

Laws of interest to EQC - 2007

Environmental Protection

HB 7 - Dave Kasten - Reclamation and development grants - Appropriates money to DNRC for designated projects under the reclamation and development grants program and revises use of the reclamation and development grants account.

HB 94 - Kendall Van Dyk - Revise underground storage tank penalty factors - Eliminates DEQ rulemaking authority for a penalty schedule; allows a person assessed a penalty to request a hearing before the BER instead of the DEQ, and eliminates the requirement that DEQ establish a fixed schedule of maximum and minimum penalties for specific violations.

HB 144 - Arlene Becker - Clarify waste management laws - Requires a license for the generation, storage or transportation of infectious waste.

HB 167 - Betsy Hands - Revise process for adopting solid waste management plan - Transfer authority to adopt plan from BER to the DEQ.

HB 259 - Michele Reinhart - Create gray water permit - Requires BER to create a permit for residential gray water systems.

HB 291 - John (Jack) W Ross - Exempt commercial AG grinders from air quality permit requirements - Agriculture operations, except open burning, may not be limited by the BER.

HB 298 - Cynthia Hiner - Reauthorize natural resource damages program - Reappropriates a loan of about \$400,000 to the DOJ until June 30, 2009, to conduct natural resource damage assessments and litigation and pursue natural resource damage claims and any appeals through the natural resource damage program.

HB 328 - Wayne Stahl - Revise Major Facilities Siting Act - Clarifies that an electric transmission line less than 150 miles long from a wind generation facility is not covered by the Major Facilities Siting Act.

HB 330 - Bob Bergren - Clean and renewable energy bonding - Allows governmental bodies to own and operate qualified energy projects, issue clean renewable energy bonds to finance projects and enter into contracts to acquire and construct projects.

HB 332 - Bill Thomas - Sound emission standards for off-highway vehicles - adopts nationally accepted noise limits for motorcycles and quadricycles and requires spark arresters.

HB 428 - Dave Gallik - Revise junk vehicle laws - Allows vehicle that is permanently registered to be determined to be a junk vehicle if it meets all other criteria for determining junk vehicle status.

HB 555 - Wanda Grinde - Public education program for recycling and electronic waste disposal - Requires DEQ to provide information about recycling or the safe disposal of electronic waste.

HB 662 - Dan Villa - Revise sanitation in subdivisions law - Exempts a remainder of a parcel from review if the remainder is 1 acre or larger and has an individual sewage system serving a discharge source that was in existence prior to April 29, 1993, and, if required when installed, the system was approved pursuant to local regulations or state laws.

HB 664 - Jim Keane - Options to control pine beetle - Allows DNRC to consider controlled burning and logging as methods to address forest insect pest infestations or tree diseases.

SB 261 - Dave Lewis - Revise funding for county junk vehicle budgets - Grants would increase by \$1,250 for counties that have fewer than 5,000 vehicles. Grants would increase by \$0.15 per vehicle for counties that have 5,000 vehicles or more. The minimum increase at 5,000 vehicles would be \$750.

SB 384 - David E Wanzenried - Revise abandoned vehicle laws - Allows a private landowner to have an abandoned vehicle removed from the landowner's property after 5-days.

SB 442 - Christine Kaufmann - Revise environmental laws for abandoned mines reclamation - Creates an abandoned mines reclamation account.

Agriculture

HB 269 - Diane Rice - Revise weed laws/transfer funds to noxious weed management trust - Transfers \$5 million from the general fund to the noxious weed management trust fund and removes the requirement that an owner selling property provide notice that there is the potential existence of noxious weeds.

HB 503 - Dave Gallik - Makes permanent provisions that allowing certain agencies and technicians to be certified to perform euthanasia on animals.

HB 537 - Rick Ripley - Revise state hail insurance laws - Increases state hail insurance coverage available to growers of Montana crops.

HB 569 - Diane Rice - Generally revise nursery laws - Increases license fees and defines nursery-related terms.

SB 59 - Kim Hansen - Revise meat inspection law by applying federal Humane Methods of Slaughter Act.

SB 328 - Donald J Steinbeisser - Montana-produced foods to state institutions/optional procurement exception - Establishes an optional procurement exception for the purchase of Montana-produced food products by governmental bodies.

