         |
|  | +  | -   | +  | +   | +  | +                                   | +   | -   | 82          | -    | -    | -    | Tropila, M   |
|  | +  | -   | +  | -   | +  | +                                   | +   | -   | 73          | 100  | 94   | 88   | Tropila, J   |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 91          | 100  | 100  | 88   | Wanzenried   |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 100  | -    | -    | Weinberg     |
|  | +  | +   | +  | +   | +  | +                                   | +   | +   | 100         | 100  | -    | -    | Williams     |

# Representatives

| Representative           | Dist | City           |   | <div style="display: flex; justify-content: space-between; font-size: small; text-align: center;"> <span>Term Limited in 2008</span> <span>Revise BER rulemaking authority (2nd Reading), Oppose</span> <span>All energy is "clean" energy (2nd Reading), Oppose</span> <span>Reduce local control of gravel pits (2nd Reading), Oppose</span> <span>Strip MEPA (3rd Reading), Oppose</span> </div> |        |        |        |  |
|--------------------------|------|----------------|---|---|--------|--------|--------|--|
|                          |      |                |   | HB 276  | HB 405 | HB 557 | HB 610 |  |
| Ankney, Duane (R)        | 43   | Colstrip       |   | -   | -      | -      | -      |  |
| Arntzen, Elsie (R)       | 53   | Billings       |   | -   | -      | -      | -      |  |
| Augare, Shannon (D)      | 16   | Browning       |   | +   | +      | +      | +      |  |
| Barrett, Debby (R)       | 72   | Dillon         | T | -   | -      | -      | -      |  |
| Beck, Bill (R)           | 6    | Whitefish      |   | -   | -      | -      | -      |  |
| Becker, Arlene (D)       | 52   | Billings       |   | +   | +      | -      | +      |  |
| Bergren, Bob (D)         | 33   | Havre          |   | +   | +      | +      | -      |  |
| Bixby, Norma (D)         | 41   | Lame Deer      | T | +   | +      | +      | +      |  |
| Blasdel, Mark (R)        | 10   | Somers         |   | -   | -      | -      | -      |  |
| Boggio, Scott (R)        | 59   | Red Lodge      |   | -   | -      | -      | -      |  |
| Branae, Gary (D)         | 54   | Billings       | T | +   | +      | +      | +      |  |
| Butcher, Ed (R)          | 29   | Winifred       |   | -   | -      | -      | -      |  |
| Caferro, Mary (D)        | 80   | Helena         |   | +   | +      | +      | +      |  |
| Callahan, Tim (D)        | 21   | Great Falls    | T | +   | +      | +      | +      |  |
| Campbell, Margaret (D)   | 31   | Poplar         |   | +   | +      | +      | -      |  |
| Clark, Edith (R)         | 28   | Sweetgrass     | T | -   | -      | -      | -      |  |
| Cohenour, Jill (D)       | 78   | East Helena    |   | +   | +      | +      | +      |  |
| Cordier, Douglas (D)     | 3    | Columbia Falls |   | +   | +      | +      | +      |  |
| Dickenson, Sue (D)       | 25   | Great Falls    |   | +   | +      | +      | +      |  |
| Driscoll, Robyn (D)      | 51   | Billings       |   | +   | +      | +      | +      |  |
| Dutton, Ernie (R)        | 56   | Billings       |   | -   | -      | -      | -      |  |
| Ebinger, Bob (D)         | 62   | Livingston     |   | +   | +      | +      | +      |  |
| Erickson, Ron (D)        | 93   | Missoula       | T | +   | +      | +      | +      |  |
| Everett, George (R)      | 5    | Kalispell      |   | -   | -      | -      | -      |  |
| Franklin, Eve (D)        | 24   | Great Falls    |   | +   | +      | +      | +      |  |
| French, Julie (D)        | 36   | Scobey         |   | +   | +      | +      | +      |  |
| Furey, Kevin (D)         | 91   | Missoula       |   | +   | +      | +      | +      |  |
| Gallik, Dave (D)         | 79   | Helena         | T | +   | +      | +      | +      |  |
| Glaser, William (R)      | 44   | Huntley        |   | -   | -      | -      | -      |  |
| Grinde, Wanda (D)        | 48   | Billings       |   | +   | +      | +      | +      |  |
| Groesbeck, George (D)    | 74   | Butte          |   | -   | +      | +      | -      |  |
| Hamilton, Robin (D)      | 92   | Missoula       |   | +   | +      | +      | -      |  |
| Hands, Betsy (D)         | 99   | Missoula       |   | +   | +      | +      | +      |  |
| Hawk, Ray (R)            | 90   | Florence       |   | -   | -      | -      | -      |  |
| Heinert, Ralph (R)       | 1    | Libby          |   | -   | -      | -      | -      |  |
| Hendrick, Gordon (R)     | 14   | Superior       |   | -   | -      | -      | -      |  |
| Henry, Teresa (D)        | 96   | Missoula       |   | +   | +      | +      | +      |  |
| Hilbert, Edward (R)      | 38   | Glendive       |   | -   | -      | -      | -      |  |
| Himmelberger, Dennis (R) | 47   | Billings       |   | -   | -      | -      | -      |  |
| Hiner, Cynthia (D)       | 85   | Deer Lodge     |   | -   | +      | +      | -      |  |
| Hollenbaugh, Galen (D)   | 81   | Helena         |   | +   | +      | +      | +      |  |
| Ingraham, Pat (R)        | 13   | Thompson Falls |   | -   | -      | -      | -      |  |
| Jacobson, Hal (D)        | 82   | Helena         | T | +   | +      | +      | +      |  |
| Jayne, Joey (D)          | 15   | Arlee          | T | +   | +      | +      | +      |  |
| Jones, Llew (R)          | 27   | Conrad         |   | -   | -      | -      | -      |  |
| Jones, Bill (R)          | 9    | Bigfork        |   | -   | -      | -      | -      |  |
| Jopek, Mike (D)          | 4    | Whitefish      |   | +   | +      | +      | +      |  |
| Jore, Rick (C)           | 12   | Ronan          | T | A   | -      | -      | -      |  |
| Kasten, Dave (R)         | 30   | Brockway       |   | -   | -      | -      | -      |  |
| Keane, Jim (D)           | 75   | Butte          | T | -   | +      | -      | -      |  |

