

Montana Senate Conservation Hotlist: Week of February 3, 2025

PLEASE SUPPORT:

| | SUPPORT | OPPOSE |
|--------|---------|--------|
| SB 63 | ✓ | |
| SB 188 | ✓ | |
| SB 224 | ✓ | |
| HB 30 | | X |
| HB 57 | | X |
| HB 122 | | X |
| SB 21 | | X |
| SB 42 | | X |
| SB 52 | | X |
| SB 146 | | X |
| SB 160 | | X |
| SB 221 | | X |

SB 63—Revise law related to the use of motion-tracking devices while hunting, Sen. Pat Flowers (D-Bozeman), Passed Senate Fish & Game (8-4), Support. This bill extends the prohibition on using motion-tracking technology as an aid in hunting to cover a calendar day (not just while in the act of hunting), closing a loophole to protect fair chase hunting in Montana. SB 63 also prohibits a person from relaying motion-tracking information to another person as an aid to hunting. Contact: Matt Leow, MT Backcountry Hunters & Anglers, 406-370-3183, matt@tenaciouscampaigns.com.

SB 188—Revising solar energy policy laws, Sen. Christopher Pope (D-Bozeman), Awaiting E.A., Senate Energy, Support. The Montana Solar Shares Act enables households and businesses to use shares in an electric generating solar system. Participating customers could individually purchase shares of the larger solar array, and each month receive a credit on their power bill equal to the shares of the energy generated. SB 188 is enabling, not a mandate. Contact: Caroline Canarios, NPRC, 406-248-1154, caroline@northernplains.org, or Makenna Sellers, MREA, 406-850-4491, makenna@montanarenewables.org.

SB 224—Create Indigenous Peoples’ Day, Sen. Shane Morigeau (D-Missoula), Hearing, Senate Administration, 2/5, 3pm, Support. An act establishing Indigenous Peoples’ Day (the second Monday in October) as a legal holiday in Montana. Contact: Caroline Canarios, NPRC, 406-248-1154, caroline@northernplains.org, Shannon James, MEIC, 406-690-7757, sjames@meic.org, or Kearnstyn Cook, MCV, 406-426-2422, kearnstyn@mtvoters.org

PLEASE OPPOSE:

HB 30—Require the Supreme Court to apply a burden of proof for challenge to constitutionality of legislative act, Rep. Lee Deming (R-Laurel), Referred to Senate Judiciary, Oppose. This bill attempts to force the Supreme Court to uphold a state legislative act unless the challenger can demonstrate that the act is unconstitutional “beyond a reasonable doubt”—a very high standard that deviates from the long-standing review process courts apply in deciding whether laws violate constitutional rights and principals. It undermines the judiciary’s role in safeguarding constitutional rights and shifts the balance of power too far toward the legislature. Contact: Derf Johnson, MEIC, 406-581-4634, djohnson@meic.org, or Kearnstyn Cook, MCV, 406-426-2422, kearnstyn@mtvoters.org.

HB 57—Designate quail as upland game bird species, Rep. Paul Fielder (R-Thompson Falls), Hearing in Senate Fish & Game, 2/4, 3pm, Oppose. This bill would make two non-native species of Quail Upland Game Birds, and opens the door for them to be farmed and released around the state. The FWP commission banned their “possession, sale, purchase, exchange, or transport of live birds” after being petitioned in 2011 to list the species as exotic, citing potential negative impacts to the ecosystem. Instead of petitioning for reclassification through a public process with scientific review, proponents would like to sidestep the commission and designate the non-native quail as upland game birds. Montana should not encourage the introduction of invasive species, especially by statute. Contact: Peter Dudley, MT Audubon, 406-443-3949, peter@mtaudubon.org.

HB 122—Revise right-of-way laws, Rep. Larry Brewster (R-Billings), Passed House, Awaiting Senate Committee Assignment, Oppose. This bill authorizes gas utilities to install pipeline infrastructure in the public right-of-ways (ROWs) of Montana’s roads, streets, and highways. Gas utilities already can and do use public ROWs for this infrastructure by negotiating franchise agreements on a jurisdiction-by-jurisdiction basis. HB 122 threatens to override jurisdictional control and oversight for this process, allowing utilities to cut corners for installing future pipeline infrastructure that’s environmentally damaging and threatens public safety. Contact: Nick Fitzmaurice, MEIC, 406-534-9307, nfitzmaurice@meic.org, or Gusty Catherin-Sauer, NPRC, 406-869-1911, gustv@northernplains.org.