SB 406 - Keith Bales - Clarifies the process of petitioning for establishment of a county bounty program and county predatory animal control programs by providing that a signature on a petition may not be withdrawn by the signer after the hour set for hearing the petition.

SB 479 - Jim Elliott - Content criteria for labeling products containing Montana huckleberries - Requires that if the label for a product contains the terms "Montana" and "huckleberry", the huckleberries must have been picked in the wild from a designated area in Montana.

SB 544 - Ken (Kim) Hansen - Montana certified natural beef cattle marketing program - Creates a program for certifying and marketing natural beef cattle.

Fish & Wildlife

HB 38 - Bill McChesney - Increase authority for reduced license price for game management - Allows reduced priced licenses for antlerless moose, cow or calf bison, and adult ewe mountain sheep for management purposes.

HB 51 - JP Pomnichowski - Repeal Montana Conservation Corps laws - Repeals obsolete law that placed MCC under state authority. The organization is now a non-profit.

HB 115 - Jill Cohenour - Revise publication requirements for hunting and fishing regulations - Requires rules be published in a pamphlet available at license providers but allows specific exemptions to post rules online, make available by hotline or other means.

HB 193 - Bill Nooney - Revise laws for disabled hunters/ hunting allowed from off-highway vehicles - Allows a certified disabled person to hunt from a marked off-highway vehicle or snowmobile in areas where hunting and motorized use are permitted.

HB 226 - Jill Cohenour - Revise replacement license law - Prohibits the holder of a replacement license, permit, or tag from providing it to another person.

HB 264 - Ralph Heinert - Allow 2 fishing rods per boat or shore angler in lakes & reservoirs - Rods must be in hand or within immediate control.

HB 284 - Shannon Augare - Improve Giant Springs state park - agreement with Little Shell Tribe - Allows renovation of the historic building, allows FWP to sign agreement with tribe for maintenance in exchange for use, and appropriates \$500.

HB 364 - Bruce Malcolm - Establish board and fund to compensate livestock owners for wolf predation - Appropriates \$120,000 for an employee.

HB 389 - Debby Barrett - Direct FWP and Commission to rewrite state's elk management plan - Requires FWP to request that public lands and public roads remain open to public access during big game hunting season and requires the agency to consider landowner tolerance when deciding whether to restrict elk hunting in a hunting district.

HB 450 - JP Pomnichowski - Partial social security numbers for rec license apps contingent on fed approval - With approval from federal government, allows use of last four digits of social security number rather than the full number.

HB 497 - JP Pomnichowski - Allow APRN & PA to endorse disabled hunter permit - Allows advanced practice registered nurse or a licensed physician assistant to certify a person as disabled for purposes of obtaining a hunting permit.

HB 770 - JP Pomnichowski - Revise fish, wildlife, and parks laws re disabled certification - Allows board of medical examiners to review disability certification disagreements and provides for a review opportunity when a disagreement arises.

SB 44 - Lane L Larson - Expand hunting "super tag" to lion, antelope, and buffalo.

SB 77 - Rick Laible - Revise future fisheries reporting - Requires FWP to submit a detailed program report to certain legislative committees, including specific information regarding progress and projects related to the restoration of native Montana fish species. Requires identifying any project that involves stream remediation from mining activities and provide particular funding information

SB 100 - Larry Jent - Revise outfitter laws/felony outfitting without license - Increases penalties for outfitting without a license.

SB 126 - Steven Gallus - Eliminate termination of future fisheries/bull trout/cutthroat programs, funding - Removes temporary status of programs.

SB 128 - Jesse Laslovich - Eliminate termination of FWP instream flow and revise laws governing - Allows FWP to change water rights that it holds in fee simple to instream flow purposes to protect, maintain, or enhance streamflow to benefit fishery resources, repeals the termination date on leasing of water rights by the FWP for instream flow purposes, and provides that a change in appropriation right should not adversely affect other water right holders.

SB 166 - Joseph (Joe) Tropila - Family and purple heart recipients fish and hunt game birds for free - Provides free wildlife conservation licenses to resident minors who are 12 years of age or older and under 15 years of age and to residents 62 years of age or older and allows residents and certain nonresidents who have been awarded a purple heart in service with the U.S. armed forces to fish and hunt game birds with only a wildlife conservation license.

