

## Montana Senate Conservation Hotlist Week 13: March 27, 2023

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### PLEASE SUPPORT:

**HB 435-Revise Water Right laws related to exempt wells, Rep. John Fitzpatrick, (R-Anaconda), Hearing Scheduled in Local Government for 3.29, Support.** HB 435 proposes that if a developer assumes the cost and constructs a shared water system, based on a single exempt well, then they are eligible to get a water right for that system before any homes are built. This approach will reduce the number of individual wells used for each subdivision, shift the cost and construction onto the developer, and potentially reduce the overall footprint of the subdivision. The bill also has monitoring and reporting requirements which will improve data on how much water is actually being used in a subdivision. Although we don't typically support the use of exempt wells, this bill is a reasonable approach in the meantime. For more information contact Ann Schwend, MEIC, (406)596-1013/[aschwend@meic.org](mailto:aschwend@meic.org).

**SB 517- Establish graduated fee on short term rentals with money going to affordable housing, Sen. Denise Hayman, (D-Bozeman), Awaiting hearing in Senate Taxation Committee.** SB 517 will set up a grant program within the Housing MT fund to support project planning and development for affordable housing projects in areas with water and wastewater systems. The revenue to support the mitigation grants will come from a graduated fee on short term rental properties. The grant funds will be available to cities, counties, tribes, non-profits and for-profit developers to purchase property, develop site analysis/engineering reports, or infrastructure to support the new developments. For more information contact Ann Schwend, MEIC, (406)596-1013/[aschwend@meic.org](mailto:aschwend@meic.org).

**SB 532-Revise regulation and taxation of large emission sources, Sen. Mary Ann Dunwell (D-Helena), Hearing scheduled in Senate Taxation on 3.28, Support.** This bill would require the state to develop a climate plan with greenhouse gas reduction targets and would establish an escalating tax on greenhouse gasses starting at \$10/ton of emissions until specific reduction targets are met. The revenue would be returned to ratepayers. For more information, contact Anne Hedges, MEIC, 406-461-9546/[ahedges@MEIC.org](mailto:ahedges@MEIC.org).

### PLEASE OPPOSE:

**HB 55- An act establishing a tax on electric vehicle charging stations, Rep. Denlev Loge (R-St. Regis), Hearing scheduled in Senate Local Government on 4.5, 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 Anne Hedges, MEIC, (406)461-9546/[ahedges@MEIC.org](mailto:ahedges@MEIC.org).

**HB 211-Revise the local subdivision review process, Rep. Larry Brewster (R-Billings), Bill passed out of Senate Local Government on 3.23, Oppose.** This bill would impair the public's constitutional right to know and meaningfully participate in local government decisions on subdivisions. This is particularly important because this is the only time the public can weigh in on water, sewer, septic, stormwater, and transportation. HB 211 would give the local governing body unilateral discretion to decide whether new information is significant and therefore the public should be allowed to review new information, thereby potentially depriving the public of a right to meaningfully participate and comment. For more information contact Anne Hedges, MEIC, 406-461-9546/[ahedges@MEIC.org](mailto:ahedges@MEIC.org).

*The Weekly Hotlist is published as an educational service to lawmakers and citizens by the Conservation Working Group, composed of the organizations listed below.*

*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:

**HB 241 – Prohibit government from requiring buildings be constructed with solar panels,** Rep. Josh Kassmier (R-Fort Benton), Awaiting Executive Action in Senate Local Government, Oppose. In 2022, the Montana Department of Labor and Industry passed rules which updated Montana’s building codes. Part of the rules allow self-governing cities to adopt “stretch codes,” which are voluntary city codes that go beyond what the state requires. These voluntary stretch codes allow solar-ready building codes that would require new construction in those jurisdictions to design and build homes in such a way that adding solar would be a cheap, convenient, and efficient option for building owners. HB 241 would ban these solar ready stretch codes at a time when we need local governments to help create solutions to the climate crisis. For more information, contact Ian Lund, MEIC, 406-333-1858/ [ilund@meic.org](mailto:ilund@meic.org) and Makenna Sellers, Montana Renewable Energy Association at (406)214-9405/ [makenna@MontanaRenewables.org](mailto:makenna@MontanaRenewables.org).

