

Montana Conservation ✓ *oters*
2001
STATE LEGISLATIVE
SCORECARD



www.mtvoters.org

We the people of Montana grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this constitution.

- Preamble to the 1972 Montana Constitution

Know the Score!

Thank you for reading this scorecard and finding out how your legislators voted on bills before the 2001 State Legislature. You've taken one of the most important actions towards protecting Montana's clean air and water, public lands, wildlife, forests and open space. Only those citizens who know how their legislators voted can hope to thank those who stood up for the environment and hold accountable those legislators whose votes run counter to Montanans' constitutional right to a clean and healthful environment.

The purpose of the Montana Conservation Voters' 2001 State Legislative Scorecard is to provide factual information about the voting records of Representatives and Senators in the 2001 Legislative Session. This scorecard attempts to separate real stewards from legislators who just talk about it. In consultation with the conservation and environmental groups working on state legislation, MCV used the following criteria when selecting the votes that are featured in this scorecard.

1. The vote was on a bill deemed important to Montana Conservation Voters members.
2. The votes reflect a broad cross-section of environmental issues deemed important by a range of conservation organizations.
3. The vote showed 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 don't give voters solid information about how legislators voted when forced to make a choice to protect the environment.
4. The votes used in determining the score were on actual legislation. Votes on three resolutions are listed on the vote chart for informational purposes, but they weren't included when determining legislators' scores because resolutions don't have the effect of law.

While the scorecard is a very reliable indicator of where legislators stand on important issues affecting Montanans' constitutional right to a clean and healthful environment, it doesn't give enough credit to legislators who speak on the House and Senate floor and in committees and who work behind the scenes to pass good legislation and kill bad bills. Likewise, a vote tally fails to show the actions of legislators like Representative Cindy Younkin and Senator Bill Crismore, House and Senate Natural Resources Committee Chairpersons, respectively, and other committee members who led the charge to cripple the Montana Environmental Policy Act and kill many pro-active conservation measures. Too many of these legislators campaigned on behalf of the environment but, once elected, voted on behalf of the special interest industry lobbyists. MCV's bill descriptions go into more detail on leadership for and against the environment.

MCV has included three special features in this scorecard. A description of proposed constitutional amendments making it much tougher to initiate constitutional amendments and laws for Montana voters to consider in the ballot box is included, along with a vote summary. We've mentioned three anti-environmental resolutions, and their impact, according to federal agencies. Five key points about energy deregulation in Montana are found on page 4. Also available on the MCV website is a summary of several measures for or against conservation that either never made it out of committee or that didn't meet the criteria for inclusion in the scorecard. Go to www.mtvoters.org and download a copy, or request one from the MCV office at Box 63, Billings, MT 59103, phone 254-1593.

Thanks to Anne Hedges and Patrick Judge of the Montana Environmental Information Center, Janet Ellis, Montana Audubon, John Wilson, Montana Trout Unlimited, Aaron Browning, Northern Plains Resource Council, David Ponder and Matt Leow, Montana Public Interest Research Group, David Dittloff and Toby Day, Montana Wildlife Federation and Tim Davis, Montana Smart Growth Coalition, for their assistance.

State Legislative Reapportionment

A five person commission is responsible for reapportionment of state legislative districts which will be in effect for the 2004 (not the 2002) election. For information go to the state legislative website at www.leg.state.mt.us and lick on "reapportionment", or go to www.mtvoters.org.

Dear Scorecard Readers,

Your first inalienable right as a Montanan is the right to a clean and healthful environment. Don't take our word for it. That was the decision of the Montana people in 1972 when we ratified the new Montana Constitution.

Thirty years later, our beloved Constitution appears to be fraying at the edges. The 2001 Legislature whittled away at various environmental protections that served to buttress your right to a clean and healthful environment. They assaulted cornerstone conservation laws that gave state agencies the tools to protect public health, our clean air and water. The Legislature took a swipe at the public's right to participate in state actions that affect our environment. And legislators took the first step toward watering down the public's right to enact laws by popular initiative.

The 2001 Legislature reflected little on the quiet beauty of our state or the grandeur of our mountains or our quality of life, those finest of Montana's distinguishing features that the 1972

delegates so eloquently captured in the preamble to the Constitution. Instead, legislators focused on how best to sidestep environmental concerns in a headlong rush to mine and drill and burn and export what's left of our natural resources, foremost of which is energy. Joined by the Governor, legislative leaders, many of them backers of Montana's industry-driven utility deregulation law, blamed higher utility rates and Montana's economic ills on cornerstone environmental laws.

Some legislators even took an aborted stab at giving themselves the authority to determine that some of your constitutional rights deserve precedence over your right to a clean and healthful environment.



Julia Page
MCV Co-Chair

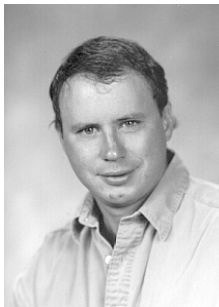
Fortunately, Montana's conservation community rose to the occasion and snuffed some of the worst attacks on Montana's environmental protection laws. MCV didn't do a whole lot of direct lobbying. The primary role we played in Helena this session was to help all the conservation groups and their lobbyists work more effectively together as a team. For example, through the MCV Conservation Roundtable, we spearheaded a coordinated radio and television ad campaign to maintain the Montana Environmental Policy Act.

Unfortunately, we observed a Legislature short on leadership, experience and vision. Time after time, legislative committees rubberstamped industry bills without the foggiest understanding of the consequences. Term limits went into effect with the 2000 election, and many great environmental leaders left office. More will leave in 2002. It's no coincidence that industry lobbyists enjoyed their greatest influence in the 2001 session. We need to redouble our efforts to elect tomorrow's conservation leaders.

There was good news out of Helena, too. Mine reclamation and bonding laws were strengthened. The Legislature invested state money to address the public health disaster in Libby. And the attempt to strip your right to a clean and healthful environment was defeated.

Finally, we would like to extend our heartfelt thanks to those legislators who rode through the storm to defend Montana's environment. You'll find them here in our second legislative scorecard, along with the zeros who gave us one of Montana's bleakest legislative sessions in recent memory.

Steve Thompson & Julia Page,
MCV Co-Chairs



Steve Thompson
MCV Co-Chair

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57th Legislature: Mitigations Under MEPA Restricted

Under the guise of “streamlining”, “modernizing” and promoting economic growth, the Montana Legislature took a meat-axe to the Montana Environmental Policy Act, more commonly known as MEPA.

Enacted in 1971, MEPA covers a wide variety of activities, including the licensing of game farms, the analysis of state timber sales, the creation of new state recreational access sites, the transplanting of non-native fish, air and water permits for mining operations, oil and gas permits, some highway projects, major subdivision reviews, hazardous and solid waste disposal, public water and sewage treatment projects, state land lease permits and land acquisition.

The law is modeled after the National Environmental Policy Act, which requires systematic reviews of federal actions that could have negative impacts on air, land and water quality. The most well-known provision of both the state and federal statute is the requirement that environmental assessments or environmental impact statements be prepared before development decisions are made.

The review process includes public participation and considers a variety of options ranging from no action to preferred alternatives. Of great importance is that the MEPA process also identifies potential actions for mitigating related environmental degradation. Prior to having most new electrical generating plants stripped from its authority, the state's facility siting act was designed to put all MEPA-related energy decisions under a single regulatory blanket.

EQC Report “The MEPA process is resulting in state agencies making ultimately better decisions”

An 18 month study of MEPA was conducted by the Environmental Quality Council, a bi-partisan panel of legislative and citizen representatives, to look at issues that arose in the 1999 legislative session, when industry attacked the law. MEPA study participants, which included 12 legislators, a utility attorney, a top Plum Creek Timber Co. planner and a two members of the environmental community -- MCV co-chairperson Julia Page and Great Falls attorney Howard Strause -- concluded that the law has generally “resulted in state agencies making legally defensible decisions.”

“It appears that the more complete the environmental document, the more likely the state is to prevail in litigation,” the 180 page report said, adding: “The MEPA process is resulting in state agencies making ultimately better decisions.” The EQC study recommended some timeline alterations to improve public involvement and better interagency coordination to expedite some reviews.

As the EQC was finishing its study, the Western Energy Trade Association, comprised of mining, oil and gas, timber and energy industry interests, proposed several sweeping changes

to MEPA. “(MEPA) takes too long and it costs too much,” said Don Allen, WETA director. “That’s why we are changing it.”

In response, the EQC recommended a resolution (SJR 3) calling for a comprehensive EQC review of the WETA proposals. Ignoring the EQC study and seeing a political opportunity to blame environmental laws for all of Montana’s woes, WETA engaged Helena attorney Michael Kakuk, a former state employee, to draft several bills that cripple MEPA.

The Legislature -- which has a 58-42 Republican majority in the House and a 31-19 Republican majority in the Senate -- adopted the bills, some of which were amended despite objections from bill sponsors. All of the prime sponsors and chief advocates were Republicans and some, like Rep. Cindy Younkin and Rep. Doug Mood, took part in the EQC study.

Conservationists argued that past legislative undermining of the state’s environmental laws has not triggered promised new jobs and greater prosperity. Indeed, the legislature has chipped away at MEPA and damaged Montana’s natural-resource legacy, eroding the public’s trust, while the state continues a downward economic spiral.

