

Montana Senate Conservation Hotlist Week 7: February 13, 2023

PLEASE SUPPORT:

SJ 9- Joint resolution establishing soil health week and day, Sen. Bruce Gillespie (R- Ethridge), Passed out of Senate Agriculture, Livestock and Irrigation Committee on 2.9, Support. This resolution designates the first week in April as Montana Soil Health Week, and the first Wednesday in April as Montana Soil Health Day. The resolution encourages agencies, organizations, and individuals to observe the week and day. For more information contact Caroline Canarios, Northern Plains Resource Council, (406) 248-1154/caroline@northernplains.org.

SB28- Provide funding for conservation districts. Sen. Mike Lang (R-Malta), Hearing scheduled in Senate Finance and Claims Committee for 2.13, Support. This bill would direct revenue from the state's existing marijuana tax to provide funding for Montana's conservation districts. This bill would ensure additional funding to continue and expand this vital work. For more information, contact Caroline Canarios, Northern Plains Resource Council, (406) 248-1154/caroline@northernplains.org.

SB 255 – Revising electric vehicle charging station laws for a renewable resource electrical production tax, Sen. Chris Pope (D-Bozeman), Hearing scheduled in Senate Energy and Telecommunications 2.13, Support. SB 255 cleans up statutory language for electric vehicles and brings electric vehicle supply and service under standard PSC ratemaking procedures. It also allows for electric vehicle charging stations to be operated by utilities, state agencies, and designees. SB 255 would help Montana plan our infrastructure for the projected uptake in electric vehicle adoption. For more information, contact Makenna Sellers, Montana Renewable Energy Association, (406) 214-9405/makenna@MontanaRenewables.org or Ian Lund, MEIC, (406) 333-1858/ilund@meic.org.

PLEASE OPPOSE:

HB 85- Expand MEPA Categorical Exclusions, Rep. Marty Malone (R-Pray), Passed House 93 to 5, transmitted to Senate on 1.17. Bill passed out of committee on 2.6, heading to Senate floor, Oppose. Exempts from the Montana Environmental Policy Act any leases on state land for commercial development, grazing, or agriculture, that involve the repair, maintenance or replacement of infrastructure. The bill does not say whether the replacement of infrastructure needs to be of a similar size, scale, and impact; what constitutes “de minimis” for water development projects; or outline restrictions on herbicide applications to protect water, pollinators, and wildlife. The primary objection though is its application to commercial development, which appears to be an inadvertent exemption in the bill. For more information contact Anne Hedges, MEIC, (406)461-9546/ahedges@meic.org.

HB 170- Repeal state energy policy, Rep. Steve Gunderson (R-Libby) Passed House 67 to 32 and transmitted to Senate on 1.24. Hearing held in Senate Energy and Telecommunications Committee on 1.31, Oppose. HB 170 would repeal Montana's State Energy Policy. Montana needs an energy policy for our state and its agencies which promotes energy efficiency, conservation, production, and consumption of energy sources that represent the least social, environmental and economic costs and the greatest long-term benefits to Montana citizens. It simply makes no sense to repeal this sound principle which has stood for 30 years, especially now in the face of the increasing impacts of climate change that Montana is experiencing. For more information contact Derf Johnson, MEIC, (406) 581-4634/djohnson@meic.org.

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For questions, please contact Molly Bell with MCV at 406-698-9440 or Jocelyn Leroux with MCV at 406-794-0016

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PLEASE OPPOSE:

SB 208- Prohibit local governments from banning or limiting energy choices, Sen. Jason Small (R-Busby), Hearing held in Senate Energy and Telecommunications Committee on 1.31, Oppose. SB 208 prevents the Department of Labor and Industry, which writes the state building code, from including any language that prohibits or limits the use of any energy resources. Additionally, this bill denies local governments any power to “prohibit or impede the connection” of any fossil fuel infrastructure in their jurisdictions. This precludes cities and counties from taking meaningful action on greenhouse gas emissions through stretch codes or regulations. Methane gas is harmful to health, the environment, and the climate. Recent studies show that indoor emissions from gas appliances can contribute to childhood asthma. Local governments should be allowed to mitigate those impacts to address the concerns of their constituents. Energy decisions in a community should be made by the people closest to the issues, not legislators. For more information contact Anne Hedges, MEIC, (406) 461-9546/ahedges@meic.org or Ian Lund, MEIC (406) 333-1858/ilund@meic.org.

