

Montana House Conservation Hotlist Week 14: April 3, 2023

PLEASE SUPPORT:

SJ 9- Joint resolution establishing soil health week and day, Sen. Bruce Gillespie (R- Ethridge), Hearing scheduled in House Agriculture for 4.4, 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.

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, 406-698-9440/ molly@mtvoters.org.

SB 152 - Revise Minor Subdivision law, Sen. Forest Mandeville (R-Columbus), Passed out of House Local Government on 3.27, Oppose. SB 152 would eliminate from review as “a first minor subdivision from a tract of record” those divisions of land that were created under the exemption provisions of the subdivision law since July 1, 1973, when the Montana Subdivision and Platting Act (MSPA) went into effect. The review of the first minor subdivision has been weakened over the years, however, at least it is subject to some review requirements including an Environmental Assessment. The exemption in SB 152 would eliminate the public review safeguard. This safeguard ensures that further subdivisions of land are in the public interest and are subject to review by local governing bodies who can at least impose reasonable conditions on such divisions pursuant to the requirements of the subdivision and platting act. For more information, contact Ann Schwend, MEIC, 406-596-1013/ aschwend@meic.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.

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PLEASE OPPOSE:

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.

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), Passed out of House Natural Resources 3.27, 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), Passed out of House Natural Resources on 3.29, 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 under 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 392- Revise Determination of Court Costs for Coal Mining, (Rep. Steve Fitzpatrick, R-Great Falls), Hearing scheduled in House Judiciary on 4.4. 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, (406) 581-4634/ djohnson@meic.org.

HB 669- Revise laws related to allocation of marijuana tax revenues, Rep. Bill Mercer (R-Billings), Second reading passed on 3.31. 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, 406- 624-9622/nmarion@wildmontana.org.

HB 870- Revise tax rate for agricultural property owned by certain nonprofits, Rep. Brandon Ler (R-Savage), Passed House Taxation Committee on 3.30. 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.

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HB 914-Revise local government laws, Rep. Katie Zolnikov (R-Billings). Passed second reading on 3.31. Oppose. This bill would limit the governing body's ability to protect the public's health, safety and welfare by limiting its ability to consider 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), Scheduled for second reading on 4.3, 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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