**Legend:**

"+": Vote in support of MCV's position

"-": Vote against MCV's position

"A": Absent or not voting, not counted in score

"E": Excused from voting, not counted in score

Scores in italics were earned in the Senate

|  | Global Warming Solutions Act (Motion), Support | Allow radioactive waste disposal (3rd Reading), Oppose | Affirm stream access (Motion), Support | Quality growth act (Motion), Support | CBM water into impoundments (2nd Reading), Oppose | Biodiesel standard (Motion), Support | Fuel efficiency for state vehicles (3rd Reading), Support | Kearne motion to roll back MEPA (Motion), Oppose | Repeat deregulation of utilities (3rd reading conf. report), Support | Past Scores |      |      |      | Representative |
|--|--|--|--|--------------------------------------|---|--------------------------------------|---|--|--|-------------|------|------|------|----------------|
|  | HB 753   | HB 763   | SB 78                                  | SB 201                               | SB 407  | SB 432                               | SB 449  |  | HB 25  | 2007        | 2005 | 2003 | 2001 |                |
|  | -  | -  | -                                      | +                                    | -   | -                                    | -   | -  | -  | 8           | -    | -    | -    | Ankney         |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | 25   | -    | -    | Arntzen        |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | -  | 92          | -    | -    | -    | Augare         |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | 17   | 0    | 6    | Barrett        |
|  | -  | -  | -                                      | -                                    | -   | -                                    | +   | -  | -  | 8           | -    | -    | -    | Beck           |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 92          | 100  | 100  | -    | Becker         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 92          | 92   | 57   | -    | Bergren        |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | 100  | 100  | 100  | Bixby          |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | -    | -    | -    | Blasdel        |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | -    | -    | -    | Boggio         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | 100  | 92   | 100  | Branae         |
|  | -  | -  | -                                      | A                                    | -   | -                                    | -   | -  | -  | 0           | 17   | 13   | 20   | Butcher        |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | 100  | -    | -    | Caferro        |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | -  | 92          | 100  | 100  | 94   | Callahan       |
|  | A  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 92          | 100  | -    | -    | Campbell       |
|  | E  | -  | E                                      | +                                    | -   | -                                    | -   | -  | +  | 18          | -    | 0    | 6    | Clark          |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | 100  | 93   | -    | Cohenour       |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | -    | -    | -    | Cordier        |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | -  | 92          | 100  | 100  | -    | Dickenson      |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | 100  | -    | -    | Driscoll       |
|  | -  | -  | -                                      | +                                    | -   | -                                    | +   | -  | +  | 23          | -    | -    | -    | Dutton         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | -    | -    | -    | Ebinger        |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | -    | 100  | 100  | Erickson       |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | 8    | 0    | -    | Everett        |
|  | +  | A  | +                                      | +                                    | +   | +                                    | +   | +  | -  | 92          | 100  | 86   | 93   | Franklin       |
|  | +  | +  | +                                      | +                                    | +   | +                                    | A   | +  | +  | 100         | -    | -    | -    | French         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | 100  | -    | -    | Furey          |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | -  | 92          | 100  | 86   | 94   | Gallik         |
|  | -  | -  | -                                      | +                                    | -   | -                                    | +   | +  | +  | 31          | 33   | 0    | 13   | Glaser         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | 100  | -    | -    | Grinde         |
|  | +  | -  | +                                      | +                                    | -   | +                                    | +   | -  | +  | 62          | 92   | -    | -    | Groesbeck      |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 92          | 100  | -    | -    | Hamilton       |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | -    | -    | -    | Hands          |
|  | -  | -  | -                                      | +                                    | -   | -                                    | -   | -  | +  | 15          | 0    | 0    | -    | Hawk           |
|  | A  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | 25   | -    | -    | Heinert        |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | +  | 8           | 25   | -    | -    | Hendrick       |
|  | +  | -  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 92          | 100  | -    | -    | Henry          |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | +  | 8           | -    | -    | -    | Hilbert        |
|  | E  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | 8    | -    | 18   | Himmelberger   |
|  | +  | +  | +                                      | +                                    | -   | +                                    | +   | +  | +  | 77          | 92   | -    | -    | Hiner          |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | -    | -    | -    | Hollenbaugh    |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | +  | 8           | -    | -    | -    | Ingraham       |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +  | +  | 100         | 100  | 93   | 82   | Jacobson       |
|  | +  | +  | +                                      | +                                    | +   | +                                    | -   | +  | +  | 92          | 100  | 100  | 100  | Jayne          |
|  | A  | -  | -                                      | +                                    | -   | -                                    | -   | +  | +  | 25          | 25   | -    | -    | Jones          |
|  | -  | -  | A                                      | +                                    | -   | +                                    | +   | -  | +  | 33          | 25   | -    | -    | Jones          |
|  | +  | +  | +                                      | +                                    | -   | +                                    | +   | +  | +  | 92          | 100  | -    | -    | Jopek          |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | -    | -    | -    | Jore           |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -  | -  | 0           | -    | 7    | 6    | Kasten         |
|  | +  | -  | +                                      | +                                    | -   | -                                    | +   | -  | +  | 46          | 67   | 71   | 82   | Keane          |

# Representatives

Term Limited in 2008  
 Revise BER rulemaking authority (2nd Reading), Oppose  
 All energy is "clean" energy (2nd Reading), Oppose  
 Reduce local control of gravel pits (2nd Reading), Oppose  
 Strip MEP-A (3rd Reading), Oppose

| Representative              | Dist | City        |   | HB 276 | HB 405 | HB 557 | HB 610 |  |
|-----------------------------|------|-------------|---|--------|--------|--------|--------|--|
| Kerns, Krayton (R)          | 58   | Laurel      |   | -      | -      | -      | -      |  |
| Klock, Harry (R)            | 83   | Harlowton   |   | -      | -      | -      | -      |  |
| Koopman, Roger (R)          | 70   | Bozeman     |   | -      | -      | -      | -      |  |
| Kottel, Deborah (D)         | 20   | Great Falls |   | +      | +      | +      | +      |  |
| Lake, Bob (R)               | 88   | Hamilton    |   | -      | -      | -      | -      |  |
| Lambert, Carol (R)          | 39   | Broadus     |   | -      | -      | -      | -      |  |
| Lange, Michael (R)          | 55   | Billings    |   | -      | -      | -      | -      |  |
| MacLaren, Gary (R)          | 89   | Victor      |   | -      | -      | -      | -      |  |
| Malcolm, Bruce (R)          | 61   | Emigrant    |   | -      | -      | -      | -      |  |
| McAlpin, Dave (D)           | 94   | Missoula    |   | +      | +      | +      | +      |  |
| McChesney, Bill (D)         | 40   | Miles City  |   | -      | +      | -      | -      |  |
| McGillvray, Tom (R)         | 50   | Billings    |   | -      | -      | -      | -      |  |
| McNutt, Walter (R)          | 37   | Sidney      |   | -      | -      | -      | -      |  |
| Mendenhall, Scott (R)       | 77   | Clancy      |   | -      | -      | -      | -      |  |
| Milburn, Mike (R)           | 19   | Cascade     |   | -      | -      | -      | -      |  |
| Morgan, Penny (R)           | 57   | Billings    |   | -      | -      | -      | -      |  |
| Musgrove, John (D)          | 34   | Havre       | T | +      | +      | +      | +      |  |
| Noonan, Art (D)             | 73   | Butte       |   | +      | +      | +      | +      |  |
| Nooney, Bill (R)            | 100  | Missoula    |   | -      | -      | -      | -      |  |
| O'Hara, Jesse (R)           | 18   | Great Falls |   | -      | -      | -      | -      |  |
| Olson, Alan (R)             | 45   | Roundup     | T | -      | -      | -      | -      |  |
| Parker, John (D)            | 23   | Great Falls |   | +      | +      | +      | +      |  |
| Peterson, Ken (R)           | 46   | Billings    |   | -      | -      | -      | -      |  |
| Phillips, Mike (D)          | 66   | Bozeman     |   | -      | +      | +      | +      |  |
| Pomnichowski, JP (D)        | 63   | Bozeman     |   | +      | +      | +      | +      |  |
| Raser, Holly (D)            | 98   | Missoula    | T | +      | +      | +      | +      |  |
| Reinhart, Michele (D)       | 97   | Missoula    |   | +      | +      | +      | +      |  |
| Rice, Diane (R)             | 71   | Harrison    | T | -      | -      | -      | -      |  |
| Ripley, Rick (R)            | 17   | Wolf Creek  | T | -      | -      | -      | -      |  |
| Ross, John Jack (R)         | 60   | Absarokee   |   | -      | -      | -      | -      |  |
| Sales, Scott (R)            | 68   | Bozeman     |   | -      | -      | -      | -      |  |
| Sands, Diane (D)            | 95   | Missoula    |   | -      | +      | +      | +      |  |
| Sesso, Jon (D)              | 76   | Butte       |   | -      | +      | +      | +      |  |
| Sinrud, John (R)            | 67   | Bozeman     |   | -      | -      | -      | -      |  |
| Small-Eastman, Veronica (D) | 42   | Lodge Grass |   | +      | +      | +      | -      |  |
| Sonju, Jon (R)              | 7    | Kalispell   |   | -      | -      | -      | -      |  |
| Stahl, Wayne (R)            | 35   | Saco        |   | -      | -      | -      | -      |  |
| Stoker, Ron (R)             | 87   | Darby       |   | -      | -      | -      | -      |  |
| Taylor, Janna (R)           | 11   | Dayton      |   | -      | -      | -      | -      |  |
| Thomas, Bill (D)            | 26   | Great Falls |   | -      | +      | +      | -      |  |
| Van Dyk, Kendall (D)        | 49   | Billings    |   | +      | +      | +      | +      |  |
| Villa, Dan (D)              | 86   | Anaconda    |   | -      | +      | +      | +      |  |
| Vincent, Chas (R)           | 2    | Libby       |   | -      | -      | -      | -      |  |
| Ward, John (R)              | 84   | Helena      |   | -      | -      | -      | E      |  |
| Wells, Jack (R)             | 69   | Bozeman     | T | -      | -      | -      | -      |  |
| Wilmer, Franke (D)          | 64   | Bozeman     |   | +      | +      | +      | +      |  |
| Wilson, Bill (D)            | 22   | Great Falls |   | +      | +      | +      | +      |  |
| Windy Boy, Jonathan (D)     | 32   | Box Elder   |   | +      | +      | +      | +      |  |
| Wiseman, Brady (D)          | 65   | Bozeman     |   | +      | +      | +      | +      |  |
| Witte, Craig (R)            | 8    | Kalispell   |   | -      | -      | -      | -      |  |