SB 203 - Joe Balyeat - Allow civil air patrol cadets under 18 to participate in search & rescue.

SB 205 - Larry Jent - Exempt game warden positions from vacancy savings budget provisions.

SB 243 - Joe Balyeat - Revise military special hunting and fishing license - Provides free class AAA resident combination sports and class A resident fishing licenses for certain Montana national guard, federal reserve, and active duty personnel for up to 5 years.

SB 285 - Mike Cooney - Exempt wildlife center from building naming law - Provides that the state building naming provisions and other master plan requirements do not apply to the Montana wildlife rehabilitation and education center.

SB 314 - Donald J Steinbeisser - Revise warm water fishing stamp law - Requires a person who desires to fish in certain designated waters in which fish from the Fort Peck hatchery are planted must purchase a warm water game fish stamp.

SB 372 - Joe Balyeat - Create wolf licenses and authorize wolf and grizzly bear lottery or auction - Effective upon removal from endangered species list.

Forests

SB 25 - Lane Larson - Revise contract timber harvest laws - Authorizes DNRC to contract for the harvesting of timber and to sell the harvested forest products to the highest bidder.

SB 293 - Rick Laible - Establish state forest management policy - Requires DNRC to support restoration and sustainable forest management practices, requires promotion of forest management activities within and adjacent to the wildland urban interface, and grants authority to intervene in litigation or appeals of federal forest management projects.

SB 422 - Kelly Gebhardt - Revise law on wrappers on logging trucks and trailers - Eliminates requirement that pole trailers be equipped with wrappers made of steel chain, steel cable, or a combination of steel chain and steel cable.

Oil & Gas

HB 176 - Franke Wilmer - Change term gasohol to ethanol - Changes made throughout MCA.

SB 19 - Jim Shockley - Revise laws governing oil and gas developers and surface owners - Requires seismic activity permit holder or an oil and gas developer or operator to furnish information to surface owner, requires surface owner to provide information to lessees, and increases notice periods for drilling operations.

SB 43 - Mitch Tropila - Revise licensing requirements of petroleum measuring device if ownership changes - Removes language governing transfer of ownership requirements.

Mining

HB 7 - Dave Kasten - Reclamation and development grants - Appropriates money to the DNRC for grants for designated projects under the reclamation and development grants program.

HB 116 - Rick Ripley - Revise RIT funding laws - Amends laws that refer to allocation of the oil and natural gas production tax, the metal mines license tax, the resource indemnity and groundwater assessment tax and resource indemnity trust (RIT) interest. Eliminates the reclamation and development grants account and the renewable resource grant and loan account in the state special revenue fund, and creates the natural resources projects account and the natural resources operations account in the state special revenue fund.

HB 460 - Jim Keane - Revise mining laws - Allows DEQ to require a mine operator to submit an amended reclamation plan and post a temporary bond if the agency determines that a substantial and imminent danger to public health, public safety, or the environment exists or that there is a reasonable probability that a violation of water quality standards will occur.

HB 583 - Mike Jopek - Revise opencut mining law - Amends definitions and terminology, expands exemptions, provides for suspension and revocation orders, eliminates application fee and revises appeal provisions.

SB 200 - Dave Lewis - Authorize litigation for cleanup of Mike Horse mine - Committee overseeing litigation includes governor's chief of staff, the directors of DEQ, DNRC, and FWP, and the attorney general.

SB 461 - Keith Bales - Generally revise laws pertaining to mining of coal - Requires the DEQ to release all or a portion of a bond if the department is satisfied that reclamation of coal and uranium operations has been completed.

State Lands

HB 19 - Walter McNutt - Prohibit diversion of Morrill Act land revenue for administrative costs - Clarifies that land granted pursuant to the Morrill act is not subject to deductions of interest or income to fund administrative costs and appropriates \$80,000 each biennium for administration.

HB 37 - Michele Reinhart - Weed control on state land - Defines the term "noxious weeds", allows the DNRC to control weeds on state lands and bill for costs incurred.

HB 160 - Ron Stoker - Appropriates about \$938,000 from the general fund to repay permanent fund money plus interest that was diverted for administrative costs on Morrill Act trust lands.