PLEASE OPPOSE:

SB 21—Allowing legislative and executive leadership to vacate a writ of mandamus, Sen. Barry Usher (R-Billings), Hearing, Senate Judiciary, 2/4, 8am, Oppose. This bill would ostensibly allow for elected officials, such as the governor and legislators, to vacate a writ of mandamus issued by a court that would compel that official to follow the law. SB 21 bill likely violates separation of powers principals, and would allow for elected officials to ignore writs of mandamus, which are court orders that are granted when the government has a clear legal duty, but is failing to comply with that duty. Contact: Derf Johnson, MEIC, 406-581-4634, djohnson@meic.org, or Kearnstyn Cook, MCV, 406-426-2422, kearnstyn@mtvoters.org.

SB 42—Provide for the partisan election of judges and justices, Sen. Daniel Emrich (R-Great Falls), Awaiting E.A., Senate Judiciary, Oppose. This bill would force both Montana District Court and Montana Supreme Court judges to identify a party when they are running for a judicial position. This unnecessary bill would inject an extreme amount of partisanship into our judicial system, which by its very nature should only apply the facts and the law, and not include partisan considerations. SB 42 is an extreme threat to the independent judiciary, the rule of law, and the ability for Montana citizens to pursue justice in our court system. Contact: Derf Johnson, MEIC, 406-581-4634, djohnson@meic.org, or Kearnstyn Cook, MCV, 406-426-2422, kearnstyn@mtvoters.org.

SB 52—Create a Montana Court of Chancery, Sen. Tom McGillvray (R-Billings), Hearing, Senate Judiciary, 2/5, 8:30am, Oppose. This bill would create a special court, composed entirely of individuals appointed and funded by the governor, for the purposes of hearing constitutional cases, land use cases, and business disputes. SB 52 would divorce impartiality from decisions by allowing for a governor’s hand-picked judges to decide major constitutional cases, rather than the Montana Supreme Court (which is elected by the people). This bill also creates additional procedural hurdles by requiring multiple appeals, and would cost the state additional funds by having to create an entirely new court. Contact: Derf Johnson, MEIC, 406-581-4634, djohnson@meic.org, or Kearnstyn Cook, MCV, 406-426-2422, kearnstyn@mtvoters.org.

SB 146—Creating the private property protection act, Sen. Becky Beard (R-Elliston), Awaiting E.A., Senate Judiciary, Oppose. This bill would allow anyone to challenge a local government that adopts a new—or enforces an existing—planning, zoning, subdivision or Land Use Planning Act regulation. A court must nullify a regulation and local government must pay attorneys fees of the party unless the local government can prove that the regulation is narrowly tailored to protect public health and safety, and that there is no other way to do so. SB 146 would lead to an elimination of all planning, zoning and subdivision regulations—as government cannot meet the impossible standard created by this bill. Any regulation protecting agriculture, fish and wildlife, cultural resources, and design standards, could be eliminated in litigation since they aren’t for the protection of public health and safety. Contact: Laura Collins, MEIC, 513-535-5447, lcollins@meic.org.

SB 160—Revise Alternative Energy Project Laws to Require a Bond Prior to Construction, Sen. Bob Phalen (R-Glendive), Awaiting E.A., Senate Energy, Technology, & Federal Relations, Oppose. This bill changes existing solar and wind facility decommissioning bonding and planning requirements from being due once a facility begins commercial operation to being due prior to construction. Other generation facilities don’t have any decommissioning bonding and planning requirements prior to construction, putting wind and solar developments at an economic disadvantage. All generation facilities should face a level playing field for decommissioning bonding and planning. Contact: Makenna Sellers, MREA, 406-850-4491, makenna@montanarenewables.org, or Nick Fitzmaurice, MEIC, 406-534-9307, nfitzmaurice@meic.org.

SB 221—Generally Revise the Montana Environmental Policy Act, Sen. Wylie Galt (R-Martinsdale), Hearing, Senate Natural Resources, 2/3, 3 pm, Oppose. This bill would dramatically limit the environmental analysis under MEPA by narrowly defining what is considered a fossil fuel activity that requires consideration of greenhouse gas emissions. It would prohibit consideration of downstream impacts from any fossil fuel operations, meaning that the burning of coal or oil and gas would not require consideration of greenhouse gas emissions. SB 221 would direct the DEQ to establish guidelines for determining when a greenhouse gas analysis is necessary and how the analysis must be conducted. A MEPA analysis could only include “reasonably foreseeable” impacts if they are done in conjunction with a federal agency. The transport of fossil fuels via pipeline, truck or rail would not be considered as a fossil fuel activity requiring a greenhouse gas analysis, and may not be allowed to be a part of such an analysis. Contact: Derf Johnson, MEIC, 406-581-4634, djohnson@meic.org, or Caroline Canarios, NPRC, 406-248-1154, 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 Kearnstyn Cook with MCV at 406-426-2422 or Natalie Wright with MCV at 406-426-2645.

Backcountry Hunters and Anglers * Montana Audubon * Montana Conservation Voters * Montana Environmental Information Center * Montana Renewable Energy Association * MontPIRG * Northern Plains Resource Council * Wild Montana