



2019 NATURAL RESOURCE LEGISLATION SUMMARY

This is an overview of legislation, excluding the budget provisions of House Bill 2, in the general areas of natural resources, environmental quality, agriculture, energy, state lands, land use, and water. Also included are sections on agency-proposed legislation, laws that alter interim committee duties, and bills that were passed but vetoed.

INTERIM COMMITTEE BILLS AND DUTIES

Environmental Quality Council

HB29 revises bird hunting dog laws and requires a permit to for bird hunting dog field trials on public land.

HB30 eliminated the liaison position for the Libby Asbestos Superfund Site Cleanup and renamed the advisory team as the oversight committee.

HB43 revised laws allowing free elk hunting licenses and permits to landowners who offer free public elk hunting.

HB586 requires a quarterly report to EQC on progress of state lab advisory committee.

Water Policy

HB44 clarifies that the adverse effect analysis for a change of water right is specific to that proposed change in appropriation right. A determination that water is not legally available (85-2-311) does not mean an adverse effect will occur.

HB45 removes redundant language to clarify criteria for a water rights permit of change application relying on a waiver of adverse effect.

SB32 creates a stream gauge oversight work group out of the governor's drought and water supply advisory committee. The work group will create an annual stream gauge infrastructure work plan and report to the WPIC.

SB46 allows a public agency to use distribution lists of personal contact information collected by a public agency.

SB72 revises the Montana Administrative Procedures Act by defining "supplemental notice" and clarifying the administrative rules objection process.

SB81 extends the deadline to correct and complete an application for a permit or change in water right.

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ENERGY

HB 206 clarifies rural electric cooperative's authority to retain and retire capital credits.

HB 267 requires a utility to notify a customer prior to installation of advanced metering devices.

HB 411 revises aquatic invasive species program funding, extending and revising fees for hydroelectric facilities, decreasing prevention pass fee for nonresident anglers, and increasing registration fees for resident motorized vessels.

HB 456 grants public utilities the right to sell electricity for electric vehicle charging service.

HB 467 allows utilities to apply with the Public Service Commission for the issuance of bonds to lower costs when retiring or replacing electric infrastructure or facilities.

HB 476 revises board of investment allowing loans from the Montana Permanent Coal Tax Trust to a public utility for coal, coal improvements, additional coal interests, and associated transmission.

HB 525 revises the termination date for the high-performance building program to June 30, 2029.

HB 535 clarifying notice requirements for the commencement of acquisition of right-of-way under the Major Facility Siting Act.

HB 597 revises utility regulation establishing an advisory committee for resource planning, requiring a utility to seek approval to acquire, construct, or purchase a resource to conduct a competitive solicitation process, allowing the public service commission to establish energy savings and peak demand reduction goals, allowing demand-side management to be included in utility rates, requiring utilities to hold public meetings when developing resource plans and providing for the use of hearings examiners at the commission.

HJ 4 requesting the federal government take action to protect Montana's right to export coal.

HJ 12 requesting an interim study on the state's ability to defend its energy infrastructure.

HJ 38 requesting an interim study of bonding and reclamation requirements for energy generation facilities.

SB 93 revises solar facility decommissioning and bonding laws requiring owners of solar facility to submit a decommissioning plan and bond to the Department of Environmental Quality.

SB 191 allows the establishment of county coal mine trust reserve funds for county governments

SB 195 revises laws related to energy performance contracting.

SB 244 revises public utility electricity cost recovery providing a cost-tracking adjustment for public utilities

SB 264 establishes contract requirements for work completed to implement a remediation plan

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SB 337 revises the income tax credit for alternative energy generation, extending the availability of the tax credit for investment income related to a hydroelectric source that produces 1 megawatt or more when installed on dams that don't produce power.

FIRE AND FORESTRY

HB441 eliminates timber conservation licenses on state lands.

HB119 increases fees for the Hazard Reduction Agreement Program.

FISH, WILDLIFE, & PARKS

HB143 removes the sunset on three-day nonresident bird license.

HB205 defines a private fish pond and authorizes a temporary fish pond license.

HB224 revises reporting requirements for fish pond licensees who sell fish or eggs.

HB239 allows special drawing refunds to be redirected to block management program.

HB275 removes requirement that active duty Purple Heart recipient must be receiving medical treatment to be issued free license.

HB280 offers reduced price wolf licenses to resident combination sports license holders.

