

Montana Senate Conservation Hotlist Week 14: April 3, 2023

PLEASE SUPPORT:

HB 383- Establish the Montana hunters and anglers community fund, Rep. Tom France (D-Missoula), Hearing scheduled in Senate Fish and Game on 4.6. 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, at 406-210-9449/aseaman@mtaudubon.org.

SB 442- Allow marijuana tax revenue to be used for county road maintenance, Sen. Mike Lang, (R-Malta), Scheduled for second reading on 4.3. Support. This bill directs recreational marijuana tax revenue to conservation programs, veterans, and county roads. It finds a win-win solution by creating a Habitat legacy account to enhance wildlife habitat statewide, funding Habitat Montana, and providing funding for county roads maintenance. The amendments made to Senate Bill 442 now make it the best plan to distribute marijuana revenue in a way that protects and supports our public lands, rural communities, and traditional Montana values. For more information, contact Jocelyn Leroux, MCV, at 406-794-0016/jocelyn@mtvoters.org.

HB 486- Generally revise county road access laws, Rep. Paul Green (R-Hardin), Awaiting Executive Action in Senate Highways and Transportation, Support. This bill would raise the fine for illegal encroachments on county roads. The current fine of \$10 per day is so inconsequential that it has never been levied. The fine would be raised to a minimum of \$100 per day with a maximum of \$500 per day, helping to discourage illegal county road encroachments. For more information contact Jocelyn Leroux, MCV, at 406-794-0016/jocelyn@mtvoters.org.

HB 521- Revising laws related to conservation licenses on state lands, Rep. Denley Loge (R-St. Regis), Hearing in House Scheduled in Senate Fish and Game for 4.6. Support. This bill would establish a state conservation license that would be required for all users of state lands. This license would capture users that are not currently paying for a wildlife conservation license that is attached to a hunting or fishing license and would provide funding for both FWP and DNRC to provide maintenance at Fishing Access Sites and on other heavily used state lands. For more information contact Jocelyn Leroux, MCV, at 406-794-0016/jocelyn@mtvoters.org.

HB 693—Clarify disclosure of public information that may be involved in litigation, Rep. Bill Mercer (R-Billings), Hearing scheduled in Senate State Administration on 4.5, Support. This bill is an important clarification that requires agencies to provide public documents upon request even if those documents are a part of the record in ongoing litigation. For more information contact Derf Johnson, MEIC, at 406-581-4634/djohnson@MEIC.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 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 and Makenna Sellers, Montana Renewable Energy Association at (406)214-9405/ makenna@MontanaRenewables.org.

HB 284 – Revise laws related to approval of electricity supply resources, Rep. Jerry Shillinger (R-Circle), Passed out of Senate Energy and Telecommunications Committee on 3.30, 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, at MEIC at 406-333-1858/ ilund@meic.org

SB 524 – Revise unrelated business taxable income to include certain legal fees, Sen. Greg Hertz, (R-Polson), Passed Senate Judiciary on 3.30, 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.

SB 557–Revise MEPA relating to litigation, Sen. Mark Noland (R-Big Fork), Scheduled for Second Reading on 4.3, Oppose. Even with Sen. Noland’s proposed floor amendment, SB 557 would chill public involvement, eliminate opportunities to hold agencies accountable, and create a pay-to-play approach to engage in the judicial system whenever someone challenges the adequacy of an environmental review document under the Montana Environmental Policy Act (MEPA). For more information contact Anne Hedges, MEIC at 406-461-9546/ ahedges@MEIC.org.

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.

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PLEASE OPPOSE:

HB 576 - Revise Laws Related to Water and Coal Mining, Rep. Rhonda Knudsen (R-Culbertson), Awaiting Executive Action in Senate Natural Resources, 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 or Caroline Canarios, MPRC, at (901) 651-5930/caroline@northerplains.org.

HB 656- Revise changes to coal mining operations, Rep. Gary Parry (R – Colstrip), Awaiting Executive Action in Senate Natural Resources Committee. 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 (901) 651-5930/caroline@northernplains.org or Derf Johnson at 406-581-4634/djohnson@meic.org.

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