

Montana House Conservation Hotlist Week 11: March 15, 2021

Please Support:

SB 249 - Revise funding for the Montana greater sage-grouse stewardship act, Sen. Mike Lang (R-Malta) House Natural Resources, Hearing 3/19, 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*

SJ 3 - Provide for a feasibility study of advanced nuclear reactors, Senator Gauthier (R-Helena) House Energy, Hearing 3/17, 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*

Please Oppose:

HB 302 - Require county approval to relocate bison, Rep. Josh Kassmier (R-Fort Benton) Third Reading 3/15, Oppose. This bill would require approval by a board of county commissioners prior to wild bison or wild buffalo being released into any county. The bill allows the prohibition of bison in a county based on a county growth policy and would be the first time a growth policy has regulatory power. *Contact Amy Seaman, Montana Audubon, at 406-210-9449 or aseaman@mtaudubon.org*

HB 384 - Increasing qualified electors required to sign statutory initiative petition, Rep. Steve Gunderson (R-Libby), Second Reading, Oppose. The bill would increase the number of signatures of qualified voters required to sign a statutory initiative petition from 5% of those who voted in the last election to 10%. This would make it much more difficult for an ordinary Montana voter to get an initiative on the ballot. *Contact Madison Hebner, Forward Montana, at 406-381-7633 or madison@forwardmontana.org*

HB 505 - Revising laws re: issuance of elk licenses used on private lands, Rep. Wylie Galt (R-Martinsdale), House Fish Wildlife and Parks, Oppose. This bill would create up to 10 landowner-sponsored elk licenses for people with at least a section of land, give six bonus points for limited elk permits and permanently write six month elk seasons into state law. It would severely damage hunter landowner relations. *Contact Nick Gevock, MWF, at 533-9432, ngevock@mtwf.org*

SB 84 - Generally revise consumer committee laws, Sen. Duane Ankney (R-Colstrip) Senate Energy, House Energy Hearing 3/15, 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 or Anne Hedges, MEIC, at 461-9546 or ahedges@meic.org*

SB 135 - Allow a county commission to hold certain zoning appeal hearings de novo, Sen. Steve Fitzpatrick (R-Great Falls), House Local Government, Executive Action, Oppose. This bill makes it far more expensive and difficult for the public to appeal a zoning decision. It would force them to pay for two expensive proceedings similar to a trial with attorneys and experts instead of just one that is required under current law. *Contact Anne Hedges, MEIC, at 461-9546 or ahedges@meic.org*

SB 161 - Allow certain subdivisions to qualify for an expedited review, Sen. John Esp (R-Big Timber), House Local Government, Oppose. SB 161 would create an overly broad expedited subdivision review process without exception that would allow a subdivider to bypass important environmental and public services review processes in municipalities and certain county sewer and water districts. It would exempt qualifying subdivisions from preparation of an environmental assessment, and exempts them from the primary review criteria which covers impacts to agriculture, wildlife, and local services and facilities making it difficult to mitigate impacts regardless of the number of lots contained in the proposed subdivision. *Contact Jared Sousa, Montana Smart Growth Coalition, at 253-320-0691 or jared@flatheadcitizens.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*

SB 201 - Revise avoided cost rate-making, Sen. Steve Fitzpatrick (R-Great Falls), House Energy, Hearing 3/17, 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*

SB 211 - Revise local subdivision review criteria regarding agriculture, Sen. Steve Fitzpatrick (R-Great Falls), House Local Government, 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*

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*

SB 237 - Revise community renewable energy project requirements, Sen. Doug Kary (R-Billings), House Energy, Hearing 3/17, 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*

SB 257 - Prevent local governments from imposing carbon penalties, fees, or taxes, Sen. Jason Small (R-Busby), House Taxation, 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*

SB 260 - Generally revise laws related to property interests and transfer of businesses, Sen. Steve Fitzpatrick (R-Great Falls), House Business and Labor, Hearing 3/16, 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*

SB 267 - Authorize reimbursement for wolf trapping and hunting, Senator Bob Brown (R-Thompson Falls), House Fish, Wildlife, and Parks, Hearing 3/16, 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;*

SB 294 - Allow for a referendum to terminate a county zoning district, Sen. John Esp (R-Big Timber), House Local Government, Hearing 3/16, 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.

The problematic provision of this bill, however, is Section 1. This section would provide a mechanism to limit a referendum to "electors residing in the district" which would arguably exclude electors subject of municipal zoning within a county. This disenfranchises the many concerned county electors not in the "district" but who are still impacted by zoning decisions.

SB 314 - Revise laws related to wolf harvest, Sen. Bob Brown (R-Thompson Falls), House Fish Wildlife and Parks, Hearing 3/16, 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*

SB 328 - Revise coal bonding laws, Sen. Duane Ankney (R-Colstrip), House Natural Resources, Hearing 3/17, 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*

SB 334 - Establishing cost calculations for transmission systems, Sen. Brad Molnar (R-Laurel), House Energy, Hearing 3/19, 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*

SJ 16 – Urge Support for Keystone XL Pipeline, Senator Steve Hinebauch (R-Wibaux), House Natural Resources, Hearing 3/16, Oppose. SJ 16 urges the U.S. President and Congress to approve the Keystone XL pipeline, despite President Biden's recent executive

order to revoke the pipeline. The Keystone XL pipeline would result in pollution if and when the pipeline leaks the tar sands it will be transporting, and has been opposed by numerous Montanans and indigenous communities throughout the state. *Contact Conor Ploeger, MEIC, 443-2520 or cploeger@meic.org; or Caitlin Piserchia, Sierra Club, caitlin.piserchia@sierraclub.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

** Clark Fork Coalition * Environment Montana * Montana Audubon * Montana Conservation Voters * Montana Environmental Information Center (MEIC) * Montana Public Interest Research Group (MontPIRG) * Montana Wilderness Association * Montana Wildlife Federation * Northern Plains Resource Council * Montana Smart Growth Coalition **