“There’s no sense to it,” Senate Minority Leader Steve Doherty, D-Great Falls, said during the heat of the MEPA battles. “It’s a political bait-and-switch, and worst of all, it’s a cruel hoax that changing any of Montana’s bedrock environmental laws will do anything to improve our economic plight. There’s no evidence that these laws have deterred us from anything.”

“There’s absolutely nothing wrong with MEPA,” added former Rep. George Darrow, a Republican who carried the original MEPA legislation in 1971. Speaking at MCV’s 2nd annual meeting, Darrow said “I think they’re really way off base and operating on misguided information. The great clamor is that the ‘state is open for business.’ But let’s ask, ‘What business?’”

MEPA No Longer Substantive

“MEPA is not some kind of absolute god out there that determines whether Montana is livable or clean or not,” explained Rep. Doug Mood, a Seeley Lake Republican who led the charge to strip down the statute. “It’s the substantive laws that do that, not MEPA.”

Mood’s sentiment was often repeated by Governor Judy Martz, who signed the MEPA bills, and Rep. Cindy Younkin, R-Bozeman, prime sponsor of the most damaging MEPA bill, HB 473. The bill says that MEPA is solely a procedural statute, meaning it can’t be used to attach conditions to environmental permits unless the mitigation is specifically backed up by other state laws. “It boils down to whether MEPA



Conservationist gather in Billings to protest the legislative attacks on MEPA in March.

should dictate an action or a process," Younkin testified at one committee hearing.

Younkin's bill is especially onerous because MEPA traditionally has been used to cover gaps where there are weak or non-existent state environmental regulations, such as ambient air standards for asbestos and laws governing forestry practices. By using MEPA substantively, agencies have placed conditions on permits to protect fish and wildlife habitat, promote noxious weed management, create off-site mitigation for mine-related activities such as haul roads and traffic and public safety, and guide other development that would otherwise adversely impact human health and welfare and the natural environment.

Curtailing agency authority to attach protective conditions to development projects will result in more threats to the environment, as well as the state's citizens. Though Younkin acknowledged that these gaps exist if MEPA is only a procedural statute, she resisted attempts to amend her bill to allow mitigations that ensure public health and safety and protection of wildlife habitat, leaving it to future legislatures to address the shortcomings of her legislation.

Montana Conservation Voters joined forces with several conservation and environmental groups to stop or amend the MEPA bills. Rallies were organized in Missoula, Bozeman and Billings, members contacted legislators and attended hearings, radio and TV ads were aired. These actions and

the effective lobbying by the groups helped ensure adoption of amendments to Younkin's bill (which she opposed) that eliminated the requirement that state agencies have to prove that there would be violations of law if conditions were not added to permits. Another amendment allows agencies more discretion to change a project under MEPA review provided that the agency is the project sponsor and has authority to do so.

Other WETA-backed measures described in this scorecard also weaken MEPA, (HB 459, Rep. Doug Mood; SB 377, Sen. Duane Grimes; SB 376, Sen. Bob DePratu) and force conservationists to watch dog permit decisions made under a MEPA review, identify gaps in environmental protection, public health and safety that may occur thanks to the passage of Younkin's bill, and advocate legislation to close the gaps. And, likely, more court action will be brought by citizens whose constitutional rights to a clean and healthful environment have been limited again by the legislature.

To Contact Your Legislator

See the MCV website for your legislators' home addresses or phone numbers to discuss their votes with them. You might also write:

Governor Judy Martz, State Capital, Helena, MT 59620-0801

For more information, including how to contact all legislators, log on to the Montana State Website at:
<http://leg.state.mt.us>

5 Reasons why Conservationists Should Care About Utility Deregulation by Senator Ken Toole

1. The energy industry – coal mining and generation, oil and gas development, energy transmission, nuclear power – is the biggest source of pollution in the United States. Company executives, board members, major share holders and lobbyists of the energy industry are huge campaign contributors to many Montana politicians, and they spend millions to influence and control the actions of state legislatures, governors and Congress.
2. The "Energy Scare" – an allegation that there is a shortage of energy due to environmental laws and lack of new power plant construction – was used as a rationale by legislators and others to dismantle Montana's key environmental laws like the Montana Environmental Policy Act and the Major Facility Siting Act. In fact, Montana generates more energy than it consumes, and skyrocketing utility bills are the result of a failed 1997 Montana energy deregulation law that gave the electrical industry the upper hand in setting prices.
3. Energy in a free market environment with little competition means that the real cost of energy production, such as environmental pollution, is borne by landowners, the community, consumers and people suffering from the health effects of air and water pollution. In a frenzy to make it cheaper for energy companies to generate electricity, the legislative backers of deregulation and the governor have made it more costly for Montanans to live with energy development impacts.
4. The short term profit theory that drives energy production under deregulation makes investments in renewable energy technologies such as solar and wind power less attractive. Alternative energy industries don't enjoy the same tax breaks, research and development benefits and government subsidies that have been given to the fossil fuel industries. There isn't a level playing field for alternative energy to compete.
5. Conservationists have common ground with consumer advocates, senior citizens, low income people and alternative energy businesses under deregulation. We all CARE about a Cleaner, Affordable, Reliable, Efficient energy future, and can work together towards this shared vision.

Senator Ken Toole (D-Helena) is an energy consultant and director of the Montana Human Rights Network. See his commentary on the energy deal passed by the Legislature on its last day at www.mtvoters.org.

The Montana Environmental Information Center (www.meic.org) phone 443-2520, the Montana Public Interest Research Group (www.pirg.org) phone 243-2908, and the Northern Plains Resource Council (www.nprcmt.org) phone 248-1154 are working with other groups and legislators to move Montana towards a cleaner, affordable, reliable, efficient energy future. Contact them for more information.

2001 House of Representatives Vote Descriptions

General Environmental Protection

House Bill 473: Montana Environmental Policy Act Procedural Only

Sponsor: Rep. Cindy Younkin, R-Bozeman

MCV position: Oppose

Status: Amended version signed into law

HB 473 largely prohibits state agencies from attaching protective conditions or mitigations to development permits unless an existing state law specifically allows the conditions to be imposed. Since its inception, MEPA permit conditions have been used to plug a variety of gaps not covered by the state's public health and environmental protection laws. Under HB 473, MEPA is now deemed to be only a "procedural" law, meaning its authority can't legally extend beyond the parameters of other state statutes.

For example, Montana still has no ambient air quality standard for asbestos. Under HB 473, the state will be further limited when trying to control asbestos at mine-waste disposal sites and will be unable to require mining employees to decontaminate their work clothing before heading off the job. Wayward asbestos inadvertently carried away from the former W.R. Grace vermiculite mine is a major cause of health problems now being experienced by residents of Libby.

HB 473, one of five related bills drafted by Helena attorney Michael Kakuk for the Western Environmental Trade Association, a coalition of extractive industries, manufacturing firms, mining companies and motorized recreation groups, will also tie the hands of the Montana Department of Environmental Quality to protect wildlife and wildlife habitat because the agency has not specifically been given that authority. DEQ will also be unable to mitigate traffic impacts or other community-safety issues at development projects.

Younkin and other HB 473 supporters said state officials exceed their legal authority when they use MEPA substantively, and that such action results in bureaucrats, rather than the Legislature, setting state environmental policies.

Opponents of the bill argued that throughout its history, MEPA has been used both substantively and procedurally, depending on what type of development activity or agency action is under review. Conservation leaders noted when MEPA is used substantively, it protects public health and blunts impacts to air, land, wildlife and water, and reduces litigation. The additional protections are implicitly required under Montana Constitution's guarantee of a clean and healthful environment.

Successful amendments, which were fought by Younkin and industry lobbyists, give agencies a bit more flexibility in setting conditions for state-sponsored projects, such as timber sales on school trust lands. Agencies were also relieved of the burden to prove in advance that other state laws would be violated if a permit condition was not imposed.

The featured House vote in this scorecard is third reading, where the bill was approved 60-40.

House Bill 473: Amendment for MEPA Permitting Protections

Amendment Sponsor: Rep. David Wazenreid, D-Missoula

MCV position: Support

Status: Killed on House floor

Wazenreid's amendment attempted to fill in the regulatory gaps caused by Rep. Cindy Younkin's bill that defines MEPA as solely a procedural law. The amendment called for protective mitigations or conditions to be applied in areas where no other state environmental laws have been enacted or where statutory protections are incomplete. Covered areas included airborne asbestos, protections for fish and wildlife, various forest practices, community health, safety and welfare, developments at state parks and fishing access sites, soil protection, hard rock mining impacts, open-cut mines and assorted water uses. The amendment was killed on a 57-43 House vote, which is featured.

House Bill 459: MEPA Economic Analysis

Sponsor: Rep. Doug Mood, R-Seeley Lake

MCV position: Oppose

Status: Amended version signed into law

HB 459 puts more restrictions on agency reviews of proposed development activities by requiring that an economic analysis be conducted before project alternatives can be advanced. The alternatives, designed to mitigate adverse environmental or public health impacts, are typically broached when environmental assessments or environmental impact statements are being prepared. Mood said the bill was needed because many mitigation proposals are not cost-effective for the businesses that are backing the projects.

In its original bill form, HB 459 required that any alternative broached by an agency must be "reasonable," as well as "economically feasible for the project sponsor."

Opponents testified that the bill put undue burdens on state agencies to determine what companies are financially viable and which aren't, and that viability could rapidly change with commodity prices. They added that the bill would create disparities between larger businesses, which have more capital, and their smaller counterparts when environmental protections were being decided. John North, lead counsel for the Montana Department of Environmental Quality, testified that his agency could not complete such economic analysis in-house and would have to hire outside consultants to comply with the proposed rules.

