

Montana Senate Conservation Hotlist Week 8: February 20, 2023

PLEASE SUPPORT:

SB 255 - Revising electric vehicle charging station laws for a renewable resource electrical production tax, Sen. Chris Pope (D-Bozeman), Hearing held in Senate Energy and Telecommunications on 2.14, 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, MREA, 406-214-9405/makenna@MontanaRenewables.org or Ian Lund, MEIC, 406-333-1858/ilund@meic.org.

SB 316 - Public participation in air permitting program, Sen. Willis Curdy (D-Missoula), Hearing scheduled in Senate Natural Resources Committee for 2.20, Support. This bill would require a public comment when general air permits for asphalt plants, crushers, crematoriums, and oil and gas wells. For more information contact Anne Hedges, MEIC, 406-461-9545/ahedges@MEIC.org.

SB 382 - Montana Land Use Planning Act, Sen. Forrest Mandeville (R-Columbus), Scheduled for a hearing in Senate Local Government 2.22, Support. This comprehensive land use bill will create the upfront planning and robust public process to identify where and how communities want to grow, and then allow municipalities to apply zoning codes to support appropriate densities and growth. It will fundamentally change the way we think about long term and comprehensive planning and moves us from reactive to proactive positions in our rapidly growing communities. For more information contact Ann Schwend, MEIC, 406-443-5250 x 106/Aschwend@meic.org.

SB 399 - Revise community solar laws, Sen. Chris Pope (D-Bozeman) Introduced in Senate 2.17, Support. SB 399 allows for community solar through public utilities in the state of Montana, joining 22 other states who currently have community solar with their public utilities. Community solar programs allow for shares of a solar array to be sold to utility customers as subscriptions, helping to offset their energy costs, and providing solar energy as an option to those who are otherwise not able (either due to capital costs to install, or lack of appropriate location for installation). The bill expands solar access to individuals, businesses, and other investor-owned utility customers, and enables a program for investor-owned utilities that is already being successfully implemented by many of Montana's electric co-ops. For more information contact Caroline Canarios, Northern Plains Resource Council, 406-248-1154/caroline@northernplains.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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Montana Renewable Energy Association * Northern Plains Resource Council

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PLEASE OPPOSE:

HB 170 - Repeal state energy policy, Rep. Steve Gunderson (R-Libby) Passed House 67 to 32 and transmitted to Senate on 1.24. Bill passed out of Senate Energy and Telecommunications Committee on 2.16. 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.

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.

HB 228 - Generally Revise Public Investment Laws, Rep. Terry Moore (R-Billings). Passed House. Transferred to Senate. Bill passed out of Senate Business, Labor, and Economic Affairs on 2.16. Oppose. This ALEC bill would authorize interference by the Attorney General in the Montana pension system and change the method by which the Montana Board of Investments assesses investments to focus exclusively on the pecuniary value, and potentially ignore long-term risks of investments, such as climate change. For more information contact Derf Johnson, MEIC, at 406- 581-4634/djohnson@meic.org.

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SB 240- Exempt certain subdivisions from environmental review, Sen. Jason Small (R-Busby), Bill passed out of Senate Natural Resources Committee on 2.15, Oppose. This bill would exempt the Montana Department of Environmental Quality (DEQ) from having to conduct an environmental review for proposed subdivisions that meet certain criteria, including that they are 14 or fewer lots and located at least 2 miles from "high quality waters." This bill would result in poor environmental decision-making by ignoring potential environmental impacts associated with development, as well as opportunities to mitigate that development. This bill would also likely encourage developers to phase developments in 14-lot increments in order to evade environmental review. For more information contact Derf Johnson, MEIC, 406- 443-5250 x 103/djohnson@meic.org and Ann Schwend, MEIC, 406-443-5250 x 106/Aschwend@meic.org, or Amy Seaman, MT Audubon at aseaman@mtaudubon.org.

