

## Montana Senate Conservation Hotlist Week 9: February 27, 2023

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### 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, Third reading scheduled in Senate for 2.27, 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](mailto:makenna@MontanaRenewables.org) or Ian Lund, MEIC, 406-333-1858/[ilund@meic.org](mailto:ilund@meic.org).

**SB 382 - Montana Land Use Planning Act, Sen. Forrest Mandeville (R-Columbus), Hearing held 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](mailto:Aschwend@meic.org).

**SB 387-Revise laws related to coal, coal tax, and coal-fired unit remediation, Sen. Brad Molnar (R-Laurel), Hearing held in Senate Energy on 2.23, Support.** HB 387 would protect utility customers by ensuring that Montanans aren't forced to pay for more cleanup costs of the toxic ash pods, rising operation costs, deferred maintenance costs, pick up more of the cost of increasingly frequent plant breakdowns, and much more. For more information contact Anne Hedges, MEIC at 406-461-9546/[ahedges@MEIC.org](mailto:ahedges@MEIC.org)

**SB 399 - Revise community solar laws, Sen. Chris Pope (D- Bozeman) Hearing scheduled in Senate Energy and Telecommunications Committee for 2.28, 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](mailto: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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**SB 208- Prohibit local governments from banning or limiting energy choices, Sen. Jason Small (R-Busby), Passed out of Committee on 2.23, 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](mailto:ahedges@meic.org) or Ian Lund, MEIC (406) 333-1858/[ilund@meic.org](mailto: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](mailto:ahedges@MEIC.org) and Caroline Canarios, NPRC, (901) 651-5930/[caroline@northernplains.org](mailto:caroline@northernplains.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](mailto:ahedges@MEIC.org).

**SB 295 - Revising Laws to Accommodate Grizzly Bear Delisting, Sen. Bruce Gillespie (R - Ethridge) Hearing held in Senate Fish and Game Committee on 2.14. Passed second reading in Senate on 2.24, 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](mailto:aseaman@mtaudubon.org).

**SB 302- Require partisan general elections for judges, Sen. Daniel Emrich (R-Great Falls), Passed out of Senate State Administration Committee on 2.23, 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](mailto:molly@mtvoters.org).

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**SB 342- Revise Bicycle Law**, Sen. Greg Hertz (R-Polson), Hearing held in Senate Highways and Transportation Committee 2.21. Scheduled for third reading in the Senate on 2.27. 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](mailto:jocelyn@mtvoters.org).

**SB 357-Require terms for conservation easements using state funds**, Sen. Steve Hinebauch (R-Wibaux), Hearing held in Senate Fish and Game on 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 ranchland. 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](mailto:jocelyn@mtvoters.org).

**SB 353-Revising transmission rights of refusal**. Sen. Walt Sales (R-Manhattan), Hearing held in Senate Energy and Telecommunications Committee on 2.23. Oppose. SB 353 is bad for electricity consumers because it would allow NorthWestern Energy to prevent competition from companies that could provide less expensive and more accessible transmission projects when a regional transmission organization is developed in the West by giving NorthWestern the “first right of refusal” on the building, expansion or upgrade of transmission lines, thus boxing out competitors and putting Montana customers on the hook for higher costs and risks. For more information contact Ian Lund or Anne Hedges, MEIC at 406-333-1858/406-461-9546.

**SB 392, Revise Determination of Court Costs for Coal Mining**, Sen. Steve Fitzpatrick, (R-Great Falls), Awaiting 2nd Reading in the Senate, Oppose. The intent of this bill is to create a chilling effect on the ability of citizens and organizations to go to court to prevent environmental harms from coal mining. The bill 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 potentially cost millions, and would ultimately make the ability to go to court to correct an environmental harm much more risky and cumbersome. This bill also likely conflicts with federal law, which clearly details the process associated with attorneys fees for legal actions regarding coal mines. For more information, contact Derf Johnson at [djohnson@meic.org](mailto:djohnson@meic.org)/(406) 581-4634.

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**SB 442, Allow marijuana tax revenue to be used for county road maintenance, Sen. Mike Lang, (R-Malta).** Hearing held in Senate Taxation Committee on 2.23, Oppose. This bill would take marijuana tax revenue that was directed to Habitat Montana under previous legislation and redirect it towards county road maintenance. This would shortchange Habitat Montana by more than \$30 million dollars. Habitat Montana is an important habitat protection and access program that provides state fund for the acquisition of conservation easements and Wildlife Management Areas. Just last year money from this fund was used to purchase land for the Big Snowy Mountains WMA and an addition for the Mount Haggin WMA. For more information, contact Jocelyn Leroux at [jocelyn@mtvoters.org](mailto:jocelyn@mtvoters.org)/406-794-0016.

**SB 466, Declare authority over intrastate coal, Sen. Jeremy Trebas (R-Great Falls).** Hearing scheduled in Senate Energy and Telecommunications on 2.28, Oppose. This bill would declare that only Montana has regulatory authority over coal that is mined and used in state. This bill violates federal mining law and the constitution Supremacy Clause and the Commerce Clause. For more information contact Anne Hedges, MEIC, 406-461-9546/[ahedges@MEIC.org](mailto:ahedges@MEIC.org).

**LC 2721, Revise regulatory takings law, Sen. Steve Fitzpatrick (R-Great Falls).** Draft transmitted to requestor 2.23, Oppose. This bill has not yet been introduced but it would be the most radical takings bill introduced this session. It would require government to pay anytime a regulation may reduce the value of property by 25% regardless of the need to protect neighboring landowners, or public health and safety. The bill applies to all regulations dealing with fish and wildlife, mining, environmental protection, state lands and agriculture. For more information contact Anne Hedges, MEIC, 406-461-9546/[ahedges@MEIC.org](mailto:ahedges@MEIC.org).

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