Later amendments clarified that economic feasibility should be determined by looking at "similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor." A loosely worded appeals process was also established, but any costs related to an appeal must be borne by the state, rather than the project sponsor.

Featured House vote is second reading, where the bill was approved 58-41.

Senate Bill 377: Restrict MEPA Timeframes

Sponsor: Sen. Duane Grimes, R-Clancy

MCV position: Oppose

Status: Amended version signed into law

SB 377 sets specific timelines for agencies to complete MEPA reviews and restricts agency authority to consider full cumulative impacts when making decisions about new projects in areas where other development has already occurred.

The bill initially required environmental assessments to be completed in 90 days and more comprehensive environmental impact statements to be wrapped up within a year, unless an agency could prove that more time was needed to prevent direct violations of state law. The timelines would have been in effect even if permit applications were incomplete. The original bill also required that lawsuits related to agency reviews be filed within 30 days of a decision or the right to sue would be forfeited. In addition, new opportunities for stalling were created for project sponsors.

Amendments by Sen. John Cobb, R-Augusta, and others narrowed the scope of projects that are covered by the tight timelines and allowed some deadlines to be extended more than once if the reviewing agency and the project sponsor jointly agreed. Applications for project review must also be deemed complete before the clock starts ticking.

Unfortunately, a 60-day deadline was imposed for any challenges to a final agency decision to be filed in state or federal court. The bill also restricts agency authority to consider many "reasonably foreseeable" future impacts of its decisions, even though federal law requires such impacts to be included in the National Environmental Policy Act review process.

Featured vote is third reading in the House, where the bill was approved by a 61-39 margin.

Citizen Participation

Senate Bill 472: Making Citizen Initiative Process Tougher

Sponsor: Sen. Lorents Grosfield, R-Big Timber

MCV position: Oppose

Status: Killed in House

SB 472 was the worst of a package of bills sponsored by Sen. Lorents Grosfield to seriously undermine Montana's time tested citizen initiative process. SB 472 required the Secretary of State to trigger politically complex legal reviews of proposed measures and extensive administrative hurdles.

The measure also required the Attorney General to write a statement of legal fitness of proposed ballot measures, and allowed court challenges of a proposal before it even qualified for the ballot. Both Secretary of State Bob Brown and Attorney General Mike McGrath requested major changes to SB 472 in the House after it passed the Senate with little notice. Consequently, dozens of amendments were added in the House State Administration Committee, where it passed by one vote. The bill was killed on the House floor on a bipartisan vote. Proponents of the bill included the Western Energy Trade Association, Montana Wood Products Association, Montana Contractors Association and several industry groups that have opposed successful ballot measures advanced by conservationists. Montana Education Association/Montana Teachers Federation also joined the proponents. Joining Montana Conservation Voters as opponents were Montanans for Better Government, Montana Public Interest Research Group, Common Cause, Montana

Environmental Information Center, and Montana Wildlife Federation. A motion on the House floor to keep the bill alive passed, but no further action was taken after it's defeat on second reading.

Featured vote is second reading in the House, where the bill was killed 44-55.

Energy & Mining

House Bill 573: Coal Bed Methane Water Waste

Sponsor: Rep. Keith Bales, R-Otter

MCV position: Oppose

Status: Amended version signed into law

As part of an effort to spur new energy development in Eastern Montana, HB 573 says that water withdrawn in the coal bed methane extraction process is not deemed to be "wasted" water. Conservationists, led by the Northern Plains Resource Council, disagree.

They argue that any water not utilized for "beneficial" use, as required by the Montana Constitution and related state water law, must be considered an illegal waste. Opponents of the bill noted that the Montana Department of Natural Resources and Conservation has already determined that water used in coal bed methane development is not a bona fide beneficial use. Ignoring that finding, HB 573 creates a new beneficial-use exemption.

Bales, who admitted that he could potentially benefit financially if methane production takes place on his family's property, argued that the bill was needed to prevent the loss of energy resources from "collateral extraction" and development on tracts of federal and tribal land and in the state of Wyoming. Allowing other entities to extract the gas first would be to the economic detriment of Montana, he argued.

Montana jumped into the coal bed methane fray in 1999 by issuing permits to Redstone Gas Partners without an environmental review. The Northern Plains Resource Council sued and a moratorium on new state permits was instated last year as part of the lawsuit settlement agreement, which includes a requirement that the state complete an environmental impact statement governing future gas extraction. The Bureau of Land Management is also taking part in the EIS.

HB 573 also was written to allow gas producers to ignore the moratorium and force the state oil and gas board to issue some permits in 2002, regardless of the review status, if the tracts in question may be threatened by other nearby methane development. However, this provision was stripped from the bill.

The featured vote in the House is the third reading of the bill's second conference committee report, where the bill was approved 58-41.

Senate Bill 319: Stripping "Major Facility" out of the Major Facility Siting Act

Sponsor: Sen. Mack Cole, R-Hysham

MCV position: Oppose

Status: Amended bill signed into law

The 1973 siting act, enacted in response to unprecedented -- and some said unneeded -- energy development in Montana, was designed to ensure there was significant social need for large electrical generating plants before they were built and to guide placement and construction unnecessary

environmental damage would not occur.

Subsequent legislatures added oil and gas pipelines, electrical transmission lines, distribution centers, nuclear power plants, synthetic-fuel plants, geothermal facilities and many related energy-related accessories to the law, which has long been considered to be one of the state's premier environmental statutes.

Legislative attacks on the siting act began in 1975, and the law has been continually whittled down with waivers, exemptions, and tightened review deadlines ever since. One of the worst revisions took place in 1977, when lawmakers removed the certificate of need provision, meaning utilities no longer have to justify new plants.

SB 319, however, does even broader damage to the siting act because it strips out nearly all generating and power-conversion facilities from the landmark law that was enacted to control them. The bill also significantly tightens timelines for related environmental and economic reviews.

Cole, chairman of the Senate Energy and Telecommunications Committee, said his bill was needed because an alleged dearth of generating plants is causing energy shortfalls throughout the West and new facilities need to be constructed quickly. He argued that the siting act is not an environmental law, but merely creates an extra layer of permitting process that's already covered by the Montana Environmental Policy Act.

Conservationists noted, however, that Montana already has enough energy for in-state needs and that 47 percent of the electricity already produced here is exported to out-of-state consumers. They added that generating plants are a top contributor to global warming and new facilities should only be built if they're truly needed. These arguments were ignored, mainly due to the huge influence the energy industry exerted in the Legislature to keep from being held responsible for the utility deregulation fiasco they advocated in 1997.

Featured vote in the House is the second reading, where the bill passed 69-31.

Air Quality

Senate Bill 398: Allow Temporary Electric Generators at Industrial Plants

Sponsor: Sen. Ken Miller, R-Laurel

MCV position: Oppose

Status: Amended bill signed into law

A cold plunge into the newly deregulated world of electrical generation in Montana prompted the closing of numerous major industrial plants and mine operations across the state after soaring wholesale energy prices became unaffordable for many businesses. Ironically, however, some of the same plants complaining about high energy costs were the biggest proponents of deregulation when lawmakers hastily approved the sweeping change during the closing hours of the 1997 session.

Miller's SB 398 was designed to help those same industries get off the high-priced electrical grid, at least temporarily, by allowing "emergency" use of in-house generators, primarily smoke-belching diesel engines, to crank out needed kilowatts. The catch, however, is that Miller called for the units be put to work before air-quality permitting reviews were completed, "as long as ambient air quality standards are not violated."

U.S. Environmental Protection Agency officials have warned, however, that the bill's provisions would likely result in federal Clean Air Act violations. Undeterred, the 2001 Legisla-

ture thumbed its nose at federal regulators and pushed an amended version of the bill through at the end of the session. This was a prime example of the Legislature and the Martz Administration allowing unregulated degradation of air quality while publicly stating that no damage was being caused by their environmental "reform" efforts.

Featured vote in the House is the third reading vote on the free conference committee report, where the bill was approved 76-24.

Public Land Management

Senate Bill 354: Putting a Value on State Land Preservation

Sponsor: Sen. William Crismore, R-Libby

MCV position: Oppose

Status: Amended bill signed into law

SB 354 called for conservationists and agencies to arrange to pay "full-market value" for some protections proposed on state trust forest lands and prairies. Targeted areas were primarily old-growth timber stands, but the bill was broadly written to include land designated for wildlife management areas, parks and other natural areas, and tracts preserved as open space. The State Board of Land Commissioners would have been prohibited from managing such lands for conservation purposes unless the payments were received.

Montana stockgrowers worried that grazing fees on state land would be set at full market value, so prairie areas were removed and SB 354 was limited to forested portions of state trust land. Other changes minimally narrowed the bill's scope, but conservation leaders still have concerns about how SB 354 will be implemented.

Featured vote is second reading in the House, where the bill was approved 57-43.

Senate Bill 376: MEPA Exemptions on State Lands

Sponsor: Sen. Bob DePratu, R-Whitefish

MCV position: Oppose

Status: Amended version signed into law

SB 376 essentially overturned a state court decision that says the Montana Department of Natural Resources and Conservation can't analyze school trust land leases on a case-by-case basis under MEPA when the leased area consists of more than a single parcel of state-owned property.

The ruling came from a lawsuit filed by the Montana Environmental Information Center and Citizens for a Better Flathead against the department over its plans to develop about 500 acres of state-owned agricultural land in the Kalispell area.

