

Montana House Conservation Hotlist Week 8: February 20, 2023

PLEASE SUPPORT:

SJ 9- Joint resolution establishing soil health week and day, Sen. Bruce Gillespie (R- Ethridge), Transmitted to the House, 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.

HB 364 - Allow for Independent Subdivision Reviews for Past Due Applications, Rep. Casey Knudsen (R-Malta), Currently tabled with Amendments in House Natural Resources, Support. This bill would allow, in very limited circumstances, for the Montana Department of Environmental Quality to authorize third-party subdivision application reviews. This bill would preserve a strong review process, while freeing up resources to more adequately review the large volume of applications currently being received by DEQ. For more information contact Derf Johnson at 406-581-4634/djohnson@meic.org.

HB 511- Revise candidate self-financing laws, Rep. Derek Harvey (R-Butte), Hearing held in House State Administration on 2.17, Support. This bill would limit the amount an individual can donate to their own campaign. It would level the playing field and make it easier for regular Montanans to run for office. All conservation-minded candidates should have a fair shot at elected office, regardless of the size of their bank account. For more information contact Molly Bell, MCV, 406-698-9440/molly@mtvoters.org.

HB 521 – Revising Laws Related to Conservation Licenses on state land, Rep. Denley Loge (R – 14) Heard in House Natural Resources 2.17, Support. This bill creates a new license for recreation on state lands that is required for anyone over 12 years of age. The resident cost is \$8 and it will affect non-consumptive users of state land areas, like fishing access sites, for recreation. From the \$8 annual fee, funding will be shared between the Department of Fish, Wildlife, & Parks and Department of Natural Resources and Conservation. \$3.50 from each license will go to DNRC. The license will be enforced with a warning in the first year and will be purchasable using a smart device. The bill is trying to capture income to put towards site maintenance, rental fees, and repair that is very important for protecting the habitat and wildlife values of these sites as they see more visitation. For more information contact Amy Seaman, MT Audubon, 406-210-9449/aseaman@mtaudubon.org.

HB 581- Revise opencut permitting, Rep. Laurie Bishop (D-Livingston), Hearing scheduled in House Natural Resources 2.20, Support. This bill would reinsert public participation requirements in the opencut permitting law and reinstate DEQ's authority to provide simple protections for neighbors (limits to hours of operation, noise, light, off-site sedimentation, fire prevention, etc). For more information contact Anne Hedges, MEIC, 406-461-9546/ahedges@meic.org.

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PLEASE OPPOSE:

HB 55- An act establishing a tax on electric vehicle charging stations, Rep. Denley Loge (R-St. Regis), Hearing held in House Appropriations for 2.13, Oppose. HB 55 would add a \$0.03 tax on electric vehicles (EVs) charging at public stations. The stated goal is to capture revenue from out-of-state EV drivers who aren't paying the gas tax. However, Montanans traveling in-state also will be required to pay the tax but will supposedly be reimbursed for the fees through some vague process. Unfortunately, the undefined reimbursement process will likely be cumbersome under the best case scenario and will be one more barrier to EV deployment in Montana. This new program will cost the state an extraordinary \$2.3 million to implement because it is so complex. While there are some good elements of the bill, including a provision that would allow charging station operators to price electric vehicle charging based on the cost of electricity, as introduced the bill will unnecessarily discourage the adoption of electric vehicles. For more information contact Ian Lund, MEIC, 406-333-1858/ ilund@meic.org.

HB220- Create select committee on energy planning and acquisition, Rep. Josh Kassmier (R-Fort Benton), Hearing held in House Energy, Telecommunications, and Federal Relations Committee on 2.15, Oppose.. HB 220 is an attempt by NorthWestern Energy (NWE) to undermine a 2019 law and the recent rules adopted by the Public Service Commission (PSC) both of which greatly improve the resource planning process and the process for the utility to acquire more energy generation resources (a.k.a. power plants). NWE vehemently opposed the 2019 law and the new PSC rules. This bill would establish a partisan committee to review existing law and the newly adopted PSC rules and recommend changes. This committee would be designed to serve the interests of investor-owned utilities. The utilities spent the last two years trying to prevent the PSC from fully implementing the law, but in December 2022, the PSC unanimously voted to approve rules that establish a transparent and competitive bidding process the utility must go through before constructing new generation resources and passing the costs onto customers. While the investor-owned utility's primary interest is to make money for its shareholders, the current law and rules help ensure that the utility keeps the lights on with affordable resources. For more information, contact Ian Lund, MEIC, 406-333-1858/ilund@meic.org.

