

## Montana House Conservation Hotlist Week 12: March 22, 2021

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### Please Support:

**SB 249 - Revise funding for the Montana greater sage-grouse stewardship act,** Sen. Mike Lang (R-Malta) House Natural Resources, Support. SB 249 proposes a new funding structure for the Sage Grouse Stewardship Act that includes sharing administrative expenses between Fish, Wildlife & Parks and the Department of Natural Resources and Conservation and putting a \$25,000 cap on MSGOT meeting costs while keeping the makeup of MSGOT the same. *Contact Amy Seaman, Montana Audubon, at 406-210-9449 or [aseaman@mtaudubon.org](mailto:aseaman@mtaudubon.org)*

**SJ 3 - Provide for a feasibility study of advanced nuclear reactors,** Senator Gauthier (R-Helena) House Energy, Support. SJ 3 would request an interim legislative committee study the safety, waste stream, community concerns, economic feasibility, and benefits of using advanced nuclear technology at Colstrip. *Contact Anne Hedges, MEIC, at 461-9546 or [ahedges@meic.org](mailto:ahedges@meic.org)*

**SB 147 - Establish commercial property assessed capital enhancements program,** Senator McNally (D-Billings), Senate Energy, Hearing 2/02, Support. Montana businesses often face high utility bills due to old or inefficient buildings. The upfront cost of upgrades poses a major financial challenge, especially when small businesses' pocketbooks are stretched thin. SB 147 establishes a program to overcome this financing gap by leveraging private dollars for energy efficiency upgrades. The financing is paid back through a line item assessment on the property's annual or biannual property tax. This program is voluntary once enabled and counties opt-in to participate. This bill would boost economic development for main street Montana, and help create an environment where businesses are able to thrive, create good-paying jobs, and increase opportunities for all Montanans. *Contact Makenna Sellers, NPRC, at 406-850-4491 or [makenna@northernplains.org](mailto:makenna@northernplains.org)*

### Please Oppose:

**SB 84 - Generally revise consumer committee laws,** Sen. Duane Ankney (R-Colstrip) Senate Energy, House Energy, Oppose. This bill would make it much more difficult for the Montana Consumer Counsel to protect Montanans from utilities who want to overcharge customers. The Montana Consumer Counsel is the only entity constitutionally charged with protecting consumers from monopoly utilities in proceedings before the PSC. The Consumer Counsel is a very small office that hires experts and consultants to help review utility filings and argue for consumer protections before the PSC. This bill makes it harder for the Consumer Counsel to do so. *Contact Makenna Sellers, NPRC, at 406-850-4491 or [makenna@northernplains.org](mailto:makenna@northernplains.org) or Anne Hedges, MEIC, at 461-9546 or [ahedges@meic.org](mailto:ahedges@meic.org)*

**SB 164 - Revise non-degradation standards for nitrates,** Senator Carl Glimm (R-Kila), House Natural Resources, Oppose. This bill would increase the standards for allowable pollution of nitrates to 10 milligrams per liter. Nitrates are commonly associated with sewage. This is the maximum pollution allowed under the Clean Water Act, and will likely lead to violations of narrative water quality standards for fishable, swimmable, and drinkable rivers and streams. *Contact Derf Johnson, MEIC, at 406-581-4634 or [djohnson@meic.org](mailto:djohnson@meic.org)*

**SB 174 - Revise laws related to local subdivision review,** Sen. Greg Hertz (R-Polson) House Local Government, Oppose. SB174 unnecessarily limits the long-established ability of local governments to place conditions on subdivisions to mitigate their impacts. The bill's retroactively to already approved subdivisions and its subjective criteria puts local governments at heightened risk for lawsuits. *Contact Mayre Flowers, Montana Smart Growth Coalition, at [mayre@flatheadcitizens.org](mailto:mayre@flatheadcitizens.org)*

**SB 201 - Revise avoided cost rate-making,** Sen. Steve Fitzpatrick (R-Great Falls), House Energy, Oppose. SB 201 would make it easier for NorthWestern Energy to avoid having to

purchase renewable electricity from solar, storage, and wind energy developers. Under current law, when considering most renewable energy projects, the MT Public Service Commission must consider costs that would be avoided by relying on renewable energy. This bill tries to prohibit considerations of these costs; thus, ignoring important benefits of clean energy. *Contact Conor Ploeger, MEIC, at 443-2520 or [cploeger@meic.org](mailto:cploeger@meic.org)*

**SB 211 - Revise local subdivision review criteria regarding agriculture, Sen. Steve Fitzpatrick (R-Great Falls), Second Reading, Oppose.** SB 211 excludes considerations of the effects of loss of agricultural soils from subdivision review without justification. *Contact Mayre Flowers, Montana Smart Growth Coalition, at [mayre@flatheadcitizens.org](mailto:mayre@flatheadcitizens.org)*

**SB 231 - Revise exempt well laws related to family transfer parcels, Sen. Mark Blasdel (R-Kalispell), House Natural Resources, Oppose.** As currently written, this bill would allow anyone using the family transfer exemption in the subdivision and platting act to also be guaranteed an exemption from obtaining a water right for a well that pumps up to 35 gallons per minute. This would eliminate any checks on the location of the new well and whether it will have any influence on neighboring water wells or sewage. The family transfer exemption is already a big exemption in the subdivision law, and this bill would compound the problem. *Contact Derf Johnson, MEIC, at 406-581-4634 or [djohnson@meic.org](mailto:djohnson@meic.org)*