A successful amendment by Sen. Mike Taylor, R-Proctor, requires that local land-use laws be complied with when the agency develops other state-owned properties in the future, but other activities, such as the development of forest management plans, remain exempted, much to the dismay of conservationists.

Featured vote is second reading in the House, where the measure passed 58-42.

Wildlife & Wildlife Habitat

House Bill 492: Prairie Dog Management

Sponsor: Rep. Paul Clark, D-Trout Creek

MCV position: Support

Status: Amended bill became law

HB 492 designates prairie dogs as “non-game” species and puts their management under the shared jurisdiction of the Montana Department of Fish, Wildlife and Parks, the Department of Agriculture, the Department of Natural Resources and Conservation and counties. Federally owned lands are covered by the bill, but not state or private lands.

The agencies are required to develop a management plan for the animals in conjunction with the federal government. The main role of the Montana Department of Agriculture will be to provide management advice and resources to private landowners. DNRC will provide management oversight on school trust lands.

HB 492 went through several incarnations in the Legislature and nearly died in the House. Conservationists managed to keep the bill moving, however, even though the final outcome provides less protection than desired. The bill’s provisions run for six years, when the program will undergo a formal review.

Featured vote in the House is the third reading. The vote was 65 to 33.

Recreation

House Bill 528: Restricting Stream Access

Sponsor: Rep. Bob Story, R-Park City

MCV position: Oppose

Status: Killed in House

Wading into an ongoing dispute over public access to Montana’s streams and rivers, Story attempted to add a clause in state law saying that counties could control their road and bridge easements to prevent the public from parking nearby and entering adjacent waterways. Private property owners in riparian areas have long argued that county-bridge access points should be restricted and that traffic hazards are often created by anglers and floaters who park their vehicles near such areas.

The Montana Wildlife Federation, among other conservation groups, opposed the measure on the grounds that it unfairly limited the public’s right to use public resources.

After being narrowly approved by the House State Administration Committee, the bill was killed on second reading in the House by a 35-65 margin, the featured vote.

Hazardous & Toxic Waste

House Bill 209: Reimbursing Waste Site Clean-up and Prevention Costs

Sponsor: Rep. Christopher Harris, D-Gallatin Gateway

MCV position: Support

Status: Passed House, died in Senate Natural Resources Committee

HB 209 was drafted to allow the Montana Department of Environmental Quality to pursue liable parties for small-scale out-of-pocket expenses accrued by citizens whose land or small business is situated near and adversely affected by certified toxic or hazardous waste sites.

Under current law, these uninsured “private response” costs are often unrecoverable, even though waste materials may have affected neighboring water supplies, contaminated related water-delivery systems, or triggered measures to prevent contamination of nearby air or water. The sponsor wanted to give the agency power to track down the polluters and issue orders for certified “reasonable and actual” costs to be reimbursed. An existing environmental quality protection fund would have been used as a checking account to allocate money recovered from polluting parties.

Backers of the bill said affected landowners are often unable to get such costs covered now because the amounts are usually too small to justify full-blown lawsuits. The bill was forwarded in response to a site polluted with solvents in the Bozeman area and may have applied to some residents in the Lockwood area, as well as at least three other locations identified by state officials.

Amendments to the bill included language to prohibit DEQ from reimbursing more than \$25,000 in private response costs to each household or business affected by a nearby toxic release.

Featured vote is third reading in the House, where the bill passed 57-43.

Planning & Growth

House Bill 513: Limit Nitrate Testing

Sponsor: Rep. Daniel Fuchs, R-Billings

MCV position: Oppose

Status: Passed House, died in Senate Natural Resources Committee

Fuchs wanted to eliminate state-required nitrate testing for single-family septic systems on land parcels that are one acre or larger. Unfortunately, outdated or improperly installed septic systems can be a main polluter of ground and surface water supplies in rural areas and the legislation would have reduced the chances of discovering septic systems in need of remodeling or replacement.

HB 513 also called for the Montana Department of Environmental Quality to roll back Water Quality Act rules for protecting some of the state’s purest water supplies if increased nitrate levels came from the aforementioned single-family dwellings. The bill was seen by conservationists as a move to protect large development interests from having their subdivisions denied or delayed because of water-quality concerns. Indeed, a fiscal note attached to the bill estimated about 3,800 nondegradation reviews for single-family residences would not be completed in each of the next two years if HB 513 was approved.

Featured vote in the House is second reading, where the bill passed 60-40.

Continued on page 13

Scorecard

House of Representatives

Roadless*
Missouri River
Breaks*
Snowmobiles*
MEPA
MEPA Amd 1

Representative	Party	City	Dst	Term Limit	HJ 19*	SR 2*	HJ 10*	HB 473	AMD 1	HB 459
Adams, Darrel	R	Columbia Falls	84		-	-	-	-	-	-
Andersen, Joan	R	Fromberg	23		-	-	-	-	-	-
Bales, Keith	R	Otter	1		-	-	-	-	-	-
Balyeat, Joe	R	Bozeman	32		-	-	-	-	-	-
Barrett, Debby	R	Dillon	34		-	-	-	-	-	-
Bitney, Rod	R	Kalispell	77		-	-	-	-	-	-
Bixby, Norma	D	Lame Deer	5		+	+	-	+	+	+
Bookout-Reinicke, Sylvia	R	Alberton	71		-	-	-	.*	-	-
Branæ, Gary	D	Billings	17		+	+	+	+	+	+
Brown, Dee L.	R	Hungry Horse	83		-	-	-	-	-	-
Brown, Roy	R	Billings	14		+	-	+	-	-	-
Brueggeman, John	R	Polson	74		-	-	-	-	-	-
Buzzas, Rosie	D	Missoula	65		+	+	+	+	+	+
Callahan, Tim	D	Great Falls	43		+	+	+	+	+	+
Carney, Eileen	D	Libby	82		-	+	+	+	+	+
Clancy, Gilda	R	Helena	51		-	-	-	-	-	-
Clark, Edith J.	R	Sweetgrass	88		-	-	-	-	-	-
Clark, Paul	D	Trout Creek	72		-	+	-	+	+	+
Curtiss, Aubyn	R	Fortine	81	12/02	-	-	-	-	-	-
Cyr, Larry	D	Butte	37		+	+	+	+	+	+
Dale, Rick	R	Whitehall	39		-	-	-	-	-	-
Davies, Bob	R	Bozeman	27		-	-	-	-	-	-
Dell, Tom	D	Billings	19		+	+	-	+	+	+
Devlin, Ronald R.	R	Terry	3		-	-	-	-	-	-
Eggers, Bill	D	Crow Agency	6		+	+	+	+	+	+
Erickson, Ron	D	Missoula	64		+	+	+	+	+	+
Esp, John	R	Big Timber	25		-	-	-	-	-	-
Facey, Tom	D	Missoula	67		+	+	+	+	+	+
Fisher, Stanley M.	R	Bigfork	75		-	E	-	-	-	-
Forrester, Gary L.	D	Billings	16		-	-	-	-	+	-
Rice Fritz, Nancy	D	Missoula	69		+	+	+	+	+	+
Fuchs, Daniel C.	R	Billings	15		-	-	-	-	-	.*
Gallik, Dave	D	Helena	52		+	+	-	+	+	+
Gallus, Steve	D	Butte	35		+	+	-	+	+	+
Galvin-Halcro, Kathleen	D	Great Falls	48		+	+	-	+	+	+
Gillan, Kim	D	Billings	11		+	+	+	+	+	+
Golie, George	D	Great Falls	44		+	+	-	+	+	+
Gutsche, Gail	D	Missoula	66		+	+	+	+	+	+
Haines, Dick	R	Missoula	63		-	-	-	-	-	-
Harris, Christopher	D	Gallatin Gateway	30		+	+	+	+	+	+
Hedges, Donald L.	R	Antelope	97		-	-	-	-	-	-
Himmelberger, Dennis	R	Billings	18		-	-	-	-	-	-
Holden, Linda L.	R	Valier	86		-	-	-	-	-	-
Hurdle, Joan	D	Billings	13	12/02	+	+	+	+	+	+
Jackson, Verdell	R	Kalispell	79		-	-	-	-	-	-
Jacobson, Hal	D	Helena	54		+	+	-	+	+	+
Jayne, Joey	D	Arlee	73		-	+	+	+	+	+
Jent, Larry	D	Bozeman	29		+	+	-	+	+	+
Juneau, Carol C.	D	Browning	85		+	+	-	+	+	+
Kasten, Dave	R	Brockway	99		-	-	-	-	-	-

Legend

(-) vote against MCV's position

(+) vote in favor of MCV's position

(.*) absent or not voting (negative score)

(E) Excused from vote (not counted in score)