HB 261- Revise e-bike laws, Rep. Steve Gunderson (R-Libby), Passed on 2nd reading on 2.16, Oppose. HB 261 attempts to define bikes that use electric motors for propulsion as non-motorized and force the use of these on all state and locally managed trail systems. This "open unless closed" approach opens the floodgates for new motorized use on trails that have been reserved for non motorized uses like traditional bikes, horse, and pedestrian travel. Additionally, this would put the state's definition at odds with the US Forest Service definition, causing jurisdictional challenges (Many trails start on local, private, and state land and travel to USFS land) and a need for increased expenditures for signage and enforcement of this new use. HB 261 would also put federal grant funding for non motorized trails at risk. For more information please contact Amy Seaman, Montana Audubon, 406-210-9449/aseaman@mtaudubon.org and Noah Marion, Wild Montana at 406-624-962/nmarion@wildmontana.org.

HB 454 - Provide for a renewable resource electrical production tax, Rep. Gary Parry (R-Colstrip), Hearing held in House Taxation on 2.17, Oppose. HB 454 creates additional layers of tax burden for large scale (25 MW or above) renewable energy generation, and would make these projects uncompetitive in Montana. Currently, all electrical energy producers currently pay a license tax of \$.02 per kilowatt-hour. HB 454, however, singles out large-scale renewable resource generators like wind, solar, new hydro, geothermal, battery storage, and others listed here, and increases their tax burden fivefold. While HB 454 intends to backfill coal severance tax funds and county infrastructure costs, it discourages renewable development and could cause projects slated for Montana to be relocated to other states. 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.

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HB 462- Revise distribution of marijuana revenues, Rep. Marta Bertoglio (R-Clancy), Hearing held in House Appropriations Committee on 2.16, Oppose. This bill would strip over \$30 million in voter-approved revenue from the Habitat Montana program and permanently block the program from tapping those funds again. HB 462 seeks to redistribute how recreational cannabis tax revenue is spent in Montana. This goes against the will of Montana voters who approved recreational cannabis with the understanding that a portion of the revenue would go toward Habitat Montana. There is plenty of money to go around to fund new programs along with Habitat Montana, a popular land protection and access fund that among other things contributed to the purchase of the Big Snowy Mountains Wildlife Management Area. For more information please contact Jocelyn Leroux, MCV, 406-794-0016/jocelyn@mtvoters.org and Noah Marion, Wild Montana, nmarion@wildmontana.org/406- 624-9622.

HB 464- Establish Judicial Transparency Act, Rep. Paul Fielder (R-Thompson Falls), Hearing held in House Judiciary on 2.17, Oppose. This allows for judicial candidates to indicate a party affiliation on declaration for candidacy and to have that appear on the ballot. Judges should be elected based on their qualifications- not based on their political beliefs. Many judges are actually nonpartisan and even though this bill allows them to chose “undisclosed,” allowing judges to pick a party would still politicize these races. For more information contact Molly Bell, MCV, 406-698-9440/molly@mtvoters.org.

HB 473 - Provide selenium standard for Lake Koochanusa, Rep. Steve Gunderson (R-Libby), Hearing held in House Natural Resources on 2.15, Oppose. This bill would change the site-specific standard selenium in Lake Koochanusa from .8 micrograms a liter and replace it with the statewide, inapplicable standard of 1.5 micrograms per liter. The site specific standard was determined after years of study and stakeholder involvement to determine the standard that would be protective of beneficial uses in Lake Koochanusa and the Kootenai. This bill would arbitrarily replace that standard for the benefit of a Canadian coal mining corporation. For more information contact Derf Johnson, MEIC, 406-581-4634/djohnson@meic.org,

HB 524 – Revise energy laws relating to solar panels, Rep. Joshua Kassmier (R-Fort Benton), Hearing scheduled in House Energy, Telecommunications, and Federal Relations for 2.22, Oppose. HB 524 forces punitive reporting burdens only on Montana solar installers and distributors, and not on any other energy generation. The bill requires solar installers to disclose carbon intensity, energy sources used, country of origin, and calculated years before carbon neutrality is reached for solar panels from different manufacturers. Some of this product information is not yet readily available; yet, according to the bill, failure to report this information could subject small solar businesses to lawsuits and heavy fines. This is a “wrong place, wrong time” bill that jumps the gun in Montana while investment in USA-made solar manufacturing, federal level trade action, and market response is actively underway. For more information contact Makenna Sellers, Montana Renewable Energy Association at 406-214-9405/makenna@MontanaRenewables.org or Ian Lund, 406-333-1858/ilund@meic.org.