**SB 237 - Revise community renewable energy project requirements, Sen. Doug Kary (R-Billings), House Energy, Oppose.** SB 237 would eliminate the penalty imposed on NorthWestern Energy's shareholders to pay a \$2.5 million penalty to state and tribal low-income energy assistance programs. Montana Dakota Utility has complied with the CREPS requirement in the renewable energy standard law but NWE has not. *Contact Anne Hedges, MEIC, at 461-9546 or [ahedges@meic.org](mailto:ahedges@meic.org)*

**SB 257 - Prevent local governments from imposing carbon penalties, fees, or taxes, Sen. Jason Small (R-Busby), Second Reading, Oppose.** This vaguely written bill is intended to stop local governments from adopting carbon taxes, which none of them are trying to do. But the language is so broad that it could prevent local governments from adopting any regulation that even tangentially impacts carbon emissions including transportation plans, design standards, noise limitations, development patterns, etc. It is opposed by Missoula, Helena, and Bozeman who are developing clean energy plans. *Contact Anne Hedges, MEIC, at 461-9546 or [ahedges@meic.org](mailto:ahedges@meic.org)*

**SB 260 - Generally revise laws related to property interests and transfer of businesses, Sen. Steve Fitzpatrick (R-Great Falls), House Business and Labor, Oppose.** SB 260 would require the state to compensate landowners whenever a regulation diminishes the value of private property by 25% regardless of the need for the regulation for public health, welfare or safety reasons. *Contact Anne Hedges, MEIC, at 461-9546 or [ahedges@meic.org](mailto:ahedges@meic.org)*

**SB 266 - Revise unfair trade to include certain actions related to electric generation, Senator Steve Fitzpatrick (R-Great Falls), Senate Business and Labor, Hearing 2/23, Oppose.** SB 266 would force the owners of Colstrip to keep the plant open regardless of the expense. SB 266 likely violates state and federal constitutional law by allowing the legislature to override the original contract between the Colstrip owners. *Contact Anne Hedges, MEIC, at 461-9546 or [ahedges@meic.org](mailto:ahedges@meic.org)*

**SB 267 - Authorize reimbursement for wolf trapping and hunting, Senator Bob Brown (R-Thompson Falls), Second Reading, Oppose.** This bill allows wolf hunters and trappers to be reimbursed for costs incurred while hunting and trapping wolves. It allows the reimbursement of receipts for the costs and amounts to a bounty on wolves. No other wildlife harvest community

expects or requests such fringe benefits. *Contact Nick Gevock, MWF, at 533-9432, [ngevock@mtwf.org](mailto:ngevock@mtwf.org)*

**SB 294 - Allow for a referendum to terminate a county zoning district, Sen. John Esp (R-Big Timber), House Local Government, Oppose.** SB 294 purports to bring "Part 2 county zoning" (zoning initiated by the county itself) into compliance with Williams v Missoula County, a Montana Supreme Court case which held unconstitutional the delegation of "veto power" to large tract landowners without a so-called legislative bypass, as there is with municipal zoning. This is accomplished via Section 2 of the bill, which does away entirely with "protest" rights and instead allows public "comment" to be considered by the commissioners as they are required to do in most other instances. *Contact Derf Johnson, MEIC, at 406-581-4634 or [djohnson@meic.org](mailto:djohnson@meic.org)*

**SB 314 - Revise laws related to wolf harvest, Sen. Bob Brown (R-Thompson Falls), Second Reading, Oppose.** SB 314 would take extreme measures including baiting, night hunting and no bag limits in an extreme attempt to drive wolf numbers down to a bare minimum number. It's unneeded when we have a sound wolf season and already have the tools with the Fish and Wildlife Commission to manage the population. *Contact Nick Gevock, MWF, at 533-9432, [ngevock@mtwf.org](mailto:ngevock@mtwf.org)*

**SB 328 - Revise coal bonding laws, Sen. Duane Ankney (R-Colstrip), House Natural Resources, Oppose.** SB 328 would change how the Montana Department of Environmental Quality releases bonds for reclaimed coal mines. The bill would allow for bonds to be released for partially reclaimed lands as well as for reclaimed mines which are still contributing to water quality problems. This will result in poor reclamation at coal mines and poses a risk for taxpayers having to pick up the costs associated with full reclamation. *Contact Anne Hedges, MEIC, at 461-9546 or [ahedges@meic.org](mailto:ahedges@meic.org)*

**SB 334 - Establishing cost calculations for transmission systems, Sen. Brad Molnar (R-Laurel), House Energy, Oppose.** This bill would confuse, complicate, and make management of the transmission system far more complicated, uncertain, and disadvantageous to renewables but to the advantage of utility owned gas generation resources. *Contact Anne Hedges, MEIC, at 461-9546 or [ahedges@meic.org](mailto:ahedges@meic.org)*

**SB 358 - Repeal numeric nutrient standards for water quality, Senator John Esp (R-Big Timber), Transmitted to House, Oppose.** This bill would eliminate numeric nutrient standards that are currently established and enforced by the Montana Department of Environmental Quality through administrative rules. This bill would result in more nutrients to the detriment of our rivers and streams. Nutrient pollution has major impacts to human health and aquatic ecosystems. *Contact Derf Johnson, MEIC, at 406-581-4634 or [djohnson@meic.org](mailto:djohnson@meic.org) or Mikindra Morin, NPRC, at 406-599-0848 or [mikindra@meic.org](mailto:mikindra@meic.org)*

*The Weekly Hotlist is published as an educational service to lawmakers and citizens by the Conservation Working Group, composed of the organizations listed below. Contact Jake Brown, Montana Conservation Voters at 406-855-7821 or Whitner Chase, Montana Conservation Voters at 407-235-8203*

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