**Legend:**

"+": Vote in support of MCV's position

"-": Vote against MCV's position

"A": Absent or not voting, not counted in score

"E": Excused from voting, not counted in score

Scores in italics were earned in the Senate

|  | Global Warming Solutions Act (Motion), Support | Allow radioactive waste disposal (3rd Reading), Oppose | Affirm stream access (Motion), Support | Quality growth act (Motion), Support | CBM water into impoundments (2nd Reading), Oppose | Biodiesel standard (Motion), Support | Fuel efficiency for state vehicles (3rd Reading), Support | Keane motion to roll back MEPA (Motion), Oppose | Repeat deregulation of utilities (3rd reading conf. report), Support | Past Scores |      |      |      | Representative |
|--|--|--|--|--------------------------------------|---|--------------------------------------|---|---|--|-------------|------|------|------|----------------|
|  | HB 753   | HB 763   | SB 78                                  | SB 201                               | SB 407  | SB 432                               | SB 449  |   | HB 25  | 2007        | 2005 | 2003 | 2001 |                |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | +  | 8           | -    | -    | -    | Kerns          |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | +  | 8           | 36   | -    | -    | Klock          |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | 0    | -    | -    | Koopman        |
|  | E  | +  | +                                      | +                                    | +   | +                                    | +   | +   | -  | 92          | -    | -    | -    | Kottel         |
|  | -  | -  | -                                      | +                                    | -   | -                                    | -   | -   | +  | 15          | 8    | 0    | -    | Lake           |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | 25   | 0    | -    | Lambert        |
|  | -  | -  | -                                      | +                                    | -   | -                                    | -   | -   | -  | 8           | 25   | 7    | -    | Lange          |
|  | -  | -  | -                                      | +                                    | -   | A                                    | +   | -   | +  | 25          | 50   | -    | -    | MacLaren       |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | +  | 8           | 25   | 7    | -    | Malcolm        |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 100         | 100  | -    | -    | McAlpin        |
|  | +  | -  | -                                      | +                                    | -   | +                                    | +   | +   | +  | 54          | -    | -    | -    | McChesney      |
|  | -  | -  | -                                      | -                                    | -   | -                                    | +   | -   | -  | 8           | 25   | -    | -    | McGillvray     |
|  | -  | -  | -                                      | +                                    | -   | +                                    | +   | -   | +  | 31          | 25   | 6    | 7    | McNutt         |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | 8    | 7    | -    | Mendenhall     |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | 33   | -    | -    | Milburn        |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | 9    | 0    | -    | Morgan         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 100         | 100  | 79   | 82   | Musgrove       |
|  | +  | +  | +                                      | +                                    | -   | +                                    | +   | +   | +  | 92          | 100  | -    | -    | Noonan         |
|  | -  | -  | -                                      | +                                    | -   | -                                    | -   | -   | +  | 15          | -    | -    | -    | Nooney         |
|  | -  | -  | -                                      | +                                    | -   | -                                    | -   | +   | -  | 15          | -    | -    | -    | O'Hara         |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | +  | 8           | 17   | 0    | 12   | Olson          |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | -  | 92          | 100  | 100  | -    | Parker         |
|  | -  | +  | -                                      | +                                    | -   | -                                    | -   | -   | -  | 15          | -    | -    | 41   | Peterson       |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 92          | -    | -    | -    | Phillips       |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 100         | -    | -    | -    | Pomnichowski   |
|  | A  | +  | +                                      | +                                    | +   | +                                    | +   | +   | -  | 92          | 100  | 100  | 94   | Raser          |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 100         | -    | -    | -    | Reinhart       |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | +  | 8           | 17   | 0    | 6    | Rice           |
|  | A  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | 17   | 0    | 6    | Ripley         |
|  | -  | -  | -                                      | +                                    | -   | -                                    | +   | -   | -  | 15          | 17   | 7    | -    | Ross           |
|  | -  | -  | -                                      | -                                    | -   | -                                    | +   | -   | -  | 8           | 8    | 21   | -    | Sales          |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 92          | -    | -    | -    | Sands          |
|  | +  | +  | +                                      | +                                    | -   | +                                    | +   | +   | +  | 85          | 92   | -    | -    | Sesso          |
|  | -  | -  | -                                      | -                                    | -   | -                                    | +   | -   | -  | 8           | 8    | 0    | -    | Sinrud         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | -   | +  | 85          | 100  | 93   | -    | Small-Eastman  |
|  | -  | -  | -                                      | -                                    | -   | -                                    | +   | -   | -  | 8           | 25   | -    | -    | Sonju          |
|  | -  | -  | -                                      | A                                    | -   | -                                    | -   | -   | +  | 8           | 42   | -    | -    | Stahl          |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | +  | 8           | 17   | 0    | -    | Stoker         |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | 25   | -    | -    | Taylor         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | -   | -  | 69          | -    | -    | -    | Thomas         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 100         | -    | -    | -    | Van Dyk        |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 92          | 100  | -    | -    | Villa          |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | -    | -    | -    | Vincent        |
|  | -  | E  | -                                      | +                                    | -   | -                                    | -   | +   | +  | 27          | 33   | -    | -    | Ward           |
|  | -  | -  | -                                      | -                                    | -   | -                                    | +   | -   | -  | 8           | 17   | -    | 7    | Wells          |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 100         | -    | -    | -    | Wilmer         |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | -  | 92          | 92   | 100  | -    | Wilson         |
|  | +  | +  | E                                      | +                                    | +   | +                                    | +   | +   | +  | 100         | 92   | 100  | -    | Windy Boy      |
|  | +  | +  | +                                      | +                                    | +   | +                                    | +   | +   | +  | 100         | 100  | -    | -    | Wiseman        |
|  | -  | -  | -                                      | -                                    | -   | -                                    | -   | -   | -  | 0           | -    | -    | -    | Witte          |

# The Great Energy Debate

With a popular governor who has hung his hat on energy issues over the past two years, the topic of a warming global climate polling with or even ahead of concerns about health care and education and a number of elected legislators campaigning hard on energy policy, it perhaps comes as no surprise to anyone that energy issues took center stage in the 60<sup>th</sup> Montana Legislature.

Coming out of election year 2006, a year which held the dubious distinction of the hottest year on record in the U.S. in 112 years of record-keeping, Montana's conservation community joined forces to support an ambitious slate of bills and resolutions to address global warming pollution and provide conservation and renewable energy solutions.



Rep. Mike Phillips

The sponsors of much of the positive legislation, at the urging of Rep. Mike Phillips (D-Bozeman), formed a legislative caucus on climate change that invited speakers to Helena to educate legislators about issues surrounding global warming. The public also responded to heightened awareness around the climate issue with a record number of local officials, agricultural interests, small business and church

groups descending on the statehouse to testify in support of clean and renewable energy, energy efficiency and carbon capture.

Successful legislation includes a bill to encourage energy conservation and efficiency by requiring the state to purchase efficient vehicles that meet or exceed federal fuel economy standards [SB 449, sponsored by Sen. Gillan (D-Billings)]. In addition, farmers and business owners interested in biodiesel production will continue to be able to take advantage of a tax credit for the purchase of biodiesel production equipment [HB 166, sponsored by Rep. Raser (D-Missoula)]. Montana is also now on record encouraging



Montana passed a law in 2005 to generate 15% of its energy from renewable sources by 2015. The Judith Gap Wind Farm now provides 8% of the electricity to NorthWestern's 300,000 customers.

*Photo courtesy trsmt.com*

Montana's farmers and ranchers to produce 25% of the energy their operations consume by 2025 [HJ 6, sponsored by Rep. Mike Phillips (D-Bozeman)].

HB 25 by Rep. Olson (R-Roundup) makes significant strides to undo the damage caused by the 1997 deregulation effort. (See description of HB 25 in "Conservation Votes That Count" on page 5). The passage of this bill, with amendments added in the Senate with the help of the Montana Environmental Information Center, has far reaching implications for Montana air quality and for addressing global warming.