SB 271 & SB 392 - Revise Court Costs Related to Natural Resources, Sen. Steve Fitzpatrick (R-Great Falls), Hearing for SB 271 scheduled for Senate Natural Resources on 2/22, Oppose. The intent of these bills are to create a chilling effect on the ability of citizens and organizations to go to court to prevent environmental harm. The bills would radically change the way attorneys' fees are assessed by prohibiting a judge from considering the "identity" of a party, meaning that the court cannot distinguish between a corporation, individual, non-profit, government entity, etc., in the assessment of whether fees are appropriate. The language of this bill would make individuals and non-profits potentially responsible for paying the attorneys' fees of large corporations and government agencies, which could cost millions, and would ultimately make the ability to go to court to correct an environmental harm much more risky and cumbersome. For more information contact Derf Johnson, MEIC, at 406-581-4634/djohnson@meic.org.

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 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.

SB 302- Require partisan general elections for judges, Sen. Daniel Emrich (R-Great Falls), Scheduled for a hearing in Senate State Administration for 2.20, Oppose. This bill would require candidates for a non-partisan judicial race to indicate a political party affiliation on a declaration for nomination and to have that appear on the ballot. Montanans value an independent, nonpartisan judicial system. In order to achieve justice for all Montanans, we must uphold the American concept of an independent judiciary. For more information contact Molly Bell, MCV, at 406-698-9440/molly@mtvoters.org.

SB 327- Allow for multiple locations for exempt wells, Sen. Carl Glimm (R-Kila), Scheduled for a hearing in Senate Local Government 2.22, Oppose. This bill would allow a developer to locate multiple well sites anywhere on a subdivided lot, parcel or tract of record within setback requirements. Boundary setbacks and well locations are defined to provide separation assurances for all parcels within a subdivision, and thus allowing this "flexibility" will create uncertainty and potential chaos among unknowing lot owners. For more information contact Ann Schwend, MEIC, at 406-596-1013/Aschwend@meic.org.

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SB 342- Revise Bicycle Law, Sen. Greg Hertz (R-Polson), Hearing scheduled in Senate Highways and Transportation Committee 2.21, Oppose. This bill would include electrically assisted bicycles with a 1,000 watt or less motor in the definition of “bicycle.” The standard power for an electrically assisted bicycle is 750 watts which allows a bike to move at 28 mph or more. This would then allow these electrically assisted bicycles to be used anywhere that human powered bicycles are allowed, likely paving the way for complete bans on bicycles since there would be no way to differentiate between human powered and electrically assisted. For more information contact Jocelyn Leroux, MCV, at 406-794-0016/jocelyn@mtvoters.org.

SB 357-Require terms for conservation easements using state funds, Sen. Steve Hinebauch (R-Wibaux), Hearing scheduled in Senate Fish and Game for 2.21, Oppose. This bill would limit the length of conservation easements that use state funds to no longer than 40 years. Conservation easements are important for protecting wildlife habitat as well as farmland and rangeland. State funds are important funding sources for numerous conservation easements around our state and are an important tool for protecting large, intact open spaces from development. Limiting these easements to no more than 40 years limits the conservation that can be achieved, increases insecurity for landowners with conservation easements, and increases administrative burdens as these easements would likely need to be renewed more regularly. For more information contact Jocelyn Leroux, MCV, at 406-794-0016/jocelyn@mtvoters.org.

SB 372- Constitutional Amendment to revise selection of certain judges and justices, Sen. Daniel Emrich (R-Great Falls), Scheduled for a hearing in Senate Judiciary for 2.23, Oppose. This is a Constitutional Amendment to allow for the legislature to select Supreme Court and district court judges. Taking away power from the people of Montana to elect our Supreme Court Justices violates the state constitution and restricts Montanans’ rights and freedoms. Montana does not need to inject more partisanship into our judicial system. For more information please contact Molly Bell, MCV, at 406-698-9440/molly@mtvoters.org.

SB 379- Overturn and prohibit minimum lot sizes in counties, Sen. Steve Fitzpatrick (R-Great Falls), Scheduled for a hearing in Senate Local Government for 2.20, Oppose. SB 379 will repeal existing minimum lot sizes in counties, and prevent counties from adopting new zoning with minimum lot sizes. Minimum lot sizes are one of the most valuable tools counties have to protect agricultural lands, open space, habitat and vital water resources. This bill would also overturn the will of local citizens that have worked to enable local zoning and minimum lot sizes for their counties. For more information contact Ann Schwend, MEIC, 406-443-5250 x 106/Aschwend@meic.org.

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