**HB 284 – Revise laws related to approval of electricity supply resources,** Rep. Jerry Shillinger (R-Circle), Hearing scheduled in Senate Energy and Telecommunications Committee for 4.5, Oppose. In 2022, a Montana District Court struck down the statute that allowed NorthWestern Energy to seek “pre-approval” from the Montana Public Service Commission (PSC) for new generation resources, on the grounds that it was “special legislation,” only benefiting one public utility, not all of them. This bill would fix that, allowing both investor-owned utilities in Montana to seek pre-approval for new power plants. Montana should not reinstate pre-approval without protections for Montana ratepayers. Pre-approval should only be allowed after the utility has compared its proposal to other, potentially more cost-effective, alternatives through the transparent and competitive bidding process established by the PSC. And the ratepayers should not have to pay as much for pre-approved projects as for traditionally financed projects, as the risk is much lower. For more information contact Ian Lund, MEIC at 406-333-1858/ [ilund@meic.org](mailto:ilund@meic.org)

**SB 442, Allow marijuana tax revenue to be used for county road maintenance,** Sen. Mike Lang, (R-Malta), Awaiting Executive Action in Senate Finance and Claims on 3.17, 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 funds for the acquisition of conservation easements and Wildlife Management Areas. In the 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, MCV, at 406-794-0016/ [jocelyn@mtvoters.org](mailto:jocelyn@mtvoters.org).

**SB 524 – Revise unrelated business taxable income to include certain legal fees,** Sen. Greg Hertz, (R-Polson), Hearing Scheduled for 3.28 in Senate Judiciary, Oppose. This bill would designate any funds used by a 501(c)(3) or 527, which are used in the payment of legal fees and costs, as not being for a "charitable purpose under state law" and subject to unrelated business income. The bill focuses exclusively on litigation involving environmental, natural resource, and wildlife related litigation. The bill is meant to chill the ability of citizens to go to court by making litigation more expensive, and is likely unconstitutional. For more information, contact Derf Johnson, MEIC, at (406) 581-4634/ [djohnson@meic.org](mailto:djohnson@meic.org).

**HB 524 – Revise energy laws relating to solar panels,** Rep. Joshua Kassmier (R-Fort Benton), Passed out of Senate Business, Labor, and Economic Affairs on 3.24, Oppose. HB 524 adds regulations to residential solar panel installers and distributors regarding reporting country of origin. This is already covered by federal law and is not needed in Montana code. This bill also subjects small Montana solar businesses to lawsuits and heavy fines if the federal level country of origin information is questioned. HB 524 is a red tape relief bill waiting to happen. For more information contact Makenna Sellers, Montana Renewable Energy Association, 406-214-9405/ [makenna@MontanaRenewables.org](mailto:makenna@MontanaRenewables.org), or Ian Lund, MEIC, 406-333-1858/ [ilund@meic.org](mailto:ilund@meic.org).

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**HB 561, Revise Water Discharge Permitting, (Rep. Mary Malone, R-Pray), Awaiting Executive Action in Senate Natural Resources Committee, 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, MEIC, at (406) 581-4634/[djohnson@meic.org](mailto:djohnson@meic.org).

**HB 576 - Revise Laws Related to Water and Coal Mining, Rep. Rhonda Knudsen (R-Culbertson), Hearing scheduled in Senate Natural Resources on 3.29, 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 non-degradation 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, MEIC, at (406) 581-4634/[djohnson@meic.org](mailto:djohnson@meic.org)/ or Caroline Canarios, MPRC, at (901) 651-5930/[caroline@northernplains.org](mailto:caroline@northernplains.org).

**HB 656- Revise changes to coal mining operations, Rep. Gary Parry (R – Colstrip), Hearing Scheduled in Senate Natural Resources Committee for 3.29, Oppose.** This bill would allow for coal mine expansions, within the existing permit boundary, of up to 320 acres to be classified as a “minor revision” during permitting. Minor revisions do not require public notice or comment, and do not require an analysis of the hydrologic and environmental impacts, which are currently required for mine expansions. While an amendment was made to require for surface owner notification, this notification should be expanded to adjacent landowners and allow for their feedback or comment on the minor revisions. Mine expansions within a permit boundary bring that mining activity that much closer to adjacent landowners with potential impacts to their land and water. This bill will result in decreased public and landowner engagement on mining activity, along with potential for more pollution to Montana’s land and water, especially for adjacent agricultural communities. For more information, contact Caroline Canarios at [caroline@northernplains.org](mailto:caroline@northernplains.org)/(901) 651-5930 or Derf Johnson at [djohnson@meic.org](mailto:djohnson@meic.org) /406-581-4634.

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