Unfortunately, several of the other clean energy bills failed to pass the Republican-controlled House of Representatives, where Speaker Scott Sales stated to the press<sup>1</sup> that "I'm not convinced it's [global warming] man-caused," and freshman Rep. Krayton Kerns (R-Laurel) added on his website<sup>2</sup> that "carbon dioxide emission as a cause of global climate warming is the biggest hoax of the last 30 years." Six<sup>3</sup> clean energy bills that sailed through the Senate were killed in House committees, and ten<sup>4</sup> clean energy bills were killed in House committees and never made it to the House floor for a vote.



Rep. Betsy Hands

HB 753, the Global Warming Solutions Act, by Rep. Betsy Hands (D-Missoula) had one of the most memorable hearings of the session. Over 40 Montanans, from all walks of life and all corners of the state, came to Helena to support a bill that would have instructed the Board of Environmental Review to establish a greenhouse gas emissions limit and achieve a reduction to 1990 levels by 2020. "I have a responsibility, a moral responsibility, to have that vision as a younger legislator to say, 'We can do something about this,'" Hands said. Unfortunately, the measure met its end in the House Natural Resources Committee on a party line vote. Here's to hoping for the bill's passage in the 2009 legislature.

The conservation community, with the bipartisan support of the Senate and Gov. Schweitzer, came within inches of passing a renewable fuel standard this year. SB 432, sponsored by Sen. John Brueggeman (R-Polson) would have required all diesel sold in Montana to include a 2% blend of homegrown and Montana refined biodiesel as production



Sen. John Brueggeman

<sup>1</sup> "Legislature takes on global warming debate", Alan Suderman, Associated Press, 02/19/2007.

<sup>2</sup> <http://www.kraytonkerns.org>

<sup>3</sup> SB 105 by Sen. Lind (D-Missoula), SB 210 by Sen. Laslovich (D-Anaconda), SB 218 by Sen. Lind (D-Missoula), SB 432 by Sen. Brueggeman (R-Polson), SB 445 by Sen. Tropila (D-Great Falls), and SJ 20 by Sen. Cooney (D-Helena).

<sup>4</sup> HB 183 by Rep. Jopek (D-Whitefish), HB 186 by Rep. Mike Jopek (D-Whitefish), HB 216 by Rep. Wilmer (D-Bozeman), HB 227 by Rep. Erickson (D-Missoula), HB 238 by Rep. Phillips (D-Bozeman), HB 282 by Rep. Erickson (D-Missoula), HB 301 by Rep. Reinhart (D-Missoula), HB 308 by Rep. Van Dyk (D-Billings), HB 309 by Rep. Bergren (D-Havre), HB 753 by Rep. Betsy Hands (D-Missoula)



Rep. Bob Bergren

demands in state were met. Earlier in the session, Rep. Bob Bergren (D-Havre) also tirelessly pushed a companion bill (HB 309) in the House, that was axed on a party-line vote in the Transportation Committee. Biodiesel is a clean burning fuel made from oil seed crops that can power diesel vehicles with no engine alterations or upgrades.

Governor Schweitzer's much-publicized "clean and green" energy proposal did pass in the Special Session. The bill slashes property tax rates for new pipelines, power lines and some power plant equipment that is involved in the production or transportation of so-called "clean" energy. Clean energy, as defined in the bill, includes truly clean and renewable sources like wind power, solar power, ethanol and biodiesel, but also more unproven and environmentally questionable fuels produced by coal gasification and power generated by coal-fired plants that capture their emissions through sequestration (i.e. pumping gases like carbon dioxide deep underground, such as for oil recovery).

While capturing global warming pollution from coal plants would represent a step forward, the Montana conservation community remains unified in opposition to the Governor's coal-to-liquid fuel proposals, citing concerns over increased strip mining and greenhouse gas emissions, water resource shortages and the staggering costs of plant development that could divert seed money from proven renewable energy development like wind or solar.

Rep. Llew Jones (R-Conrad) who sponsored HB 3, the bill containing the tax breaks, happily proclaimed<sup>1</sup> that Montana "potentially could become the battery of power for the surrounding area, including the West Coast." Other supporters of the bill asserted that taxes levied on power plants and related infrastructure must be on a par with North Dakota and Wyoming - so that companies wishing to invest in energy development aren't dissuaded from locating in Montana by a so-called "tax penalty."

Conservation groups, though encouraged by the prospect of increased clean energy development, were largely non-committal on HB 3. Turning the state into a big exporter of electricity remains a concern, particularly noting that Montana already produces more than twice as much energy as it uses in-state and still posts the highest energy prices of any other state in the region.<sup>6</sup> And with more coal-fired power plants than any other state in the Northwest, Montana currently ranks seventh in the nation for per-capita carbon dioxide emissions.<sup>7</sup>

1 "Lawmakers OK 'clean and green' energy bill", Karl Puckett, Great Falls Tribune, 5/16/2007.

6 "Utility's rates still tops in region", Mike Dennison, Missoulian, 6/4/2007.

7 "Montana emissions rank high nationally in per-capita study", Richard Ecke, Great Falls Tribune, 6/4/2007.

## Eminent Domain Victory



**Pictured (L to R):** Tim Davis, MT Smart Growth; Gov. Schweitzer; Mark Aagenes, MT Trout Unltd.; Janet Ellis, MT Audubon; Sen. Christine Kaufmann (D-Helena); Sen. Dave Lewis (R-Helena).

The hard work of conservationists paid off when Gov. Schweitzer signed into law a measure reinforcing safeguards that protect homeowners and small businesses from the abuse of government's power to condemn private property.

Lawmakers from both parties said Montana homes and property are now doubly safe from big business leveraging government to seize private property for corporate gain.

"The horror story that everybody worries about is some government taking your property and building a Wal-Mart," said Sen. David Lewis (R-Helena). "Now with this bill, we can be sure that that won't happen in Montana."

The legislation, sponsored by Sen. Christine Kaufmann (D-Helena), passed with near unanimous support during an otherwise contentious legislative session in response to a 2005 U.S. Supreme Court ruling, called the "Kelo decision." In the decision, the Supreme Court ruled local governments have the power to condemn private property in order to hand the land over to a developer, in that case Wal-Mart, in order to grow a tax base.

Dissatisfaction with the Kelo decision helped fuel a number of ballot initiatives across the country in 2006. Bankrolled by wealthy New York real estate mogul Howard Rich, the initiatives paired Kelo reform with a controversial provision to undercut local planning efforts. Voters in most states rejected the Rich-backed initiatives; a Montana version was tossed from the ballot due to widespread fraud in the signature gathering process.

"This law solves the Kelo problem without hamstringing Montana communities that want to plan for the future," said Kaufmann. "Voters take note: If someone tells you they want to protect you from Kelo, be suspicious. We've already solved that problem in Montana."

"Montanans have always protected property rights - just like they value protecting clean water and other things that belong to everyone," said Bruce Farling, of Montana Trout Unlimited. "This bill demonstrates that Montanans can set their own future, without the meddling of wealthy out-of-state developers."

# Election Law Review

## ELECTION LAWS

Election laws, one would hope, are not partisan. But in Montana, attempts to improve voter registration, make voting more accessible to the public and ensure the integrity of our voting system too often met with resistance during the 2007 session by Republican members of the legislature, sometimes joined by Montana's election administrators, the people charged with implementing our election laws.

In some cases, some legislators simply dislike options like absentee voting even though it has shown to be increasingly popular with voters. In other instances, changes were proposed as part of larger legislative agendas, such as attacking illegal immigration, and in this case, by trying to make one violation of voter qualifications - residency - a felony (SB 260 & HB 783).

Other proposed election law changes seemed driven more by the desire of election administrators to lessen their work loads rather than increase or improve resources. The administrators, for example, supported efforts to end Election Day registration (HB 281 & HB 266), opposed having mandatory random audits of ballot counting machines (HB 632), supported allowing certain rural voting sites to delay opening until noon (SB 517) and opposed an attempt to allow for alternative sites for absentee voting in person (SB 333). While they were unsuccessful in ending Election Day registration - a priority for MCV to defeat - the legislature voted to prevent the audits and the alternative sites and to allow later poll openings.

