

Montana Senate Conservation Hotlist Week 3: January 16, 2023

Please Support:

SB 32- Revising pipeline safety regulation penalties, Sen. Mike Cuffe (R- Eureka) In First House Committee-Nontabled, Support. SB 32 would increase the penalties that the Montana Public Service Commission is able to assess for pipeline safety violations. The increase is necessary to assure that state law complies with federal standards and that Montana maintains primacy over the program. For more info, contact Derf Johnson, MEIC, 406-581-4634 or djohnson@meic.org.

SB 147- Create State Energy Conservation Standards, Sen. Chris Pope (D-31) In First House Committee-Nontabled, Support. SB 147 would require publicly regulated utilities, such as NorthWestern Energy, to study and procure cost-effective energy conservation strategies. Energy conservation is the best way to save customers money and decrease their need for more energy, particularly during times when energy demand is high and supply is low. The bill would require utilities to regularly study conservation opportunities and implement conservation programs that reduce consumption of energy by at least 1%, as a factor of their average annual electricity sales. The bill would also give the Public Service Commission authority to establish and oversee a conservation assessment program that includes: incentives for utilities that develop conservation and efficiency programs; metrics to evaluate successful implementation of the programs and compliance with SB 147; and assurances that the utility is studying and considering least-cost conservation and energy efficiency investments at regular intervals. For more information contact Ian Lund, MEIC, 406-333-1858 or ilund@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 Molly Bell, Montana Conservation Voters at 406-698-9440

Clark Fork Coalition * Montana Audubon * Montana Conservation Voters * Montana Environmental Information Center
Montana Renewable Energy Association * Northern Plains Resource Council* Wild Montana

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Please Oppose:

SB 39- Revise permitting for incinerators, Sen. Dan Bartel (R-Lewistown) In First House Committee-Nontabled, Oppose. SB 39 would weaken or eliminate the state's air quality standards for some incinerators. The law, passed in 1993, requires additional analysis to ensure the risk posed by waste burning incinerator presents a negligible risk to public health. The Montana Department of Environmental Quality is asking the legislature to reduce the requirements on incinerators and to entirely exempt human and pet crematoriums from conducting any risk analysis. These crematoriums can have high emission of mercury and other harmful substances. For more information, contact Anne Hedges, MEIC, 406-461-9546 or ahedges@meic.org.

SB 85- Require management of grizzly bears at sustainable levels upon delisting, Sen. Mike Lang (R-Malta), In First House- Through 2nd Reading, Oppose. This bill states that grizzly bears will be managed at numbers upon delisting from the federal Endangered Species Act to keep them from returning to the list. It lacks any language that Montana will manage for a healthy population that is connected, with bears moving between the established recovery zones to bring better genetic diversity to the populations. It also lacks language ensuring that other threats to grizzly bears are eliminated. For more information, contact Amy Seaman, MT Audubon, 406-210-9449 or aseaman@mtaudubon.org.

SB 97- Implement renewable portfolio standard production tax for property tax relief, Sen. Keith Regier (R-Kalispell), In First House Committee-Nontabled, Oppose. SB 97 increases the tax burden on large scale renewable energy projects by 500%. Currently, renewable energy generators must pay a \$0.0002 or 0.02¢ per kilowatt-hour license tax. This bill would require covered generators to pay an additional 0.1 ¢ per kilowatt-hour tax on renewable energy generation. This bill targets generators larger than 25 MW, meaning it primarily applies to large-scale wind projects, though excluding legacy hydroelectric projects. This bill discourages renewable development and could cause projects that would be built in Montana to be relocated to other states with more favorable taxation laws. The full list of impacted generation resources [can be found here](#). For more information, contact Ian Lund, MEIC, 406-333-1858 or ilund@meic.org and Makenna Sellers, Montana Renewable Energy Association at (406) 214-9405 or makenna@MontanaRenewables.org

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SB 152 - Revise Minor Subdivision law, Sen. Forest Mandeville (R-Columbus), In First House Committee-Nontabled, Oppose. SB 152 would eliminate from review as “a first minor subdivision from a tract of record” those divisions of land that were created under the exemption provisions of the subdivision law since July 1, 1973, when the Montana Subdivision and Platting Act (MSPA) went into effect. The review of the first minor subdivision has been weakened over the years, however, at least it is subject to some review requirements including an Environmental Assessment. The exemption in SB 152 would eliminate the public review safeguard. This safeguard ensures that further subdivisions of land are in the public interest and are subject to review by local governing bodies who can at least impose reasonable conditions on such divisions pursuant to the requirements of the subdivision and platting act. For more information, please contact Ann Schwend, MEIC, 406-596-1013 or aschwend@meic.org.

SB 158- Revise family transfer law, Sen. Jason Ellsworth (R-Hamilton), In First House Committee-Nontabled, Oppose. SB 158 would allow a lot owner within an existing subdivision to divide a portion of their lot and transfer the newly created lot(s) to members of their immediate family without triggering the typical subdivision and environmental review process. This leaves neighbors of this newly divided land within an existing subdivision unable to comment. The bill is unclear as it appears to allow the first 5 family members that receive a lot through this exemption to potentially further subdivide their lot, all without public review, and with cursory local government review. The unmitigated cumulative impacts on traffic, water resources, access, local fire and safety could be harmful for an area. For more information, please contact Ann Schwend, MEIC, 406-4596-1013 or aschwend@meic.org.

SB 159- Restrict use of Eminent Domain, Sen. Becky Beard (R-Elliston), In First House Committee-Nontabled, Oppose. SB 159 would restrict local governments from using eminent domain to acquire new property for trails and natural areas. Many local governments are trying to complete and build out trail systems to improve recreational opportunities and create more livable communities. There are also federal grants that prioritize trail completion. This bill would stand in the way of communities that want to exercise local control regarding their infrastructure needs. For more information, please contact Molly Bell, MCV, 406-698-9440 or molly@mtvoters.org.

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