

Montana House Conservation Hotlist Week 13: March 27, 2023

PLEASE SUPPORT:

HB 383- Establish the Montana hunters and anglers community fund, Rep. Tom France (D-Missoula), Scheduled for Second Reading in House on 3.27. Support. This bill would establish a voluntary fund that hunters and anglers could donate to as a grant program for rural Montana communities. It would help with community projects and build relationships between hunters, anglers, and landowners/rural communities. For more information contact Amy Seaman, MT Audubon, 406-210-9449/aseaman@mtaudubon.org.

HB 887- Establish a wildlife accommodation and crossing account, Rep. Katie Zolnikov (R-Billings), Hearing Scheduled in House Fish, Wildlife, and Parks for 3.28. Support. This bill would establish an account to be used to reduce highway collisions with wildlife. Funds from the account could be used to match federal dollars, study construction of crossing features, implement construction of wildlife crossing features, and other related activities. Highway collisions with wildlife cause a high number of incidents and fatalities each year nationwide and this account would allow Montana to address these issues by making our highways safer for people and restoring important wildlife migration corridors. For more information contact Jocelyn Leroux, MCV, 406-794-0016/jocelyn@mtvoters.org.

PLEASE OPPOSE:

SB 109- Revise laws related to redistricting the PSC, Sen. Keith Reiger (R- Kalispell), Awaiting Executive Action in Energy, Technology, and Federal Relations Committee, Oppose. The map divides 14 counties and splits up 6 major cities within the state, which is a departure from the previous practice of keeping communities together in Public Service Commission districts. Due to the division of communities, it will be challenging for PSC Commissioners to represent the energy needs of their districts, which is the primary purpose of having PSC districts. Advocates of this new map have noted that grouping legislative districts to construct PSC districts ensures they will be population equal. There are proposed amendments to the bill that would utilize legislative districts, ensure population equality between districts, and avoid splitting major cities. These alternative options should be thoroughly examined by the legislature to ensure that the final map is fair, transparent, and representative of the communities they serve. For more information contact Molly Bell, MCV, at 406-698-9440/molly@mtvoters.org.

SB 158- Revise family transfer law, Sen. Jason Ellsworth (R-Hamilton), Passed out of House Local Government on 3.25. 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 potential impact on water resources and existing wells, as well as access, local fire and safety could be problematic. For more information contact Ann Schwend, MEIC, (406)596-1013/aschwend@meic.org.

SB 208- Prohibit local governments from banning or limiting energy choices, Sen. Jason Small (R-Busby), Awaiting Executive Action in House Energy, Technology, and Federal Relations, 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.

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PLEASE OPPOSE:

HB 220- Create select committee on energy planning and acquisition, Rep. Josh Kassmier (R-Fort Benton), Scheduled for Second Reading in the House on 3.27, 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.

SB 228- Prohibit local governments from banning petroleum fuel, Sen. Jason Small (R-Busby), Awaiting Executive Action in House Transportation, 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 240 - Exempt certain subdivisions from environmental review, Rep. Jason Small (R-Busby), Awaiting Executive Action in House Natural Resources. 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 less 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) 581-4634/djohnson@meic.org.

SB 285 - Revise Subdivision Sanitation Laws, Sen. Carl Glimm (R-Kila), Hearing scheduled in House Natural Resources for 3.27. 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 non-degradation 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, (406) 581-4634/djohnson@meic.org.

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SB 295 - Revising Laws to Accommodate Grizzly Bear Delisting, Sen. Bruce Gillespie (R - Ethridge), Awaiting Executive Action in House Fish, Wildlife, and Parks, Oppose. This bill passed the Senate on 2.24 without amendments and 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. The definition of threatening in regards to interacting with grizzly bears 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.

