



CAPITOL MONITOR

THE LEGISLATIVE BULLETIN OF THE MONTANA ENVIRONMENTAL INFORMATION CENTER

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A Session Like No Other

The Montana Legislature has hit full stride and is now in the thick of considering a number of major environmental and natural resources issues that are likely to have a significant bearing on the future of our environment. The full range of issues runs the gamut from water quality to fossil fuel development to land-use planning and subdivisions, with a number of bad proposals creeping forward.

Unlike other recent legislative sessions, this session is much more unlikely to have the backstop of a governor's veto pen against bad ideas that will harm clean water, clean air, and our communities. This makes your participation in the day-to-day activities of the legislature all the more critical. Below, we've provided a list of six important bills that are at a critical juncture in the legislative process and require your voice.



Our masked lobbyists: Derf Johnson, Anne Hedges, Cari Kimball, and Conor Ploeger.

Water Quality - Contact Senate Natural Resources Committee

SB 164: Increase allowed amount of nitrate pollution in water

Sponsor: Sen. Carl Glimm (R-Kila)

Status: *The hearing was held on Feb. 3, and the committee will likely vote on this bill within the next week. If it passes, it will go to the House for a vote.*

Position: Oppose.

This bill would increase the allowable amount of nitrate pollution in state water to 10 milligrams per liter. Nitrates are commonly associated with sewage. This is the maximum pollution allowed under the Clean Water Act and will likely lead to violations of narrative water quality standards for fishable, swimmable, and drinkable rivers and streams.

SB 136: Reduce protections for rivers and streams

Sponsor: Rep. Steve Fitzpatrick (R-Great Falls)

Status: *The hearing was held on Feb. 3, and the committee will likely vote on this bill within the next week. If it passes, it will go to the House for a vote.*

Position: Oppose.

This bill would strike the term "legally available" and replace it with "water rights" in the statute governing the Montana Department of Natural Resources' (DNRC) evaluation of applications for new water rights permits. This change is significant, as it would require the DNRC to consider only the "water right demands" on a body of water, and prohibit the DNRC from potentially considering other demands such as in-stream flow in order to maintain stream health and water quality.

Energy Bills - Contact the House Energy Committee

HB 245: Empower NWE to place higher costs on consumers

Sponsor: Rep. Larry Brewster (R-Billings)

Status: *The hearing was held on Feb. 3, and the committee will likely vote on this bill within the next week. If it passes, it will go to the House for a vote.*

Position: Oppose.

This anti-consumer bill would make it easier for NorthWestern Energy to overcharge customers for expensive new electricity-generating plants. The bill increases the burden on the Public Service Commission (PSC) when it decides whether NorthWestern Energy can charge customers for expensive electricity generating resources such as pricey new gas plants (or five). The bill also shortens the timeframe for the PSC to make that decision. These fundamental shifts put consumers in the crosshairs of higher electricity rates in order to benefit NorthWestern's shareholders.

The world is run by those who show up!

As usual, stay up to date and know when to participate on all of the major bills that MEIC is tracking by visiting meic.org/legislature. Here, you can also find a video tutorial on how you can learn more about legislation and sign up to testify in the legislature virtually during the time of COVID.

Join us every **Thursday at 5:00 PM via Zoom** for an overview from MEIC's lobby team on the good, the bad, and the ugly of the session.

MEIC Bill Tracker:
Visit www.meic.org/bill-tracker.

Who are my legislators?

Visit leg.mt.gov/legislator-lookup/ and search by address.

Visit www.meic.org for profiles and contact information of every Montana legislator.

CAPITOL MONITOR

Capitol Monitor is a publication of the Montana Environmental Information Center designed to keep our members informed about environmental issues at the Montana legislature.

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HB 99: Prevent NWE from passing costs of new purchases onto consumers

Sponsor: Rep. Denise Hayman (D-Bozeman)

Status: *The hearing was held on Feb. 3, and the committee will likely vote on this bill within the next week. If it passes, it will go to the House for a vote.*

Position: Support.

This bill would eliminate utility pre-approval. Unlike most utilities, NorthWestern can request the Public Service Commission (PSC) to approve its purchase of a generating resource (has it did with the hydroelectric system or gas plants) and pass all of the costs and risks on to customers instead of allowing the shareholders to bear the initial risk. This process creates a disincentive for the utility to do its due diligence. Instead, the utility can shift its due diligence burden to the PSC, which has a short timeframe and insufficient resources. Pre-approval only benefits the utility at the expense of utility customers.

Unrestrained Development - Contact Senate Local Government Committee

SB 161: Create a process that allows subdividers to bypass environmental review

Sponsor: Sen. John Esp (R-Big Timber)

Status: *The hearing was held on Feb. 3, and the committee will likely vote on this bill within the next week. If it passes, it will go to the House for a vote.*

Position: Oppose.

This bill would create an expedited subdivision review process that would allow a subdivider to bypass important environmental and public services review processes. It would exempt qualifying subdivisions from preparation of an environmental assessment. It also exempts them from the primary review criteria which covers impacts to agriculture, wildlife and wildlife habitat, and local services and facilities. This will make it difficult to mitigate impacts regardless of the number of lots in the proposed subdivision. Finally, SB 161 eliminates a public hearing by the local planning board, thereby providing one less opportunity for community involvement.

SB 165: Eliminate sanitation reviews for some subdivisions

Sponsor: Sen. Carl Glimm (R-Kila)

Status: *The hearing was held on Feb. 3, and the committee will likely vote on this bill within the next week. If it passes, it will go to the House for a vote.*

Position: Oppose.

This bill would would eliminate sanitation review for subdivisions of land that are greater than 500 feet from surface waters and exempt minor subdivisions of land from having to conduct a storm drainage review. It also appears to exempt expansions of systems designed for wastewater disposal, storm water, and solid waste disposal from review.

Contact your legislators

Testify online:

Register for public comment at leg.mt.gov/public-testimony/

By Phone:

Leave a message at (406) 444-4800 between 7:30 a.m. and 5:00 p.m. Monday through Friday, and 8 a.m. until adjournment on Saturday.

By Mail:

Montana Senate
P.O. Box 200500
Helena, MT 59620-0500

Montana House of Representatives
P.O. Box 200400
Helena, MT 59620-0400

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