SB 228- Prohibit local governments from banning petroleum fuel, Sen. Jason Small (R-Busby), Hearing held in Senate Energy and Telecommunications Committee for 2.7, Oppose. SB 228 would prohibit local governments from protecting public health, safety or welfare from any type of petroleum product (e.g. oil or gas). It would force local governments to allow compressor stations, gas stations, pipelines, gas power plants, petroleum refineries, and more, regardless of size or impact, near residential properties, daycares, and schools. Local governments would not even be allowed to mitigate impacts from noise, lighting, or truck traffic. For more information contact Anne Hedges, MEIC (406) 461-9546/ahedges@MEIC.org and Caroline Canarios, NPRC, (901) 651-5930/caroline@northernplains.org.

SB 261 - Revise objections to water rights applications, Sen. Keith Regier (R-Kalispell), Hearing scheduled in Senate Natural Resources for 2.13, Oppose. This bill would prohibit ordinary Montanans from participating in decisions about future water use. Current law gives Montanans the ability to object to a new permit/change if their “property, water rights, or interests [...] would be adversely affected by the proposed appropriation.” This bill would require parties to exclusively be a water rights holder in order to participate in the objections process, and remove other ways that citizens can participate, such as property owners. It’s also rife with unintended consequences. For example, the bill would eliminate standing for a host of water users (irrigation district members, members of a ditch/canal company, etc.) who don’t hold “water rights” in their name but instead hold a right to receive water through a shared conveyance. For questions, please contact Derf Johnson, MEIC djohnson@meic.org/(406) 581-4634.

SB 285 - Revise Subdivision Sanitation Laws, Sen. Carl Glimm (R-Kila), Hearing scheduled in Senate Local Government for 2.13, Oppose. This bill creates a number of exemptions for water quality impacts from residential and commercial development. The bill would exempt sewage disposal facilities that impact surface waters that are located more than 500 feet from the pollution source, or lower in elevation, from nondegradation review. The bill would also exempt developments from storm drainage review if they are exempt from normal subdivision review requirements, including under the family transfer exemption. For questions, please contact Derf Johnson, MEIC, djohnson@meic.org/(406) 581-4634.

SB 287-Revise property laws, Sen. Steve Fitzpatrick (R-Great Falls), Awaiting Executive Action in Senate Judiciary Committee, Oppose. SB 287's vague additions to the traditional list of what constitutes property dramatically increases the instances in which local and state governments may be required to pay the holders of

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these vague new property interests, resulting in a financial burden on taxpayers. For more information contact Anne Hedges, MEIC, (406) 461-9546/ahedges@MEIC.org.

PLEASE OPPOSE:

SB 295 - Revising Laws to Accommodate Grizzly Bear Delisting, Sen. Bruce Gillespie (R - 9) Hearing scheduled in Senate Fish and Game Committee for 2.14, Oppose. Senate Bill 295 brings forth a grizzly bear policy for Montana that would lay out management regulations should grizzly bears be delisted from the Endangered Species Act. The bill unfortunately stresses lethal management of grizzly bears over other methods of management and only slightly refines when a grizzly bear can be killed if it is threatening livestock or people; from what was passed in 2021 through Senate Bill 98. The bill still allows bears to be killed on public land if the Department of Fish, Wildlife, and Parks, (FWP) finds the animal is threatening livestock or people and it makes it mandatory for individuals to complain directly to the director of FWP which seems unreasonable and excludes biologists on the ground. Threatening is not defined and this bill really changes the tone about how the state will manage bears on public lands. For more information contact Amy Seaman, MT Audubon (406) 210-9449/aseaman@mtaudubon.org.

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