

EXHIBIT 11  
DATE 1/19/11  
HB 232

Natural Resources House Committee, 62nd Montana Legislature

January 19, 2011

Chairman: Gordon Hendrick,  
Vice Chairman: Brian Hoven,  
Committee Members:

Dick Barrett, Gerald Bennett, Pat Connell, Virginia Court, Kelly Flynn, Alan Hale, Betsy Hands,  
Bill Harris, Cleve Loney, Mike Miller, Michele Reinhart, Wendy Warburton, Kathleen Williams.

RE: House Bill NO. 232 (HB0232.01)  
INTRODUCED BY P. CONNELL

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING REQUIREMENTS THAT STATE AGENCIES CONSULT WITH LOCAL GOVERNMENTS WHEN DRAFTING ENVIRONMENTAL IMPACT STATEMENTS; AMENDING SECTIONS 75-1-201 AND 75-20-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

I wish to go on record opposing HB232 as it is written at this time. It does little to address the inherent problems of the Major Facility Siting Act in regard to the requirements of the duty of the Department of Environmental Quality to consult with local governments while drafting Environmental Impact Statements. Very little of the amended language even attempts to make a realistic effort at clarification, so lets go right to the end of the bill text.

page 7 line 15:

15 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

and lines 17 thru 21:

17 NEW SECTION. **Section 4. Retroactive applicability.** (1) Except as provided in subsection (2), [this 18 act] applies retroactively, within the meaning of 1-2-109, to detailed statements pursuant to 75-1-201(1)(b)(iv) that 19 have not been completed before [the effective date of this act].  
20 (2) An agency that has submitted a draft detailed statement to the public for comment before [the effective 21 date of this act] is not required to complete the local government consultation process.

Both new sections must be stricken from this bill and any future version going forward. What ever happened to due process? This is a very naked attempt to nullify the Jefferson County lawsuit against the D.E.Q. This is the year 2011, not 1911 and Montana no longer wears a "copper collar." Is proposed legislation like this an attempt to refit her with corporate dominion? We have been here before.

Probably the most important issue here is that this bill has not even attempted to address it's stated purpose. If taken at face value, it's true intent is to create a runaround of the Judicial branch of Montana's government and the constitutional system of checks and balances.

I trust the process over the next several months will weed out missteps like this bill.

Respectfully



Kristine Mather  
PO Box 368  
Whitehall, MT 59759