Election administrators had also made it a priority to establish mandatory all-vote-by-mail federal elections in the 2007 legislature. After significant concerns were raised by MCV and others about moving to such a system without more broad-based discussion, the administrators dropped the bill draft, which had climbed to more than 70 pages. MCV and its allies agreed to work with election administrators to review election laws during the interim (HJ 46).

While the challenges faced by the election administrators need attention, their positions this session, and that of some lawmakers, is troubling.

### Election Day Registration (EDR)

The most significant proposals to change Montana's election laws centered on eliminating EDR (HB 281, Tom McGillvray R-Billings & HB 266, Rick Jore, C-Ronan). This effort, supported by the Montana Association of County Clerks and Records and the Secretary of State's office, was broadly denounced by MCV, the Governor's office, Native American legislators, labor, the Montana League of Women Voters, AARP, university students and many others.

It's hard to understand why legislators' response to one of the most successful efforts to engage voters - and one which contributed to higher voter turnout - is to attempt to eliminate it, particularly when state and county election administrators admitted that they did not adequately promote late registration and did not anticipate the Election Day response in particular.

Almost 4,000 Montanans registered and voted on Election Day in 2006, and another 3,500 registered throughout the rest of the late registration period (the last 30 days before the election). Voter turnout was over 63%, which was the highest for a non-presidential election year in a decade - higher, even, than the presidential election year turnout in 2000.

This is consistent with trends nationally: voter turnout in states with EDR averages 10 to 12 percentage points higher than states without that option. In 2004, four of the five top states for voter turnout were ones with EDR.

The Secretary of State refuted claims of fraud likely to be associated with EDR, noting that there were only two reports of potential voting irregularities in the 2006 election, both of which are being investigated. Students leaders from across the state, some of them voters who registered on Election Day, testified against HB 281, reminding legislators that many of the students were deeply involved in student governance activities, held jobs, were involved in their communities and were very much informed about the people and issues on which they voted. Like people who wait until the last day to file their taxes or renew their driver's license or car registration, some people are simply procrastinators.

EDR works in other states, and it will work in Montana. In November 2006:

- Over 54,000 people, or about 7% of the voting population, registered and voted on Election Day in Idaho, which has allowed EDR since 1994
- Over 11,000 voters registered and voted on Election Day in Wyoming
- In Minnesota, which first initiated EDR in 1974, over 292,000 people - about 13% of the voting population - registered and voted on Election Day.

In these other states, electors can register and vote at their polling places, unlike in Montana, which has a much more restrictive EDR policy where electors can only register and vote at their county courthouses during the last 30 days before an election.

This was the first year of late registration, including EDR. It was very successful, despite the confusion. There were a lot of patient election administrators and patient residents who waited hours to register and vote. With better communication, information, planning and implementation, the problems witnessed in 2006 can be avoided. EDR is a good idea and should continue.



## HB 281: Repeal late registration

**Sponsor:** Rep. McGillvray (R-Billings)

In 2006, a new law went into effect that allowed qualified voters to register and vote on Election Day. HB 281 sought to end this popular participation option after it successfully brought almost 4,000 registrants to their courthouses on Election Day to register and vote, increasing voter turnout 10% from the last midterm elections in 2002.

County clerks and recorders along with elections administrators and the Secretary of State's office backed the bill. MCV and a broad alliance of advocacy groups including Common Cause, the Montana Advocacy Project, AARP and the League of Women Voters joined the Governor's office, the Native American Legislative Caucus and students from across the state to stand up for voting rights.

**MCV Position:** Oppose

**House Vote:** 3rd Reading, Feb. 2: 52Y/48N

**Senate Vote:** Motion to re-refer to State Administration Committee, Mar. 31: 26Y/24N

**Bill Status:** Passed the House but died in the Senate.

### HOUSE

Voted Wrong: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, B. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Vincent, Ward, Wells, Witte

Voted Right: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman

### SENATE

Voted Wrong: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash

Voted Right: Cocchiarella, Cooney, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams

# SalesGate: Abusing Power

House Speaker Scott Sales (R-Bozeman) selectively ignored legislative protocol during the 2007 session in an effort to obstruct consideration of bills he opposed. Here's how:

**Biodiesel:** Speaker Sales refused to sign HB 822 (Rep. Michele Reinhart, D-Missoula), passed by both the House and Senate but opposed by Sales, in a timely manner as required by rules, deliberately preventing the Governor from amending the bill and sending it back to the legislature for consideration. His action killed an effort supported by the conservation and agricultural communities and a bipartisan majority of legislators to diversify Montana's fuel supply by requiring that it contain a 2% blend of clean, Montana-produced biodiesel, and to allow a limited tax credit for biodiesel consumption. The sponsor and another legislator approached the Speaker to ask him to sign the bill so that the Governor could act and the legislature could debate the amended bill. Speaker Sales refused, asking the sponsor what she had ever done for him. The Governor finally vetoed the bill.

**Bridge access:** Speaker Sales refused to allow the House to consider and debate the Governor's amendments to a House bill (HB 426, Rep. Jack Ross, R-Absarokee) clarifying access to rivers and streams from county bridges, which he opposed (language from SB 78, Sen. Lane Larson, D-Billings). SB 78 had been approved in the Senate by a two-to-one margin, but died in the House on a partisan, procedural vote. Sales' action in refusing to schedule the bill prevented the full House from debating and voting on the merits of HB 426 as amended by the Governor.

**Election law:** Speaker Sales tried to prevent an interim election study resolution (HJ 46, Rep. Diane Sands, D-Missoula), supported by MCV, from being considered by the legislature because he was not in favor of the primary subject to be studied (moving to all vote-by-mail federal elections). The bill ultimately received overwhelming support from the legislature. Sales delayed even assigning the bill to a committee for consideration for almost a month, deliberately jeopardizing its consideration by the committee and the legislature, and was the sole vote against the bill in an 18-member committee. HJ 46 passed the House on a 78-20 3rd reading vote and the Senate on a 47-3 vote. Legislators ranked it the fourth most important interim study among 21 passed by the legislature.

These and other attempts at 'pocket vetoes' are abuses of the power of a Speaker to assign bills to committee and schedule them for public consideration. Kudos to the legislators who fought for open and honest debate on these and other issues of importance to many Montanans. Thumbs down to legislators who enabled and supported this abuse of power.

# Select Committee Votes

Some of the most important debate and decisions occur in committee. In the 60<sup>th</sup> Legislative Session, several strong conservation proposals met opposition in House committees, while the Senate Natural Resources committee tabled attacks on current environmental law. The following votes demonstrate a snapshot of committee activity in just three key bodies.

## HOUSE FEDERAL RELATIONS, ENERGY & TELECOMMUNICATIONS COMMITTEE (FRET)

| Representative           | HB 88 | HB 405 | HB 411 | HB 586 | HB 610 | HB 763 | *SB 391 | SB 407 |
|--------------------------|-------|--------|--------|--------|--------|--------|---------|--------|
| Boggio, Scott (R)        | -     | -      | -      | -      | -      | -      | -       | -      |
| Driscoll, Robyn (D)      | +     | +      | +      | +      | +      | +      | +       | +      |
| Gallik, Dave (D)         | +     | +      | +      | +      | +      | +      | +       | +      |
| Groesbeck, George (D)    | +     | +      | +      | +      | -      | -      | +       | +      |
| Himmelberger, Dennis (R) | -     | -      | -      | -      | -      | -      | -       | -      |
| Jones, Llew (R)          | -     | -      | -      | -      | -      | -      | -       | -      |
| Klock, Harry (R)         | -     | -      | -      | -      | -      | -      | -       | -      |
| Olson, Alan (R)          | -     | -      | -      | -      | -      | -      | -       | -      |
| Rice, Diane (R)          | -     | -      | -      | -      | -      | -      | -       | -      |
| Stahl, Wayne (R)         | -     | -      | -      | -      | -      | -      | -       | -      |
| Thomas, Bill (D)         | -     | +      | +      | +      | -      | +      | +       | +      |
| Windy Boy, Jonathan (D)  | +     | +      | +      | +      | +      | +      | +       | +      |

MW) would once again be covered.  
**Conservation Community Position:** Support  
**Bill Status:** Died in committee

**HB 586 - Reduce toxic mercury emission limits for power plants, Rep. Jonathan Windy Boy (D-Box Elder)**  
 Coal-fired power plants account for

### HB 88 - Regulate electrical generation facility waste, Rep. Sue Dickenson (D-Great Falls)

HB 88 would give the Department of Environmental Quality the ability to regulate coal combustion waste from coal-fired power plants by considering coal combustion wastes a solid waste. Coal combustion waste is the fly ash, bottom ash or slurry left after coal is burned. These wastes contain approximately 5% hazardous substances, including arsenic, cadmium, chromium, lead, and mercury.