(*) Included for informational purpose only - not included in final score

MEPA	Ballot Process	Methane	Siting Act	Generators	State Land	MEPA Exemptions	Prairie Dogs	Stream Access	Waste Sites	Nitrate Tests	Subdivisions	Sprawl	Downtowns		
SB 377	SB 472	HB 573	SB 319	SB 398	SB 354	SB 376	HB 492	HB 528	HB 209	HB 513	HB 586	SB 242	SB 249	Score	Representative
-	+	-	-	-	-	-	-	+	-	-	-	-	-	12%	Adams, Darrel
-	-	-	-	-	-	-	+	-	-	-	-	-	-	6%	Andersen, Joan
-	-	-	-	-	-	-	+	-	-	-	-	-	-	6%	Bales, Keith
-	+	-	-	-	-	-	-	+	-	-	-	-	-	12%	Balyeat, Joe
-	-	-	-	-	-	-	+	-	-	-	-	-	-	6%	Barrett, Debby
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Bitney, Rod
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Bixby, Norma
-	-	-	-	-	-	-	+	-	+	-	-	-	-	12%	Bookout-Reinicke, Sylvia
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Branae, Gary
-	-	-	-	-	-	-	-	+	-	-	-	-	-	6%	Brown, Dee L.
-	+	-	-	-	-	-	+	+	-	-	-	-	-	18%	Brown, Roy
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Brueggeman, John
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Buzzas, Rosie
+	+	+	+	-	+	+	+	+	+	+	+	+	+	94%	Callahan, Tim
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Carney, Eileen
-	-	-	-	-	-	-	-	+	-	-	-	-	-	6%	Clancy, Gilda
-	-	-	-	-	-	-	-	-	-	-	-	+	-	6%	Clark, Edith J.
+	+	+	-	-	+	+	+	+	+	-	+	-	+	76%	Clark, Paul
-	-	-	-	-	-	-	-*	+	-	-	-	-	-	6%	Curtiss, Aubyn
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Cyr, Larry
-	-	-	-	-	-	-	-	-	-	-	-	-	-*	0%	Dale, Rick
-	+	-	-	-	-	-	-	+	-	-	-	-	-	12%	Davies, Bob
+	+	+	-	-	+	+	+	+	+	-	+	+	-	76%	Dell, Tom
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Devlin, Ronald R.
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Eggers, Bill
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Erickson, Ron
-	-	-	-	-	-	-	+	-	-	-	-	-	-	6%	Esp, John
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Facey, Tom
-	+	-	-	-	-	-	-	+	-	-	-	-	-	12%	Fisher, Stanley M.
-	+	-	-	-	+	-	+	+	+	-	+	+	+	53%	Forrester, Gary L.
+	+	+	+	+	+	+	+	-	+	+	+	+	+	94%	Rice Fritz, Nancy
-	+	-	-	-	-	-	-	+	-	-	-	-	-	12%	Fuchs, Daniel C.
+	+	+	+	+	-	+	+	+	+	+	+	+	+	94%	Gallik, Dave
+	-	-	+	-	+	+	-	+	+	+	+	+	+	82%	Gallus, Steve
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Galvin-Halcro, Kathleen
+	+	+	+	-	+	+	+	+	+	+	+	+	+	94%	Gillan, Kim
+	+	+	+	-	+	+	+	+	+	+	+	+	+	94%	Golie, George
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Gutsche, Gail
-	-	-	-	-	-	-	+	+	+	-	-	-	-	18%	Haines, Dick
+	+	+	+	-	+	+	+	+	+	+	+	+	+	94%	Harris, Christopher
-	-	-	-	-	-	-	+	-	+	-	-	-	-	12%	Hedges, Donald L.
-	-	-	-	-	-	-	+	+	+	-	-	-	-	18%	Himmelberger, Dennis
-	-	-	-	-	-	-	+	-	+	-	-	-	-	12%	Holden, Linda L.
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Hurdle, Joan
-	-	-	-	-	-	-	-	+	-	-	+	-	-	12%	Jackson, Verdell
+	+	+	+	-	+	+	-*	+	+	+	+	-*	+	82%	Jacobson, Hal
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Jayne, Joey
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Jent, Larry
+	+	+	+	+	+	+	+	-	+	+	+	+	+	94%	Juneau, Carol C.
-	-	-	-	-	-	-	-	-	-	-	-	+	-	6%	Kasten, Dave

Scorecard

House of Representatives

Roadless*
Missouri River
Breaks*
Snowmobiles*
MEPA
MEPA Amend 1
MEPA Analysis

Representative	Party	City	Dst	Term Limit	HJ 19*	SR 2*	HJ 10*	HB 473	AMD 1	HB 459
Kaufmann, Christine	D	Helena	53		+	+	+	+	+	+
Keane, Jim	D	Butte	36		-	+	-	+	+	+
Laible, Rick	R	Victor	59		-	-	-	-	-	-
Laslovich, Jesse	D	Anaconda	57		+	+	-	+	+	+
Laszloffy, Jeff	R	Laurel	22		-	-	-	-	-	-
Lawson, Bob	R	Whitefish	80		-	-	-	-	-	-
Lee, Michelle	D	Livingston	26		+	+	+	+	+	+
Lehman, Larry R.	R	Power	87		-	-	-	-	+	-
Lenhart, Ralph L.	D	Glendive	2		-	-	-	+	+	+
Lewis, Dave	R	Helena	55		-	-	-	-	-	-
Lindeen, Monica	D	Huntley	7		+	-	-	+	+	+
Mangan, Jeff	D	Great Falls	45		-	+	-	+	+	+
Masolo, GayAnn	R	Townsend	40	12/02	-	-	-	-	-	-
Matthews, Gary	D	Miles City	4		-	-	-	-	-	-
McCann, Matt	D	Harlem	92	12/02	-	-	-	-	+	+
McGee, Dan	R	Laurel	21	12/02	-	-	-	-	-	-
McKenney, Joe	R	Great Falls	49		-	-	-	-	-	-
Mood, Doug	R	Seeley Lake	58		-	-	-	-	-	-
Musgrove, John L.	D	Havre	91		-	-	-	+	+	+
Newman, Brad	D	Butte	38		+	+	-	+	+	+
Noennig, Mark E.	R	Billings	9		-	-	-	-	-	-
Olson, Alan	R	Roundup	8		-	-	-	-	-	-
Pattison, Jeff	R	Glasgow	95		-	-	-	-	-	-
Peterson, Art	R	Billings	10		-	-	-	-	-	-
Peterson, Ken	R	Billings	20		-	-	+	-	-	-
Price, William R.	R	Lewistown	94		-	-	-	-	-	-
Raser, Holly	D	Missoula	70		+	+	-	+	+	+
Rice, Diane	R	Harrison	33		-	-	-	-	-	-
Ripley, Rick	R	Wolf Creek	50		-	-	-	-	-	-
Rome, Allen	R	Garrison	56		-	-	-	-	-	-
Schmidt, Trudi	D	Great Falls	42		+	+	-	+	+	+
Schrumpf, Clarice	R	Billings	12		-	-	-	-	-	-
Shockley, Jim	R	Victor	61		-	-	-	-	-	-
Sliter, Paul	R	Somers	76	12/02	-*	-	-	-	-	-
Smith, Frank J.	D	Poplar	98		-	-	-	+	+	+
Somerville, Roger	R	Kalispell	78		-	-	-	-	-	-
Steinbeisser, Donald	R	Sidney	100		-	-	-	-	-	-
Story Jr., Robert R.	R	Park City	24	12/02	-	-	-	-	-	-
Thomas, Bill	R	Hobson	93		-	-	-	-	-	-
Tramelli, Brett	D	Great Falls	46		+	+	-	+	+	+
Tropila, Joe	D	Great Falls	47	12/02	-	-	-	+	+	+
Vick, Steve	R	Belgrade	31	12/02	-	-	-	-	-	-
Waddill, Butch	R	Florence	62		+	-	+	+	+	+
Waitschies, Karl A.	R	Peerless	96		-	-	-	-	-	-
Walters, Allan	R	Hamilton	60		-	-	-	-	-	-
Wanzenried, David E.	D	Missoula	68		-	+	-	+	+	+
Whitaker, James G.	R	Great Falls	41		-	-	-	-	-	-
Witt, John E.	R	Carter	89		-	-	-	-	-	-
Wolery, Merlin	R	Rudyard	90		-	-	-	-	-	-
Younkin, Cindy	R	Bozeman	28		-	-	-	-	-	-

Legend

(-) vote against MCV's position

(+) vote in favor of MCV's position

(-) absent or not voting (negative score)

(E) Excused from vote (not counted in score)