SB 382- Create the Montana Land Use Planning Act, Sen. Forrest Mandeville (R-Columbus), Awaiting Executive Action in House Local Government, Oppose. This bill is a comprehensive rewrite of the land use planning, zoning and subdivision laws. The intent of the bill is good, but unfortunately, it does a number of things that need to be amended out or the bill will cause more harm than good. It cuts out public participation requirements in the subdivision review process. It excludes counties from having to comply with the new law increasing pressure to build outside of town. Finally, the bill would prohibit local governments from being able to advance affordable housing requirements. While the bill has good intentions it must be opposed until these issues are addressed. For more information contact Ann Schwend, MEIC, (406)596-1013/aschwend@meic.org.

SB 392- Revise Determination of Court Costs for Coal Mining, (Rep. Steve Fitzpatrick, R-Great Falls), Awaiting a Hearing in House Judiciary, 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, MEIC, djohnson@meic.org/(406) 581-4634.

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.

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HB 561, Revise Water Discharge Permitting, Rep. Mary Malone (R-Pray), Awaiting Executive Action in House Natural Resources, Oppose. This bill would require that appeals of water pollution permits go to the Montana Board of Environmental Review (BER) before they go to Montana District Court. The BER is composed of volunteers that are appointed by the Governor. Currently, the BER is unable to expeditiously review and decide cases because it is underfunded and lacks the necessary resources. Some BER cases take multiple years to resolve. During this time, the potential for water pollution and other environmental impacts continues unabated. For more information, contact Derf Johnson at (406) 581-4634/djohnson@meic.org.

HB 642-Revise exempt wells laws, Rep. Casey Knudsen (R-Malta), Awaiting Executive Action in House Natural Resources, Oppose. HB 642 removes all language referencing the term “combined appropriation” from Montana’s Water Use Act, turning an “exemption” into an entitlement and expanding the amount of water that can be used by exempt wells for subdivision development. The adverse effect of these wells is not accounted for in the water right permitting process and can ultimately have a serious impact on existing water resources and right holders. With Montana’s increasing demand on a limited supply of water, now is not the time to be expanding the use of “exempt” wells for subdivision development. For more information contact: Ann Schwend, MEIC, (406)596-1013/aschwend@meic.org.

HB 669- Revise laws related to allocation of marijuana tax revenues, Rep. Bill Mercer (R-Billings), Awaiting Executive Action in House Appropriations Committee on 2.23, Oppose. HB 669 would zero-out all marijuana revenue that was dedicated to conservation and outdoor recreation programs by Montana voters and by the previous Legislature. Over the next two years alone, HB 669 would rob over \$50 million from state parks, trails and recreation, the Habitat Montana Program, and nongame wildlife management. It would also permanently block these programs from ever tapping those funds again. 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 870- Revise tax rate for agricultural property owned by certain nonprofits, Rep. Brandon Ler (R-Savage), Hearing scheduled in House Taxation on 3.29, Oppose. This bill would increase the tax rate for agricultural property owned by conservation nonprofits and land trusts by ten times the current rate. This bill targets certain types of nonprofits, attempting to limit their ability to purchase land for agricultural use, conservation easements, wildlife habitat, and public lands access purposes. These nonprofits purchase land at fair market value and are important stewards of lands throughout Montana. For more information contact Jocelyn Leroux, MCV, 406-794-0016/jocelyn@mtvoters.org.

HB 914-Revise local government laws, Rep. Katie Zolnikov (R-Billings), Hearing scheduled in House Local Government for 3.30, Oppose. This bill would limit the governing body’s ability to protect the public health, safety and welfare by limiting its ability to consider the public health, safety and welfare when interpreting its growth policy. For more information, contact Anne Hedges, MEIC, 406-461-9546/ ahedges@MEIC.org.

HB 915- Constitutional Amendment to change process to select Supreme Court Justices, Rep. Bill Mercer (R-Billings), Hearing scheduled in House Judiciary Committee for 3.29, Oppose. HB 915 would give the governor the power to directly appoint Supreme Court Justices and take away the electorate’s ability to vote for their Supreme Court Justices. We should be trusting Montana voters to elect who they think best represents them on the Supreme Court. For more information please contact Molly Bell, MCV, 406-698-9440/molly@mtvoters.org.

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