**Conservation Community Position:** Support  
**Bill Status:** Died in committee

**HB 405 - Rep. Lange (R-Billings).** See page 5.

### HB 411 - Expand the Major Facility Siting Act (MFSa), Rep. Ron Erickson (D-Missoula)

HB 411 would strengthen the Major Facility Siting Act so that major electrical generation projects (greater than 50

92% of the human-caused mercury emissions in Montana. This mercury invades our rivers and streams, making its way into the bodies of fish and humans. A powerful neuro-toxin, mercury impairs childhood development. Technology exists that reduce mercury emissions while burning coal by 90%. This bill requires the use of these technologies.

**Conservation Community Position:** Support  
**Bill Status:** Died in committee

**HB 610 - Rep. Keane (D-Butte).** See page 5.

**HB 763 - Rep. Ankney (R-Colstrip).** See page 6.

**SB 391 - Sen. Weinberg (D-Whitefish).** \*Vote was without bad amendments added in House (4/3/2007). See page 4.

**SB 407 - Sen. Bales (R-Otter).** See page 4.

## SENATE NATURAL RESOURCES AND ENERGY COMMITTEE

| Senator                 | SB 218 | SB241 | SB391 | SB 407 | SB 432 | SB 445 | HB 276 | HB 383 | HB 405 | HB 557 | HB 763 |
|-------------------------|--------|-------|-------|--------|--------|--------|--------|--------|--------|--------|--------|
| Curtiss, Aubyn (R)      | -      | -     | -     | -      | -      | +      | -      | -      | -      | -      | -      |
| Tash, Bill (R)          | +      | -     | -     | -      | -      | +      | -      | -      | -      | -      | -      |
| Kaufmann, Christine (D) | +      | +     | +     | +      | +      | +      | +      | +      | +      | +      | +      |
| Harrington, Dan (D)     | +      | +     | +     | +      | +      | +      | +      | +      | +      | +      | +      |
| Wanzenried, Dave (D)    | +      | +     | +     | +      | +      | +      | +      | +      | +      | +      | +      |
| Perry, Gary (R)         | +      | -     | +     | -      | -      | +      | -      | -      | -      | -      | -      |
| Lind, Greg (D)          | +      | +     | +     | +      | +      | +      | +      | +      | +      | +      | +      |
| Gebhardt, Kelly (R)     | +      | -     | -     | -      | -      | +      | -      | -      | -      | -      | -      |
| Tropila, Mitch (D)      | +      | +     | +     | +      | +      | +      | +      | +      | +      | +      | +      |

## HOUSE NATURAL RESOURCES COMMITTEE

| Representative              | HB 276 | HB 282 | HB383 | HB 509 | HB 557 | HB 753 | SB 218 |
|-----------------------------|--------|--------|-------|--------|--------|--------|--------|
| Ankney, Duane (R)           | -      | -      | -     | -      | -      | -      | -      |
| Barrett, Debby (R)          | -      | -      | -     | -      | -      | -      | -      |
| Cohenour, Jill (D)          | +      | +      | +     | +      | +      | +      | +      |
| Dickenson, Sue (D)          | +      | +      | +     | +      | +      | +      | +      |
| Erickson, Ron (D)           | +      | +      | +     | +      | +      | +      | +      |
| Hands, Betsy (D)            | +      | +      | +     | +      | +      | +      | +      |
| Heinert, Ralph (R)          | -      | -      | -     | -      | -      | -      | -      |
| Hendrick, Gordon (R)        | -      | -      | -     | -      | -      | -      | -      |
| Lambert, Carol (R)          | -      | -      | -     | -      | -      | -      | -      |
| McNutt, Walter (R)          | -      | -      | -     | -      | -      | -      | -      |
| Mendenhall, Scott (R)       | -      | -      | -     | -      | -      | -      | -      |
| Pomnichowski, JP (D)        | +      | +      | +     | +      | +      | +      | +      |
| Ross, John Jack (R)         | -      | -      | -     | -      | -      | -      | -      |
| Small-Eastman, Veronica (D) | +      | +      | +     | +      | +      | +      | +      |
| Van Dyk, Kendall (D)        | +      | +      | +     | +      | +      | +      | +      |
| Vincent, Chas (R)           | -      | -      | -     | -      | -      | -      | -      |

HB 383 weakens current disposal regulations on CBM produced water by defining it a non-significant pollutant and allowing its discharge into in-channel impoundments.

**Conservation community position:** Oppose  
**Status:** Passed House Natural Resources, failed in Senate

### HB 509 - Improve reclamation for lands strip-mined for coal, Rep. Ron Erickson, (D-Missoula)

The 2003 Legislature weakened Montana's coal reclamation law, and Montana's standards now lag behind federal requirements. This

measure would bring Montana into compliance with federal law and establish clear goals and procedures for reclamation.

**Conservation community position:** Support  
**Status:** Died in committee

**HB 276 - Rep. McNutt (R-Sidney)** See page 5.

### HB 282 - Require new and expanding coal-fired power plants to fully sequester CO<sub>2</sub> emissions, Rep. Ron Erickson (D-Missoula)

This measure would help address Montana's most significant source of global warming pollution.

**Conservation community position:** Support  
**Bill Status:** Died in committee

**HB 557 - Rep. Heinert (R-Libby)** See page 5.

**HB 753 - Rep. Hands (D-Missoula)** See page 6.

### HB 383 - Weaken current disposal regulations for coal bed methane water, Rep. Krayton Kerns (R-Laurel)

**SB 218 - Sen. Lind (D-Missoula)** See page 3.

## Senate Natural Resources and Energy Committee (vote descriptions refer to chart on bottom of page 17)

**SB 218 - Sen. Lind (D-Missoula)** See page 3.

### SB 241 - Oil and Gas Reclamation Act, Sen. Christine Kaufmann (D-Helena)

The act seeks to protect water quality and farming and ranching families by improving reclamation. It would require plans and requirements before permit approval, similar to those of other extractive industries. It would also require reclamation standards are met before any bond is released.

**Conservation Community Position:** Support  
**Bill Status:** Bill passed Senate Natural Resources, but died on the Senate floor.

### SB 445 - Expand energy conservation and efficiency program, Sen. Mitch Tropila (D-Great Falls)

**Conservation Community Position:** Support  
**Bill Status:** Bill passed Senate, but failed in the House.

**HB 383 - Rep. Kerns (R-Laurel)** See page 17.

**HB 405 - Rep. Lange (R-Billings)** See page 5.

**HB 557 - Rep. Heinert (R-Libby)** See page 5.

**HB 763 - Rep. Ankney (R-Colstrip)** See page 6.

**SB 391 - Sen. Weinberg (D-Whitefish)** See page 4.

**SB 407 - Sen. Bales (R-Otter)** See page 4.

**SB 432 - Sen. John Brueggeman (R-Polson)** See page 4.



Action on the floor of the State Senate

# Resolutions

## **SJ 3: Urge funding for restoration of parks, battlefields and monuments**

**Sponsor:** Dan Weinberg (D-Whitefish)

SJ 3 encourages Montana's Congressional delegation to fully fund the National Park Service annual operations budgets and eliminate maintenance and road repair backlogs for all park, battlefield and monument units by the National Park System centennial in 2016.

**Conservation Community Position:** Support

**Bill Status:** Became Law.

**Senate 3<sup>rd</sup> reading, passed 45Y/5N:**

All Senators voted for the conservation position except: Balyeat, Esp, McGee, Stapleton, Steinbeisser.

**House 3<sup>rd</sup> reading, passed 71Y/29N:**

For the conservation position: Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, Nooney, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Taylor, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Against the conservation position: Ankney, Arntzen, Boggio, Butcher, Everett, Gallik, Hawk, Heinert, Hilbert, Himmelberger, Jayne, Jore, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, O'Hara, Rice, Ripley, Sales, Sinrud, Stahl, Stoker, Vincent, Ward, Wells, Witte.