HB281 offers reduced price wolf licenses to nonresident combination license holders.

HB291 established a voluntary wolf mitigation account.

HB311 establishes nonresident hound handler license for mountain lion hunters.

HB355 establishes the summer motorized recreation trail grant program and a summer motorized recreation trail pass for residents.

HB432 allows bonus points for limited fishing licenses, tags, and permits.

HB497 allows additional antlerless elk to be hired during shoulder season.

HB520 increases a general fund transfer for livestock loss programs.

HB585 requires legislative approval for divestiture of state park land.

HB608 requires decontamination of certain water vessels with ballast or bladders.

HB695 provides an appropriation to the DFWP to purchase a recreation easement at Big Arm State Park.

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HJ17 asks Congress to fund AIS programs.

HJ18 urges enhancement of elk management and shoulder seasons.

SB144 makes April 1 the sale date for certain combination hunting licences.

SB167 provides an extension of the entitlement period for certain military members to receive certain hunting and fishing licenses for free.

SB222 revises rulemaking authority of Board of Outfitters including requirements for operations plans.

SB247 extends termination dates for leasing and changing instream flow water rights for DFWP.

SB256 revises transfer laws for harvested game animals, including the transfer of a harvested game animal that requires mandatory department biological inspection or a wolf that requires mandatory department biological inspection.

SB257 revises membership of Upper Columbia Conservation Commission.

SB299 exempts certain land uses from sage grouse conservation regulations, revises oversight team authority, mitigation requirements, and reporting requirements.

SB333 requires retention of sex of animal harvested until the carcass is processed.

SB341 allows issuance of public access land agreements by DFWP to landowners for access across private land to public land.

SB344 allows recovery and possession of the horns and skull of a mountain sheep that dies naturally.

SB349 protects exact coordinate location data of fish and wildlife from misuse and creates penalties for misuse of exact location data.

SJ6 support delisting of grizzly bears from Endangered Species Act.

LAND USE

HB124 revises how agricultural covenants may be revoked for a proposed division of land under the Subdivision and Platting Act.

HB142 revises county weed laws, primarily by defining “integrated weed management” to include techniques such as hand-pulling, cultivations, herbicide, biological control, mechanical treatment, prescribed grazing or burning, education, prevention, and revegetation.

MINING, PERMITTING, & REMEDIATION

HB229 clarifies that dinosaur bones and fossils are part of surface estate.

HB722 allows the transfer of a hard rock mining permit.

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SB201 requires certain coal mining permit holders to provide financial assurances for pensions.

SB328 authorizes a board of county commissioners to authorize a local abatement of the coal gross proceeds tax from a new or expanding surface coal mine.

SB343 revises opencut mining laws, including clarifying effective and expiration dates for permits; requiring landowners to allow access for reclamation; extending application deadlines for weather or other field conditions; revising the bonding process; establishing fees; allowing limited borrow operation of less than 15 acres; requiring bonding and reclamation for limited borrow operations.

SJ4 urges Congress to reauthorize funding for reclamation of abandoned mine lands.

HB535 clarifies notice requirements for the commencement of acquisition of right-of-way under the major facility siting act.

OIL & GAS

HB 213 revises the tax rate price trigger for stripper oil well bonus production

HB 656 revises oil and gas tax laws, providing a fixed tax rate for the privilege and license tax and the tax for the oil and gas natural resource distribution account.

SB 28 revises the tax rate for certain incremental oil production.

STATE LANDS

GENERAL WATER POLICY

HB220 extends the time period in which it is realistic and feasible for the Water Court to issue all preliminary decrees.

HB286 declares the state does not have an ownership interest in private water rights from a well or developed spring located on private land that is used on state trust lands.

HB328 exempts a county, incorporated city or town, or conservation district from section 401 water quality authorizations under the Clean Water Act.

HB341 created a statutory appropriation for the Ground Water Investigation Program.

HB383 extends the timeline for an appeal to a conservation district decision on an application to alter a streambed under the Natural Streambed and Land Preservation Act of 1975.

HB505 requires an applicant for a new water right or a change in water right from a shared point of diversion or shared conveyance must provide notice of the application or change to all water rights holders along that canal, ditch, flume, pipeline, or constructed waterway.

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HJ14 requests an interim study of the future of the Montana Water Court.

HJ40 requests an interim study of weather modification laws.

SB151 clarifies notice procedures for certain exempt water right claims.