(*) Included for informational purpose only - not included in final score

MEPA	Ballot Process	Methane	Siting Act	Generators	State Land	MEPA Exemptions	Prairie Dogs	Stream Access	Waste Sites	Nitrate Tests	Subdivisions	Sprawl	Downtowns		
SB 377	SB 472	HB 573	SB 319	SB 398	SB 354	SB 376	HB 492	HB 528	HB 209	HB 513	HB 586	SB 242	SB 249	Score	Representative
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Kaufmann, Christine
+	+	+	-	-	+	+	+	+	+	+	+	-	+	82%	Keane, Jim
-	-	-	-	-	-	-	-	+	-	-	-	-	-	6%	Laible, Rick
+	+	+	-	-	+	-	+	+	+	+	+	+	+	82%	Laslovich, Jesse
-	+	-	-	-	-	-	-	+	-	-	-	-	-	12%	Laszloffy, Jeff
-	+	-	-	-	+	-	+	+	+	+	-	+	-	41%	Lawson, Bob
+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Lee, Michelle
-	-	-	-	-	-	-	+	+	-	-	-	-*	-	18%	Lehman, Larry R.
+	+	+	+	-	+	+	+	+	+	+	+	+	+	94%	Lenhart, Ralph L.
-	+	-	-	-	-	-	+	-	-	-	-	-	-	12%	Lewis, Dave
+	+	+	-	-	+	+	-	+	+	+	+	-	+	76%	Lindeen, Monica
+	-	+	+	+	+	+	+	+	+	+	+	+	+	94%	Mangan, Jeff
-	-	-	-	-	-	-	-	-	-	-	-	-	+	6%	Masolo, GayAnn
-	+	+	-	-	-	-	-	+	+	+	+	+	-	41%	Matthews, Gary
-	+	-	-	-	-	+	-	-	+	+	+	-	-	41%	McCann, Matt
-	-	-	-	-	-	-	+	+	-	-	-	+	-	12%	McGee, Dan
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	McKenney, Joe
-	-	-	-	-	-	-	+	-	+	-	-	-	-	12%	Mood, Doug
+	+	+	-	+	+	+	+	-	+	+	+	-	+	82%	Musgrove, John L.
+	+	+	-	-	+	+	+	+	+	+	+	+	+	88%	Newman, Brad
-	+	-	-	-	-	+	+	-	+	-	-	+	+	35%	Noennig, Mark E.
-	-	-	-	-	-	-	+	-	+	-	-	-	-	12%	Olson, Alan
-	-	-	-	-	-	-	+	-	-	-	-	+	-	12%	Pattison, Jeff
-	-	E	-	-	-	-	+	-	+	-	-	-	-	13%	Peterson, Art
-	+	-	-	-	+	+	-	+	+	-	-	+	+	41%	Peterson, Ken
-	-	-	-	-	-	-	+	+	+	-	-	-	-	18%	Price, William R.
+	+	+	+	+	+	+	+	+	+	+	+	-	+	94%	Raser, Holly
-	-	-	-	-	-	-	-	+	-	-	-	-	-	6%	Rice, Diane
-	-	-	-	-	-	-	+	-	-	-	-	-	-	6%	Ripley, Rick
-	+	-	-	-	-	-	+	+	-	-	-	-	-	18%	Rome, Allen
+	+	+	-	-	+	+	+	+	+	+	+	+	+	88%	Schmidt, Trudi
-	+	-	-	-	-	-	+	+	-	-	-	-	-	18%	Schrumpf, Clarice
-	-	-	-	-	-	-	+	+	+	-	-	-	+	24%	Shockley, Jim
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Sliter, Paul
-	+	+	+	+	+	+	+	+	+	+	+	+	+	94%	Smith, Frank J.
-	-*	-	-	-	-	-	-	+	-	-	-*	+	-	12%	Somerville, Roger
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Steinbeisser, Donald
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Story Jr., Robert R.
-	-	-	-	-	-	-	+	-	-	-	-	-	-	6%	Thomas, Bill
+	+	+	+	-	+	+	+	+	+	+	+	+	+	94%	Tramelli, Brett
+	+	+	-	+	+	+	+	+	+	+	+	-	+	88%	Tropila, Joe
-	+	-	-	-	-	-	-	+	-	-	-	-	-	12%	Vick, Steve
+	+	+	+	-	+	+	+	-	+	-	-	-	+	71%	Waddill, Butch
-	-	-	-	-	-	-	+	-	-	-	-	-	-	6%	Waitschies, Karl A.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Walters, Allan
+	+	+	+	+	+	+	-	+	+	+	+	-	+	88%	Wanzenried, David E.
-	-	-	-	-	-	-	-	+	-	-	-	-	-	6%	Whitaker, James G.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Witt, John E.
-	-	-	-	-	-	-	+	-	+	-	-	-	-	12%	Wolery, Merlin
-	-	-	-	-	-	-	+	+	-	-	-	-	-	12%	Younkin, Cindy

House Bill 586: Tightening Subdivision Reviews

Sponsor: Rep. Dave Wazenreid, D-Missoula
MCV position: Support
Status: Killed in House

Wazenreid's HB 586 was a priority of the Montana Smart Growth Coalition and more fully defined "minor" subdivisions and codified the review process for such developments. The bill also clarified that second and subsequent minor subdivisions on the same original tract of land undergo local government planning reviews, actions that land speculators and housing developers have successfully fought for years.

Under HB 586, minor subdivisions meant a land split that created five or fewer lots from an original single tract. It also gave the Montana Department of Revenue a new method of calculating property taxes on divided land where the original tract was centrally assessed, and reworked several exemptions.

Even though an amended version of HB 586 was approved 20-0 by the House Natural Resources Committee, House Speaker Dan McGee, R-Laurel, targeted the bill for defeat on the House floor.

Featured vote is the second floor reading, where the bill failed to pass by a 43-56 margin.

Senate Bill 242: Thwarting Sprawl Control

Sponsor: Sen. Jerry O'Neil
MCV position: Oppose
Status: Amended version signed into law

O'Neil's so-called "doughnut bill" limits the control of incorporated cities and towns to employ their building code juris-

diction beyond their actual municipal boundaries. The bill also calls for a mail ballot election to determine if rural voters indeed want county building code programs enforced outside city limits.

Sprawl-control advocates argued the bill constituted bad public policy, but Republican legislators jammed an amended version through both the House. The featured vote is the second reading, which passed 58-40.

Senate Bill 249: Keeping Downtown Areas Alive

Sponsor: Sen. Ken Toole, D-Helena
MCV position: Support
Status: Killed in House

SB 249 called for the Montana Department of Administration to locate state agency offices in downtown areas, "whenever feasible and cost-effective." The department would have been required to file biennial reports to future legislatures documenting its successes, as well as the reasons additional office space wasn't leased or rented in town and city centers. The bill was a priority of the Montana Smart Growth Coalition and had the support of realtors, and community planners. It was viewed as an important step that state government could take to prevent sprawl and support responsible planning. Administration department officials balked at the requirements, resulting in amendments in the Senate, where it passed by a 34-14 margin. The House State Administration Committee also approved the measure by a 1 vote margin, but it was killed on the House floor on a 44-55 vote due to opposition from Speaker Dan McGee.

Featured vote in the House is second reading, where SB 249 died on a 44-55 vote.



2001 Senate Vote Descriptions

General Environmental Protection

House Bill 473: MEPA Procedural Only

Sponsor: Rep. Cindy Younkin, R-Bozeman
MCV position: Oppose
Status: Amended version signed into law

See full description of HB 473 in House voting section. Featured vote in the Senate is third reading, where the bill was approved 29-21.

House Bill 473: MEPA Amendments

Amendment Sponsors: Sen. Mike Halligan, D-Missoula, and Sen. Al Bishop, R-Billings
MCV position: Support amendments
Status: Amendments killed on Senate floor

Halligan proposed amending HB 473 to say that agencies could add on safeguards to MEPA permits beyond what other state laws mandate if any components of a

development project were deemed to be a violation of the Montana Constitution's guarantee of a clean and healthful environment.

"It's going to be litigated anyway," Halligan told his colleagues while advancing the measure. "Someone will sue if it doesn't get considered."

Detractors argued that the amendment was too broad and would effectively force agency employees to make unqualified legal judgments that could cause further project delays.

"It's implied that everything we do here is in correct application of the Constitution," added Sen. Duane Grimes, R-Clancy. After prolonged debate, Halligan's amendment failed on a 20-29 vote.

Bishop, a longtime attorney, proposed amending HB 473 to say an agency can't condition a permit unless endangerment of public health, safety or welfare or a significant impact on fish or wildlife resources would occur. He added that it was ridiculous to think that MEPA could be legally defined as being either a procedural or a substantive state law.

"Folks, there's no way we can do that," Bishop told fellow senators. "What's the problem with MEPA as it is? We're entitled to a clean and healthful environment. That's all I'm trying to do here."

Ignoring Bishop's arguments, the Senate also voted 20-29 against the amendment.

Both Halligan's amendment, number 2, and Bishop's amendment number 3, are featured in the Senate votes on the scorecard.

House Bill 459: MEPA Economic Analysis

Sponsor: Rep. Doug Mood, R-Seeley Lake

MCV position: Oppose

Status: Amended version signed into law

See full bill description in the House voting section. Featured vote in the Senate is second reading, where the bill passed 30-19.

Senate Bill 377: Restrict MEPA Timeframes

Sponsor: Sen. Duane Grimes, R-Clancy

MCV position: Oppose

Status: Amended version signed into law

See full bill description in the House voting section. Featured vote in the Senate is third reading of the original bill, which passed 30-20.

Citizen Participation

Senate Bill 472: Making Citizen Initiative Process Tougher

Sponsor: Sen. Lorents Grosfield, R-Big Timber

MCV position: Oppose

Status: Killed in House

See full bill description in the House voting section. Featured vote in the Senate is second reading, where the bill passed 37-13.

Energy & Mining

House Bill 573: Coal Bed Methane Water Waste

Sponsor: Rep. Keith Bales, R-Otter

MCV position: Oppose

Status: Amended version signed into law

See full bill description in the House voting section. Featured vote in the Senate is third reading of the second conference report, where the bill passed 31-18.

Senate Bill 319: Removing Major Facilities from the Major Facility Siting Act

Sponsor: Sen. Mack Cole, R-Hysham

MCV position: Oppose

Status: Amended bill signed into law

See full bill description in the House voting section. Featured vote in the Senate is second reading, where the bill passed 33-19.

Air Quality

Senate Bill 398: Allow Temporary Electric Generators at Industrial Plants

Sponsor: Sen. Ken Miller, R-Laurel

MCV position: Oppose

Status: Amended bill signed into law

See full bill description in the House voting section. Featured vote in the Senate is third reading on the free conference committee report, where the bill passed 38-12.

Public Land Management

Senate Bill 354: Putting a Value on State Land Preservation

Sponsor: Sen. William Crismore, R-Libby

MCV position: Oppose

Status: Amended bill signed into law

See full bill description in the House voting section. Featured vote in the Senate is third read, where the bill was approved 34-16.