## **SJ 20: Urge the Federal government to address global climate change through conservation and carbon caps**

**Sponsor:** Sen. Cooney (D-Helena)

To date, the federal government has been slow to act to address global warming pollution. SJ 20 urges the federal government to reduce global warming pollution through energy conservation measures and asks for a federal carbon cap and trading system.

**Conservation Community Position:** Support

**Bill Status:** Passed the Senate, but died in House.

**Senate 2<sup>nd</sup> reading, passed 29Y/20N:**

For the conservation position: Brueggeman, Cocchiarella, Cooney, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.

The rest of the Senate voted against the conservation position.

**House Natural Resources committee, tabled 9/7:**

For the conservation vote: Cohenour, Dickenson, Erickson, Hands, Pomnichowski, Small-Eastman, Van Dyk.

Against the conservation position: Ankney, Barrett, Heinert, Hendrick, Lambert, McNutt, Mendenhall, Ross, Vincent.

## **HJ 6: To urge agriculture to produce 25% of energy consumed by 2025**

**Sponsor:** Mike Phillips (D-Bozeman)

With this resolution, Montana will join Colorado, Nebraska, Kansas and Vermont, as well as Governors from both parties and all regions of the country in endorsing the 25x'25 agriculturally led initiative. This initiative acknowledges that agriculture's role as an energy producer will have a positive effect on national security trade imbalances and will serve as a catalyst for rural development in Montana and the United States.

**Conservation Community Position:** Support

**Bill Status:** Became Law.



**House 2<sup>nd</sup> Reading, passed 60Y/40N:**

For the conservation position: Ankney, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lange, MacLaren, McAlpin, McChesney, Musgrove, Noonan, Nooney, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Against the conservation position: Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, Jore, Kasten, Kerns, Koopman, Lake, Lambert, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, O'Hara, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wells, Witte.

**Senate 2<sup>nd</sup> Reading, passed 26Y/23N:**

For the conservation position: Brueggeman, Cobb, Cooney, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.

Against the conservation position: Bales, Balyeat, Barkus, Black, Brown, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

## **HJ 24: Urge ban of exportation of elemental mercury**

**Sponsor:** Betsy Hands (D-Missoula)

The United States is a net exporter of the neurotoxin mercury, and banning its use in the U.S. would have a noticeable effect on the availability of mercury worldwide, encouraging developing countries to switch to affordable mercury alternatives. HJ 24 encourages Congress to enact legislation to prohibit the sale, distribution, transfer or exportation of elemental mercury and require the President to establish safe storage capacity for large quantities of elemental mercury.

**Conservation Community Position:** Support

**Bill Status:** Became Law.

#### House 3<sup>rd</sup> reading passed 63Y/35N

For the conservation position: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Heinert, Henry, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, Lambert, Malcolm, McAlpin, McChesney, McNutt, Milburn, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Against the conservation position: Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Everett, Glaser, Hawk, Hendrick,

Hilbert, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lange, MacLaren, McGillvray, Mendenhall, Morgan, Nooney, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells.

#### Senate 3<sup>rd</sup> reading, passed 39Y/11N

All Senators voted for the conservation position except: Bales, Curtiss, Esp, Gallus, Gebhardt, Jackson, McGee, Murphy, O'Neil, Steinbeisser, Story.

#### HJ 37: Study health effects of coal plants

**Sponsor:** Jonathan Windy Boy (D- Box Elder)

This resolution would have created an interim committee in partnership with the Department of Environmental Quality and the Department of Public Health and Human Services to study the health impacts of coal-fired power plants, especially on those living on our reservations. Industry is eager to develop Montana's coal reserves and build these plants near tribal lands even though coal plants are responsible for emitting mercury, a potent neurotoxin that has been linked to learning disabilities and developmental delays in children, into our air and water.

**Conservation Community Position:** Support

**Bill Status:** The House Human Services Committee effectively killed this resolution by not taking action on it in time to meet the transmittal deadline.

## Initiative Process Changed

Legislators proposed at least 14 bills to address the debacle faced by Montanans in the last election over three initiatives disqualified from the ballot by the Supreme Court at the last minute, and the abuses of Montana's signature gathering process that led to the disqualification. Five of the bills were ultimately introduced, and one, SB 96, survived the process to land on the Governor's desk.

The Attorney General and the Secretary of State's offices developed SB 96 (Carol Williams, D-Missoula) in consultation with various interest groups, partly in response

to the violations of the initiative signature gathering process in 2006. In addition to clarifying and standardizing the state and county roles in certifying initiatives, it also requires ballot issue signature gatherers to be Montana residents, prohibits signature gatherers from being paid by the signature, and removes the "assisted in gathering" language from the signature gatherers' affidavit so that signature gatherers have to have directly collected the petition signatures they submit. It had widespread support in both houses.



# Legislative Fish Tales



Montana Wildlife Federation

Anglers, river lovers and conservationists across the state groaned about the snags experienced with SB 78 (stream access from bridges), SB 345, the Stream Legacy Act (see page 3 for bill descriptions) and Speaker Sales successfully thwarting the Governor's amendatory veto of HB 426 (see page 16). Though these popular measures weren't successful, the session did have a silver lining, thanks to the projected budget surplus.

During the regular session, Governor Brian Schweitzer promoted a new public recreation budget item within the state budget that reserved \$15 million for purchasing new hunting and fishing access sites. By the time the regular session closed, without a state budget, this item had been bounced around at various levels, \$4.5 million, \$7.5 million and ending with \$0.

The 2007 5-day Special Session that followed the Regular Session included the passage of a positive budget line item that included the Governor's access measure. In the last few hours of the last day of the Special Session, the Governor was able to negotiate the inclusion and adoption of \$10 million for the program.

"Our hunting, fishing and outdoor recreation heritage is what makes us who we are in Montana - it is our way of life and it should be preserved for generations to come," said Governor Schweitzer.

The proposed program would identify and acquire new state parks in all regions of the state. "Many state parks get crowded at certain times of the year. We don't need anything fancy, but we need places for families to camp and recreate without having to make reservations far in advance. With ever increasing land prices, now is the time to do this," Schweitzer concluded.

Thanks to a budget surplus, this funding is on top of \$10 million for Access Montana, which is the Department of Fish, Wildlife and Parks' program to buy lands for future public access for recreational, cultural and historical purposes.

The Legislature also provided \$6.2 million for Habitat Montana, which obtains wildlife habitat through easements, leases or fees.

# Scorecard Snapshot

The next page has a snapshot of the voting record of legislators whose 2007 MCV record changed at least 10 percentage points from 2005.

Several Senate records significantly improved. For example, Sen. Bill Tash (R-Dillon), a rancher, supported numerous measures at the crossroads of agriculture and environmental protection this year, increasing his score by a note-worthy 33%. Sen. John Brueggeman (R-Polson), a small businessperson, sponsored the biodiesel bill (SB 432) and supported several key environmental bills in committee and on the floor, increasing his score by 17%.

Unfortunately, several House records plummeted with equal vigor. For example, Rep. Elsie Arntzen (R-Billings), a teacher, voted against conservation in every scored bill in 2007, moving from a 25% in 2005 to a 0% score this year. The scores of some Democrats dropped in the House as well - Reps. George Groesbeck and Jim Keane, both of Butte, saw their scores dip by 30% and 21% respectively. Keane also pushed HB 610, a bill that sought to shred the Montana Environmental Policy Act (MEPA).

Several legislators stood out as conservation leaders this session. New conservation champions in the House emerged, earning 100% (Rep. Doug Cordier, Rep. Bob Ebinger, Rep. Julie French, Rep. Betsy Hands, Rep. Galen Hollenbaugh, Rep. Mike Phillips, Rep. Michele Reinhart, Rep. Kendall Van Dyk and Rep. Franke Wilmer).

## NOTABLE LEGISLATIVE LEADERSHIP

Rep. Bob Bergren, a firefighter from Havre who was elected to Democratic leadership, maintained a 92% (up from 57% in 2003) and sponsored another version of the great biodiesel bill (HB 309). The many veteran legislators that maintained high scores this session and sponsored conservation bills are deeply appreciated. Their names are too numerous to list individually.