HB 537 - Provide Exception for Use of Oil and Gas Water, Rep. John Fitzpatrick (R-Anaconda), Hearing scheduled in House Natural Resources for 2.22, Oppose. This bill would allow for oil and gas companies to pump enormous volumes of water out of aquifers without having to first obtain a water right. The bill will allow for oil and gas companies to impact prior appropriators, such as farmers and ranchers, without any ability for them to seek redress at the Montana DNRC. For more information contact Derf Johnson at 406- 581-4634/djohnson@meic.org.

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HB 576 - Revise Laws Related to Water and Coal Mining, Rep. Rhonda Knudsen (R-Culbertson), Hearing scheduled in House Natural Resources for 2.22, Oppose. This bill would dramatically weaken water quality protections for coal mining activities and result in the degradation of water quality for sensitive prairie streams in eastern Montana. It would allow pollution entering intermittent and ephemeral streams to exceed water quality standards without having to conduct a nondegradation review and re-define the material damage assessment – the process to determine whether a coal mine will impermissibly impact water resources off the mine site – to allow for the mine to discharge water that exceeds water quality standards. The bill would also apply retroactively to coal mine permits that are currently under judicial review at the time the bill is proposed to pass, which could potentially impact a number of illegally issued coal mine permits. For more information contact Derf Johnson at 406-581-4634/djohnson@meic.org or Caroline Canarios at 901-651-5930/caroline@northerplains.org.

HB 595- Generally revise judicial election law, Rep. Scott Kerns (R-Great Falls), Hearing scheduled in House Judiciary for 2.21, Oppose. This bill would provide for the partisan nomination and election of Supreme Court Justices. The Montana Supreme Court and our lower courts are enshrined in Montana's constitution as an independent branch of government that is fair, impartial, and unbiased. This bill encourages judges to be dedicated to partisan ideology over judicial prudence, experience, and skill. Our communities deserve judges who adhere to the law and Montana's constitution, rather than party platforms. For more information contact Molly Bell, MCV, 406-698-9440/molly@mtvoters.org

HB 627 and HB 628- Revise Wolf Trapping Laws and HB 630 Revise Black Bear Hunting Laws, Rep. Paul Fielder (R - Thompson Falls) Introduced and likely to have a hearing in House Fish, Wildlife and Parks for 2.21 or 2.23, Oppose. **HB 627** states that the Fish & Wildlife Commission must allow the use of snares for trapping wolves in occupied grizzly bear habitat outside “of existing grizzly bear recovery zones that have been delineated by the United States fish and wildlife service and existing lynx protection zones that have been delineated by the Montana department of fish, wildlife, and parks”. Current law restricts the mandatory legal use of snares to private land. **HB 628** codifies the wolf trapping season into law and requires it to be from the Monday after Thanksgiving until March 15. The bill repeals the Fish & Game Commission's ability to adjust dates based on management units or regional recommendations. **HB 630** does the same thing as HB 627 but for the hunting of black bears with hounds; it requires the Fish & Wildlife Commission to allow black bear hunting with hounds in occupied grizzly bear habitat outside of existing grizzly bear recovery zones that have been delineated by the United States fish and wildlife service. For more information contact Amy Seaman, MT Audubon, 406-210-9449/aseaman@mtaudubon.org.

HB 642- Combined Appropriation, Rep. Casey Knudsen (R-Malta), Scheduled for a hearing in Hose Local Government for 2.22, Oppose. HB 642 removes all language referencing “combined appropriation” from statute. As written, this bill turns takes exempt wells from an “exemption” to an entitlement. It also allows exempt wells drilled after 2014 to expand their appropriations based on the new allowances and allows for expansion by 1 AF per year for every 2-acre increment of a 20-acre parcel. Every 20 Acres of land gets between 10-20 Acre-Feet of permit free groundwater. For more information please contact Ann Schwend, MEIC, at Aschwend@meic.org/406-596-1013

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HB 643 – Revising net metering laws, Rep. Joshua Kassmier (R-Fort Benton), Assigned to House Energy, Telecommunications, and Federal Relations Committee,, Oppose. This bill forces the PSC to scrutinize rooftop solar energy producers' impact on the grid from a biased and punitive perspective. Net metering allows rooftop solar producers to be credited for the energy they send back to the grid. This bill would require the PSC to create a special electricity rate for this group. When making these rates, this bill would prohibit the PSC from considering the system-wide benefits of rooftop solar and requires the PSC to only consider the costs that rooftop solar imposes on the utility. This is a shift from the PSC's 5-0 decision in 2019 to maintain the current rates for Montana families and businesses who offset their electricity purchases when they send clean energy back to the grid. In exchange for diminishing the value of rooftop solar, the net metering generation cap would be increased from 50 kW to 100 kW. For more information, contact Makenna Sellers, Montana Renewable Energy Association at 406-214-9405/makenna@MontanaRenewables.org or Ian Lund, 406-333-1858/ilund@meic.org.

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