SB257 revises appointments to the Upper Columbia Conservation Commission.

SB296 provides that a water right owner may file a lawsuit to protect against unlawful use of water and interference with the use of water.

SJ3 requests an interim study of alternative septic systems.

SJ12 declares that the Montana Legislature supports compensation for losses incurred and benefits realized due to construction of Libby Dam and opposes a diversion of Kootenai River water at Canal Flats, British Columbia.

SR20 confirms Steven R. Brown to the Montana Water Court as an associate water judge.

SR24 confirms Kevin Haggerty to the Board of Water Well Contractors.

SR50 confirms Hillary Hanson, Melissa Hornbein, and David Lehnherr to the Board of Environmental Review.

DEPARTMENT BILLS

Fish, Wildlife, & Parks

HB94 reorganized laws related to hunting access programs and provided free license prerequisites to landowners in block management program.

HB104 provides necessary license prerequisites for free to landowners who receive a free combination license for cooperating in the hunter management program.

SB44 makes a conservation license a standalone prerequisite license.

SB70 removes Headwaters State Park from the primitive parks list.

SB79 clarifies the squaring of bonus pints for hunting party applicants.

Department of Environmental Quality

HB55 revises laws related to subdivision sanitation review, including creating and defining new terms, allowing local entities to review water and sewer plans, and revising exemption and filing requirements.

HB56 clarifies certain aspects of cleanup under the Voluntary Cleanup and Redevelopment Act, including clarifying department access to facilities and extending timelines for groundwater cleanup.

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SB48 creates temporary water quality standards variances.

SR23 confirms Shaun McGrath as DEQ director.

Department of Natural Resources and Conservation

HB6 appropriates state funds for renewable resource grants and loans, such as for planning, irrigation development, watersheds, water conservation, and improvements to water and wastewater systems.

HB7 appropriates state funds for reclamation and development grants to mitigate non-renewable resource extraction, such as creek restorations, contaminated soils removal, and mine remediation.

HB8 authorizes loans to state and local government units for renewable resource projects, such as regional water projects or irrigation system improvements.

HB11 appropriates coal tax funds through the Treasure State Endowment Program for regional water system projects, local government infrastructure projects (including bridges).

HB34 creates a statutory appropriation for administration of good neighbor forestry projects, which are timber sales on federal lands administered by the DNRC.

HB57 clarified the location in statute of the definitions of “appropriation right,” “nonconsumptive use,” and “water right.”

HB58 clarified content of required reports from the drought and water supply committee and added a July 1 report for “the potential for drought for the remainder of the calendar year.”

HB70 allows state timber sales of up to 500,000 board feet without bidding requirements.

HB114 increased a fee charged to timber contractor for fire hazard reduction program.

SB41 eliminates the requirement that bids for state oil and gas leases must be made orally.

SB49 revises the location of where water is measured for when a water right is changed to allow some of the right to be used as aquifer recharge or mitigation.

Department of Agriculture

HB50 reduces penalties for agricultural commodity law violations, such as operating without a water operator’s or commodity dealer’s license, to a civil penalty.

HB51 repeals the Montana-certified natural beef cattle marketing program.

HB63 extends liability requirement for commercial pesticide operators.

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HB102 creates a civil penalty for violation of laws related to wheat and barley research and marketing or pulse crop research and marketing.

SB73 revises certain agricultural commodity licensing requirements, such as expanding the definition of “commodity dealer” to include brokering and online transactions, allowing companies to post bonds for subsidiaries, and adding bonding and licensing requirements for commodity dealers acting as brokers.

Department of Livestock

HB101 revises the refund process for per capita livestock fees.

HB112 revises importation requirements for animals, animal semen, and animal biologics.

SB56 removes a requirement to hold a Board of Livestock hearing before suspending or revoking a meat establishment license.

SB57 removes state authority to inspect home-grown and home-killed meats.

SB67 allows Department of Livestock to use aerial predator hunting fees for administrative expenses.

VETOED BILLS

HB132 clarified definition of bison.

SB 252 exempted certain changes from the Major Facility Siting Act amendment process.

HB265 required Land Board approval of certain FWP conservation easement purchases.

HB332 required county approval to relocate bison.

HB487 revised renewable portfolio standard to include hydropower.

SB252 exempted changes to an electric generating facility from the major facility siting act.

SB329 allowed for extension of coal leases on state trust land.