A strongly committed conservationist, Sen. Greg Lind, chaired the Senate Natural Resources and Energy committee. Sen. Rick Laible sponsored and helped pass SB 201, and helped create incentives for smarter growth in our cities and counties. Other Senate leaders, like Majority Leader Sen. Carol Williams and President Mike Cooney, helped move conservation bills through the process.

The House Republican leadership struck a sharply anti-environmental tone with Speaker Sales' numerous abuses of authority and Majority Leader Michael Lange's infamous melt-down at the end of the regular session. Lange also sponsored the single most anti-environment bill of the session in HB 405 (see page 5).

**CONTINUED NEXT PAGE**

**(SNAPSHOT CONT.)** Though citizens don't often sue over agency MEPA decisions (lawsuits under MEPA have been filed only 39 times out of over 39,000 state actions that have been reviewed under MEPA in 36 years), Lange still erupted with angry rhetoric at the close of a hearing on his bill. "I'm sick and tired of people that are paid to stand up here and go to court and obstruct facilities just because they don't like it," he said.

In sharp contrast to Sales and Lange, House Minority Leader John Parker (D-Great Falls) and Whip Dave McAlpin (D-Missoula) consulted frequently with conservation leaders and pursued a thoughtful agenda in spite of the divided nature of the house.

Finally, the Native American caucus hosted several conservation advocates as speakers in their weekly meetings, and helped forge partnerships within our communities.

This list is not exhaustive, and MCV happily recognizes that many acts of stewardship bloomed throughout the session.

| Legislature              | 2007 | 2005 | 2003 | 2001 | 1999 |
|--------------------------|------|------|------|------|------|
| Score Average            | 53%  | 60%  | 47%  | 42%  | 43%  |
| Democrat Score Average   | 91%  | 96%  | 85%  | 85%  | 83%  |
| Republican Score Average | 15%  | 21%  | 8%   | 13%  | 17%  |

| House                    | 2007 | 2005 | 2003 | 2001 | 1999 |
|--------------------------|------|------|------|------|------|
| Score Average            | 50%  | 59%  | 44%  | 44%  | 43%  |
| Democrat Score Average   | 92%  | 97%  | 88%  | 89%  | 83%  |
| Republican Score Average | 9%   | 22%  | 5%   | 12%  | 15%  |

| Senate                   | 2007 | 2005 | 2003 | 2001 | 1999 |
|--------------------------|------|------|------|------|------|
| Score Average            | 59%  | 60%  | 40%  | 39%  | 42%  |
| Democrat Score Average   | 89%  | 94%  | 78%  | 76%  | 82%  |
| Republican Score Average | 26%  | 19%  | 13%  | 15%  | 20%  |

| County Comparison (House Averages) |      |      |      |      |      |
|------------------------------------|------|------|------|------|------|
| County                             | 2007 | 2005 | 2003 | 2001 | 1999 |
| Yellowstone                        | 40%  | 55%  | 42%  | 43%  | 42%  |
| Missoula                           | 82%  | 86%  | 68%  | 78%  | 71%  |
| Flathead                           | 27%  | 38%  | 16%  | 12%  | 20%  |
| Cascade                            | 71%  | 83%  | 61%  | 57%  | 58%  |
| Gallatin                           | 52%  | 45%  | 41%  | 40%  | 39%  |
| Lewis and Clark                    | 59%  | 66%  | 55%  | 44%  | 49%  |
| Ravalli                            | 16%  | 19%  | 9%   | 25%  | 25%  |
| Silver Bow                         | 71%  | 88%  | 61%  | 72%  | 51%  |

| County Comparison (Senate Averages) |      |      |      |      |      |
|-------------------------------------|------|------|------|------|------|
| County                              | 2007 | 2005 | 2003 | 2001 | 1999 |
| Yellowstone                         | 48%  | 61%  | 28%  | 27%  | 27%  |
| Missoula                            | 92%  | 92%  | 62%  | 62%  | 69%  |
| Flathead                            | 34%  | 30%  | 6%   | 10%  | 27%  |
| Cascade                             | 73%  | 85%  | 71%  | 61%  | 64%  |
| Gallatin                            | 59%  | 60%  | 60%  | 36%  | 44%  |
| Lewis and Clark                     | 69%  | 57%  | 58%  | 50%  | 45%  |
| Ravalli                             | 53%  | 33%  | 0%   | 7%   | 14%  |
| Silver Bow                          | 97%  | 94%  | 33%  | 42%  | 40%  |



Reps. Hamilton and Reinhart donated hair samples to WVE to test for mercury contamination among state legislators.

| Representative              | HD | City        | % +/- |
|-----------------------------|----|-------------|-------|
| Hawk, Ray (R)               | 90 | Florence    | 15%   |
| Hiner, Cynthia (D)          | 85 | Deer Lodge  | -15%  |
| Small-Eastman, Veronica (D) | 42 | Lodge Grass | -15%  |
| Barrett, Debby (R)          | 72 | Dillon      | -17%  |
| Butcher, Ed (R)             | 29 | Winifred    | -17%  |
| Hendrick, Gordon (R)        | 14 | Superior    | -17%  |
| Lange, Michael (R)          | 55 | Billings    | -17%  |
| Malcolm, Bruce (R)          | 61 | Emigrant    | -17%  |
| McGillvray, Tom (R)         | 50 | Billings    | -17%  |
| Ripley, Rick (R)            | 17 | Wolf Creek  | -17%  |
| Sonju, Jon (R)              | 07 | Kalispell   | -17%  |
| Keane, Jim (D)              | 75 | Butte       | -21%  |
| Arntzen, Elsie (R)          | 53 | Billings    | -25%  |
| Heinert, Ralph (R)          | 01 | Libby       | -25%  |
| Lambert, Carol (R)          | 39 | Broadus     | -25%  |
| MacLaren, Gary (R)          | 89 | Victor      | -25%  |
| Taylor, Janna (R)           | 11 | Dayton      | -25%  |
| Klock, Harry (R)            | 83 | Harlowton   | -28%  |
| Groesbeck, George (D)       | 74 | Butte       | -30%  |
| Milburn, Mike (R)           | 19 | Cascade     | -33%  |
| Stahl, Wayne (R)            | 35 | Saco        | -34%  |

| Senator                  | SD | City        | % +/- |
|--------------------------|----|-------------|-------|
| Tash, Bill (R)           | 36 | Dillon      | 37%   |
| Laible, Rick (R)         | 44 | Darby       | 35%   |
| Lewis, Dave (R)          | 42 | Helena      | 30%   |
| Steinbeisser, Donald (R) | 19 | Sidney      | 27%   |
| Brueggeman, John (R)     | 06 | Polson      | 20%   |
| Black, Jerry (R)         | 14 | Shelby      | 19%   |
| Bales, Keith (R)         | 20 | Otter       | 18%   |
| McGee, Daniel (R)        | 29 | Laurel      | 18%   |
| Cobb, John (R)           | 09 | Augusta     | 14%   |
| Esp, John (R)            | 31 | Big Timber  | 10%   |
| Story, Robert (R)        | 30 | Park City   | 10%   |
| Larson, Lane (D)         | 22 | Billings    | -10%  |
| Schmidt, Trudi (D)       | 11 | Great Falls | -10%  |
| Peterson, Jim (R)        | 15 | Buffalo     | -16%  |
| Pease, Gerald (D)        | 21 | Lodge Grass | -18%  |
| Stapleton, Corey (R)     | 27 | Billings    | -18%  |
| Tropila, Joe (D)         | 13 | Great Falls | -27%  |
| Ryan, Don (D)            | 10 | Great Falls | -36%  |



## Support Conservation Politics With Your Gift

Montana Conservation Voters' mission is to elect conservation candidates, hold elected officials accountable and educate and activate voters on a wide range of conservation and environmental issues. This scorecard is central to that mission. By providing concrete information on how your legislator voted on conservation bills, MCV helps you choose whom to support in upcoming elections and whom to hold accountable.

MCV is a grassroots organization – which means we need you! Please consider becoming a member of Montana Conservation Voters or increasing your contribution amount to help support the publication and distribution of this scorecard. Membership in MCV brings many benefits – check them out at [www.mtvoters.org](http://www.mtvoters.org).

Please read this scorecard and then take action. Talk to your neighbors, friends and family about how the legislature affects Montana's quality of life – our clean air and water, open spaces, wildlife and public health. Become a member of MCV and ask them to do the same. Make your voice heard and your vote count!



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