Senate Bill 376: Montana Environmental Policy Act Exemptions

Sponsor: Sen. Bob DePratu, R-Whitefish

MCV position: Oppose

Status: Amended version signed into law

See full bill description in the House voting section. Featured vote in the Senate is third reading, where the bill passed 40-10.

Wildlife & Wildlife Habitat

House Bill 492: Prairie Dog Management

Sponsor: Rep. Paul Clark, D-Trout Creek

MCV position: Support

Status: Amended bill became law

See full bill description in the House voting section. Featured reading in the Senate is the third reading, where the bill was approved 37-12.

Planning & Growth

Senate Bill 242: Thwarting Sprawl Control

Sponsor: Sen. Jerry O'Neil, R-Kalispell

MCV position: Oppose

Status: Amended version signed into law

See full bill description in the House voting section. Featured vote in the Senate is the third reading free conference report, where the bill was approved 29-21.

Scorecard

Senate

Roadless*
Missouri River
Breaks*
Snowmobiles*
MEPA
MEPA Amd 2

Senator	Party	City	Dist	Term Limit	HJ 19*	SR 2*	HJ 10*	HB 473	AMD 2
Beck, Tom	R	Deer Lodge	28	12/02	-	-	-	-	E
Berry, Dale E.	R	Hamilton	30		-	-	-	-	-
Bishop, Al	R	Billings	9	12/31	+	+	+	+	+
Bohlinger, John	R	Billings	7		+	-	-	+	+
Butcher, Ed	R	Winifred	47		-	-	E	-	-
Christiaens, Chris	D	Great Falls	23	12/31	+	E	+	+	+
Cobb, John	R	Augusta	25		-	-	E	-	-
Cocchiarella, Vicki	D	Missoula	32		+	-	-	+	+
Cole, Mack	R	Hysham	4	12/31	-	-	-	-	-
Crismore, Bill	R	Libby	41	12/31	-	-	-	-	-
DePratu, Bob	R	Whitefish	40		-	-	-	-	-
Doherty, Steve	D	Great Falls	24	12/31	+	+	+	+	+
Ekegren, Pete	R	Choteau	44		-	-	-	-	-
Ellingson, Jon	D	Missoula	33		+	+	+	+	+
Elliott, Jim	D	Trout Creek	36		+	-	-	+	+
Ellis Jr, Alvin A.	R	Red Lodge	12		-	-	-	-	-
Franklin, Eve	D	Great Falls	21	12/31	+	+	+	+	+
Glaser, Bill	R	Huntley	8		_*	-	-	-	-
Grimes, Duane	R	Clancy	20		-	-	-	-	-
Grosfield, Lorents	R	Big Timber	13	12/31	-	-	-	-	-
Halligan, Mike	D	Missoula	34	12/31	+	+	_*	+	+
Hargrove, Don	R	Belgrade	16	12/31	-	-	-	-	-
Harrington, Dan	D	Butte	19		+	+	+	+	+
Holden, Ric	R	Glendive	1	12/31	-	-	-	-	-
Jergeson, Greg	D	Chinook	46	12/31	+	-	+	+	+
Johnson, Royal C.	R	Billings	5		+	-	-	-	-
Keenan, Bob	R	Bigfork	38		-	-	-	-	-
Kitzenberg, Sam	R	Glasgow	48		-	-	_*	-	-
Mahlum, Dale E.	R	Missoula	35		-	-	_*	+	-
McCarthy, Bea	D	Anaconda	29		+	-	-	+	+
McNutt, Walter L.	R	Sidney	50		-	-	-	-	-
Miller, Ken	R	Laurel	11	12/31	-	-	-	-	-
Mohl, Arnie A.	R	Kalispell	39	12/31	-	-	-	-	-
Nelson, Linda J.	D	Medicine Lake	49	12/31	-	-	+	+	+
O'Neil, Jerry	R	Kalispell	42		-	-	-	-	-
Pease, Gerald	D	Lodge Grass	3		+	+	+	+	+
Roush, Glenn A.	D	Cut Bank	43		-	-	_*	-	+
Ryan, Don	D	Great Falls	22		+	+	+	+	+
Bowman Shea, Debbie	D	Butte	18		+	-	-	+	-
Sprague, Mike	R	Billings	6	12/31	-	-	_*	-	-
Stapleton, Corey	R	Billings	10		+	-	-	-	-
Stonington, Emily	D	Bozeman	15		+	+	+	+	+
Tash, Bill	R	Dillon	17		-	-	E	-	-
Taylor, Mike	R	Proctor	37		-	-	-	-	-
Tester, Jon	D	Big Sandy	45		_*	-	-	+	+
Thomas, Fred	R	Stevensville	31		-	-	-	-	-
Toole, Ken	D	Helena	27		+	+	_*	+	+
Waterman, Mignon	D	Helena	26	12/31	+	+	+	+	+
Wells, Jack	R	Bozeman	14		-	-	-	-	-
Zook, Tom	R	Miles City	2		-	-	E	-	-

Legend

(-) vote against
MCV's position

(+) vote in favor
of MCV's position

(-*) absent or not
voting (negative
score)

(E) Excused from
vote (not counted
in score)

(*) Included for
informational
purpose only -
not included in
final score

MEPA Amd 3	MEPA Economic Analysis	MEPA	Ballot Process	Methane	Siting Act	Generators	State Land	MEPA Exemptions	Prairie Dogs	Sprawl	Downtowns	Land Transfer		
AMD 3	HB 459	SB 377	SB 472	HB 573	SB 319	SB 398	SB 354	SB 376	HB 492	SB 242	SB 249	SB 287	Score	Senator
E	-	-	-	-	-	-	-	-	+	-	+	-	15%	Beck, Tom
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Berry, Dale E.
+	+	+	-	+	+	+	+	+	-	+	-*	-	73%	Bishop, Al
+	+	+	-	+	-	-	-	+	+	+	+	+	73%	Bohlinger, John
-	-	-	+	-	-	-	-	-	+	-	+	-	20%	Butcher, Ed
+	+	+	-	+	+	+	+	+	+	+	+	+	93%	Christiaens, Chris
-	+	-	+	-	-	-	-	-	+	-	+	+	33%	Cobb, John
+	+	+	-	+	+	+	-	-	+	-	+	+	73%	Cocchiarella, Vicki
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Cole, Mack
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Crismore, Bill
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	DePratu, Bob
+	+	+	+	+	+	+	+	+	-	+	+	+	93%	Doherty, Steve
-	-	-	-	-	-	-	-	-	+	-	+	-	13%	Ekegren, Pete
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Ellingson, Jon
+	-	+	+	-	+	-	-	-	+	-	+	+	60%	Elliott, Jim
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Ellis Jr, Alvin A.
+	+	+	+	+	+	+	+	+	-	+	+	+	93%	Franklin, Eve
-	-	-	-	-	-	-	-	-	+	-	+	-	13%	Glaser, Bill
-	-	-	-	-	-	-	-	-	+	-	+	-	13%	Grimes, Duane
-	-	-	-	-	-	-	-	-	+	+	+	+	27%	Grosfield, Lorents
+	+	+	+	+	+	-	+	+	+	+	+	+	93%	Halligan, Mike
-	-	-	-	E	-	-	-	-	-	-	+	+	14%	Hargrove, Don
+	+	+	-	+	+	-	+	+	+	+	+	+	87%	Harrington, Dan
-	-	-	-	-	-	-	-	-	-	-	+	+	13%	Holden, Ric
+	+	+	-	+	+	+	+	+	+	+	+	+	93%	Jergeson, Greg
-	+	-	-	-	+	-	-	-	+	+	-	+	33%	Johnson, Royal C.
-	-	-	+	-	-	-	+	-	-	-	+	-	20%	Keenan, Bob
-	-	-	-	+	-	-	-	-	+	-	+	-	20%	Kitzenberg, Sam
-	E	+	-	-	+	-	-	-	+	-	E	-	31%	Mahlum, Dale E.
+	+	+	-	-	-	-	+	-	+	+	+	+	67%	McCarthy, Bea
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	McNutt, Walter L.
-	-	-	-	-	-	-	-	-	-	-	-	+	7%	Miller, Ken
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Mohl, Arnie A.
+	-	-	-	+	+	+	-	-	E	+	+	-	57%	Nelson, Linda J.
-	-	-	+	-	-	-	-	-	+	-	E	-	14%	O'Neil, Jerry
+	+	+	-	+	+	-	+	-	+	+	+	+	80%	Pease, Gerald
+	-	+	-	-	-	-	-	-	+	+	+	-	40%	Roush, Glenn A.
+	+	+	+	+	+	+	+	-	-	+	+	+	87%	Ryan, Don
-	-	-	-	-	-	-	-	-	+	+	+	+	33%	Shea, Debbie
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Sprague, Mike
-	-	-	-	-	-	-	-	-	-	-	-	-	0%	Stapleton, Corey
+	+	+	-	+	+	+	+	-	+	+	+	+	87%	Stonington, Emily
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Tash, Bill
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Taylor, Mike
+	+	+	-	+	+	-	+	-	-	+	+	+	73%	Tester, Jon
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Thomas, Fred
+	+	+	+	+	+	+	+	+	+	+	+	+	100%	Toole, Ken
+	+	+	-	+	+	+	+	-	+	+	+	+	87%	Waterman, Mignon
-	-	-	+	-	-	-	-	-	-	-	-	-	7%	Wells, Jack
-	-	-	-	-	-	-	-	-	+	-	-	-	7%	Zook, Tom

Senate Bill 249: Keeping Downtown Areas Alive

Sponsor: Sen. Ken Toole, D-Helena

MCV position: Support

Status: Killed in House

See full bill description in the House voting section.
Featured vote in the Senate is the second reading, where the bill passed 31 to 16.

