

## Montana House Conservation Hotlist Week 15: April 11, 2023

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### PLEASE SUPPORT:

**SB 442- Allow marijuana tax revenue to be used for county road maintenance, Sen. Mike Lang, (R-Malta), Hearing scheduled in House Taxation for 4.14, 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 406-426-1180/[jocelyn@mtvoters.org](mailto:jocelyn@mtvoters.org).

### PLEASE OPPOSE:

**SB 109- Revise laws related to redistricting the PSC, Sen. Keith Reiger (R- Kalispell), Passed out of House Energy, Technology and Federal Relations Committee on 4.7, 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](mailto:molly@mtvoters.org).

**SB 143, Allow for a referendum to terminate citizen initiated zoning districts, Sen. John Esp (R-Big Timber), Scheduled for 2nd Reading on 4.12, Oppose.** SB 143 would undermine citizen-initiated zoning districts (CIZ). CIZ's can only be adopted if a supermajority - 60% of the landowners in the area - petition the county for the CIZ and the County Commission agrees. The bill would allow just 20% of landowners in a CIZ to petition the county which would require the County to hold an election to eliminate the district. For more information, contact Anne Hedges, MEIC 406-461-9546/[ahedges@MEIC.org](mailto:ahedges@MEIC.org).

**SB 208- Prohibit local governments from banning or limiting energy choices, Sen. Jason Small (R-Busby), Scheduled for 2nd Reading on 4.12, 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), Scheduled for 2nd Reading on 4.12, 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).

*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*

Clark Fork Coalition \* Montana Audubon \* Montana Conservation Voters \* Montana Environmental Information Center  
Montana Renewable Energy Association \* Northern Plains Resource Council

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### PLEASE OPPOSE:

**SB 295 - Revising Laws to Accommodate Grizzly Bear Delisting**, Sen. Bruce Gillespie (R - Ethridge), Scheduled for 2nd Reading on 4.12. Oppose. This bill 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](mailto:aseaman@mtaudubon.org).

**SB 382- Create the Montana Land Use Planning Act**, Sen. Forrest Mandeville (R-Columbus), Scheduled for 2nd Reading on 4.12. 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](mailto:aschwend@meic.org).

**SB 524 – Revise unrelated business taxable income to include certain legal fees**, Sen. Greg Hertz, (R-Polson), Hearing scheduled in House Taxation for 4.13, 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).

**SB 557–Revise MEPA relating to litigation**, Sen. Mark Noland (R-Big Fork),Hearing scheduled in House Natural Resources for 4.12, 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](mailto:ahedges@MEIC.org).

**SB 565- Generally revise primary election and nomination laws**, Sen. Greg Hertz (R-Polson), Hearing scheduled in House State Administration for 4.14, Oppose. This bill increases the number of signatures required by a petition for nomination from 5% of previous general election votes cast for the successful candidate to 5% of total registered voters of the area a candidate is to be elected to serve. This will make it more difficult for third parties to qualify. Both SB 565 and SB 566 further entrench the 2 party system by nearly ensuring minority parties and independent candidates are unable to make it onto the General Election ballot. This means fewer options and fewer opportunities for Montanans to make their voices heard. For more information contact Molly Bell, MCV, 406-698-9440/[molly@mtvoters.org](mailto:molly@mtvoters.org).

**SB 566- Require top two primary for U.S. Senate**, Sen. Greg Hertz (R-Polson), Hearing scheduled in House State Administration for 4.14, Oppose. This bill changes the rules so that only the top two Senate candidates in the 2024 election advance to the general election. This only applies to the U.S. Senate race and means third parties will most likely not appear on the ballot in November. Majority parties shouldn't be making it easier for their own parties to run unopposed by 3rd party and independent candidates while simultaneously taking away the right of Montanans to vote for their candidate of choice in the General Election. Playing political games and changing the rules of our elections is not what Montanans want their leaders to do in Helena. For more information contact Molly Bell, MCV, 406-698-9440/[molly@mtvoters.org](mailto:molly@mtvoters.org).

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