HB 703 - Rick Ripley - Revise survey requirements for regional water projects - Allows applications for rights-of-way for regional water projects to submit descriptive and electronic data in lieu of an exact geographical survey.

SB 131 - John Cobb - Revise land banking laws - Extends termination date for the sale of state trust land and purchase of replacement property through the land banking program until 2011.

SB 213 - John Cobb - Revise appraisals and land banking procedure - Requires that the estimated of lands in land banking transactions must be determined by a Montana licensed certified appraiser.

Water

HB 20 - Walter McNutt - Clarify injunctive relief availability for water right enforcement - Provides that injunctive relief is available for enforcement of water rights and provides that a person trying to enforce a water right must be awarded reasonable costs and attorney fees.

HB 36 - John L Musgrove - Repeal sunset for loans to water users - Makes permanent the \$3 million loan limit.

HB 39 - Walter McNutt - Ownership update for water rights- Requires filing a form for division, severance, or exempting of a water right, requires DNRC to update records, increases penalty for not updating water right ownership records.

HB 87 - Douglas Cordier - Water commissioner authority over changes - Allows water commissioner to change distribution based on change in appropriation right.

HB 106 - Douglas Cordier - Remove Commerce as ombudsman regarding Flathead Lake management - Commerce Department no longer ombudsman in matters concerning the management and regulation of the level of Flathead Lake.

HB 304 - Kevin T Furey - Create interim water policy committee - For the 2007-08 biennium, creates a committee to study water-related issues, appropriates \$100,000 and requires that certain water right reports and updates be provided to the water policy interim committee.

HB 473 - John (Jack) W Ross - Eliminate water adjudication fee - Eliminates fee passed in 2005 to complete water adjudication in favor of \$25 million from the general fund.

HB 717 - Wayne Stahl - Ratifies Bowdoin wildlife refuge water compact.

HB 829 - Llew Jones - Implements state water compact with Blackfoot tribe.

HB 831 - Walter McNutt - Revise water use laws in closed basins - Amends requirements appropriating ground water in a closed basin, requires hydrogeologic assessments, mitigation plans, and aquifer recharge plans, and provides minimum water quality standards effluent.

SB 178 - Dave Lewis - Remove Milltown dam reference in Clark Fork steering committee law - Reflects removal of the dam.

SB 187 - Keith Bales - Fort Keough reserved water rights compact - Ratifies compact.

SB 188 - Bill Tash - Sheep experiment station water compact - Ratifies compact.

SB 248 - Bob Story - Ratify USFS water compact.

SB 324 - Verdell Jackson - Revise ground water data collection procedures - Requires an agency that requires an aquifer test to forward copies to the Bureau of Mines and geology and requires well drillers to designate the location of the well being drilled using two methods.

SB 370 - Bill Tash - Revise law on water right abandonment - Provides that an appropriation right is not abandoned if an appropriator ceases to use all or part of an appropriation right to comply with a candidate conservation agreement.

SB 365 - Bob Story - Revise laws related to water distribution and water commissioners - At district court's discretion, a bill may be issued prior to the beginning of a distribution season to offset costs associated with distributing water; providing that a billing before a distribution season may not exceed 80% of the amount that was paid by a water user during the prior distribution season.

SB 370 - Bill Tash - Revise law on water right abandonment - Provides that an appropriation right is not abandoned if an appropriator ceases to use all or part of an appropriation right to comply with a candidate conservation agreement.

SB 376 - Verdell Jackson - Revise water marketing law - Allows DNRC to contract for water held in federal reservoirs as a means of protecting the state's interest in those waters or for a beneficial use within the basin in which the reservoir is located, limits the amount of water that can be leased from the state as the result of contracts for water from federal reservoirs when the water will be put to beneficial use in a basin other than the basin where the federal reservoir is located, limits the amount of water for which the department may contract from any federal reservoir.

SB 431 - Greg Lind - Revise standards for hot springs - Increases pH limit.

SB 446 - Gary L Perry - Revise water law regarding industrial waste discharge - Removes industrial waste discharge systems from DEQ review, eliminates the exemption from review for public sewage systems that have water quality discharge permits, authorizes adoption rules and source water protection requirements.