Senate Bill 287: Removing Family Land Transfer Exemptions

Sponsor: Sen. Emily Stonington, D-Bozeman

MCV position: Support

Status: Killed in Senate

In its original form, SB 287 would have removed the state subdivision review exemption currently given if land-ownership transfers occur within an immediate family. The exemption has been a sore point with conservationists for years because it encourages unregulated sprawl. The bill passed second reading in the Senate on a 27-22 vote but died on third reading by a 24-26 margin. It previously squeaked out of the Senate Local Government Committee on a 6-5 vote. Featured vote is the Senate's third reading.



Grosfield's Bills Make Citizen Initiative Process Tougher

Montana voters will be asked to decide in the November, 2002 election whether to make it harder to initiate ballot measures and constitutional amendments. The ability of citizens to petition to place legislation and constitutional changes on the ballot for action by voters was created to ensure checks and balance of power in government, a power that "is vested and derived from the people" (Article II, Section I, Montana Constitution). This form of direct democracy gives citizens a chance to propose laws or constitutional amendments for voter action so that this power does not rest exclusively with the legislature and governor. But this form of direct democracy is now threatened.

Senate Bill 397 changes the signature requirement to place a proposed law, (called an initiative) on the Montana ballot from 5% of those voting in the last gubernatorial election in 1/3 (33) of the 100 state legislative districts, to 5% in 1/2, (23) of Montana's 56 counties. Voters must approve of this proposal, which amends the Montana constitution.

Senate Bill 396 changes the signature requirement to place a constitutional amendment on the Montana election ballot from 10% of those voting in the last gubernatorial election in 2/5 (40) of the 100 state legislative districts, to 10% in 1/2, (23) of Montana's 56 counties. Voters must also approve of this change, as it, too, amends the constitution.

The bills were introduced by Senator Lorents Grosfield (R-Big Timber) who joined forces with the Western Energy Trade Association, the Montana Wood Products Association, the Montana Stockgrowers Association and others who opposed successful ballot measures like I-137, passed by voters in 1998 to ban the use of the polluting cyanide heap leach technology in hard rock mines, and I-143 in 2000 which stops further game farms. Montana Education Association/Montana Federation of Teachers director Eric Feavor joined the proponents.

SB 396 and SB 397 create an imbalance of power between rural and urban communities by giving unequal representation to voters in rural counties, contrasted by the one-person, one-vote representation afforded by signature collection totals based on legislative districts totals, which are drawn based on population. The bills make it harder to gather signatures. Since the 1972 adoption of Montana's new constitution, initiative and referendum has worked well in Montana.

- **67 initiatives have been proposed** to be placed on the ballot, 34 of these were qualified, and 24 were then approved by Montana voters.
- **83 constitutional amendments have been proposed**, 15 of these were qualified and 8 were then approved.
- **6 referenda** (measures to put laws passed by the legislature to a vote of the people) **have been proposed**, 2 were qualified; both were approved.

Senators voting for SB 397 (2nd reading vote), against MCV's position were Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President. Total **34 Nays** (supporting MCV's position): Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Jergeson, Keenan, O'Neil, Pease, Ryan, Stonington, Toole. Total 16.

The Senate vote on SB 396 was the same except for Senators Ryan and Stonington, who voted for SB 396 (against MCV's position), Miller (absent) and McCarthy, who voted "no" on SB 396 but "yes" on SB 397.

Representatives voting for SB 397 (2nd reading vote) against MCV's position were Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker. Total **69 Nays** (supporting MCV's position: Bixby, Branae, Buzzas, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Lee, Newman, Noennig, Raser, Schrupf, Tramelli, Waddill, Wanzenried. Total 31.

The House vote on SB 396 was the same except for Rep. Keane who voted for SB 397 (against MCV's position) but against SB 396.

Federal Land Management Resolutions

As overwhelmed as we all become trying to make our voices heard during the legislative session, it's natural to put legislative resolutions as a lower priority. After all, they have no force of law, are filled with cumbersome 'whereases' and 'therefore be it resolved,' and are often viewed as irritants by the public as well as legislators for their stridency, inaccuracies and divisiveness. We may classify them with New Year's resolutions and political party platforms.

We ignore them, however, at our own risk. Like them or not, resolutions set a climate for dialogue in our state over conservation issues and CAN have an impact on the elected officials who receive them. They have also been used as ammunition in the federal appropriations process. During the 2001 session there were no less than 11 resolutions dealing with conservation and federal lands management. Some of the most egregious that passed (see below) directly address federal issues that many of us care about.

These resolutions are characterized by sweeping and inaccurate statements about how Montanans felt about these issues, belligerent complaints about federal resource management, and falsehoods about the citizen participation process. (Obtain the resolution text at www.leg.state.mt.us) Though MCV made briefing papers available to legislators on these topics, the powerful tools of conservationist contact with their legislators or attendance at committee hearings was sometimes lacking in the debate.

House Joint Resolution 19 opposes the National Roadless Initiative which bans new road building and commercial logging on what remains of national forest inventoried roadless areas. This amounts to 6.4 million acres in Montana and 58.5 million acres nationally. The House passed H.J.R. 19 69 to 31 (2nd reading), the Senate passed the resolution on a 28-20 vote (2nd reading).

H.R. 2 and S.R. 2 are resolutions opposing the Missouri River Breaks National Monument, established in January, 2001. The monument includes 377,000 acres along the Missouri River, ensuring protection of stewardship practices of family farmers and ranchers, livestock grazing, hunting and fishing, and wildlife habitats. Monument status places restrictions on mining and oil and gas development. The House passed H.R. 2 65 to 34 (2nd reading) and the Senate passed S.R. 2 38-11 (2nd reading).

H.J. 10, calls on the National Park Service to overturn its decision to phase snowmobile use out of Yellowstone and Grand Teton National Parks and advocates federal legislation "that ensures future self-directed snowmobile access to Yellowstone National Park." H.J. 10 relied on inaccurate data that repeatedly has been refuted by the Park Service's extensive research and documentation. The Yellowstone decision was based comprehensive science, a suite of laws and three years of public process that included 22 public hearings and 64,000 public comments. The House passed H.J. 10 85 to 13 (2nd reading) and the Senate passed it 28-12 (2nd reading).

Don't let this dialogue continue to be one-sided! Look at the votes on scorecard. Then make it a point to thank your legislators for their votes, or talk to them about why the resolutions should not have passed. And, send your own letter to our Congressional delegation telling them you are a Montanan who does NOT agree with the resolutions!

YES!

I want to support *Montana Conservation* voters to make a difference in the ballot box for Montana's clean air and water, our wildlife, forests and open spaces.

Enclosed are my membership dues of:

☐ \$10 Living Lightly

☐ \$25 Individual Member

☐ \$35 Family Member

☐ \$50 Supporting Member

☐ \$100 Patron Member

☐ \$200 MCV 2000 Club

☐ \$ _____ Other

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____ WORK PHONE _____

EMAIL _____ FAX _____

EMPLOYER(S)* _____ OCCUPATION(S)* _____

* Information required by federal & state election officials. Dues are not tax deductible. Contributions from corporations are not accepted.

Please make check payable to "MCV" or use VISA or MASTERCARD.

CARD # _____ EXPIRATION DATE _____

SIGNATURE _____

Mail to: MCV, Box 63 Billings, MT 59103 ? Phone: 406-254-1593 ? Fax: 406-254-1609 ? Email: mcv@mtvoters.org ? web: www.mtvoters.org

Welcome to the Montana Conservation Voters scorecard. Find out how your legislators voted on a range of bills of importance to this state's conservation and environmental community.

The average score of the 2001 Montana House of Representatives on this scorecard is **44%**.

The average score of the 2001 Montana Senate on this scorecard is **40%**.

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Utility Deregulation	Page 4

Over half of the legislature is out of step with the views of Montana voters, who, in poll after poll, show support for laws that protect clean air and water, wildlife, forests and open space. Take action!

- **Evaluate your legislators' votes.** Thank those who voted consistently for the environment, and speak with legislators about their votes that went against the conservation community.
- **Share the scorecard with friends and neighbors.** To request additional free copies, call or write us.
- **Is your legislator term limited?** This scorecard notes term limited legislators. Some are seeking higher office, others are running for the other legislative body, and many will continue to play a role in environmental decisions. Be involved in recruitment efforts to fill open seats with conservation candidates, and refer to this scorecard if you have a chance to vote for term limited legislators who may be running for other offices.
- **The most important way to express your approval or disapproval of legislators' voting records is to vote** for candidates whose records show they are stewards of Montana's environment and against those who consistently vote against clean air and water. Register to vote and cast your ballot for conservation candidates in the June, 2002 primary and the November, 2002 general election.

Montana Conservation Voters wishes to acknowledge those legislators who are term limited and have been advocates in the fight for clean air and clean water. We are grateful for their leadership and votes on behalf of the environment.

Montana Conservation Voters - MCV - is a membership based organization serving as the non-partisan political arm of this state's conservation community. MCV's mission is to inform and activate environmental and conservation voters to play a stronger role at the ballot box. MCV works to elect people to public office who stand for strong conservation principles.



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