And just like that, we’ve made it to the mid-way break in the legislative session known as Transmittal. In addition to offering a respite for legislators, transmittal is also a deadline for bills to pass out of their originating chamber (House or Senate). Thus, a lot of bills languished today - this is good news in some cases and bad news in others.

The House decided to take a longer break than usual this year and will reconvene on Monday, March 11. The Senate will be back to work on Thursday, March 7. Most legislators spend this break back at home. Many will have forums or coffee sessions where their constituents can meet with them and weigh in on what has transpired. We encourage our members to take advantage of any such opportunities!

Some bills, deemed as revenue bills, were not subject to this transmittal deadline. One such bill that is still alive is Senator Tom Richmond’s (R-Billings) SB 278. You can learn more about this “stick it to ratepayers” bill on page 8.

Breaking News: SB 245
C-PACE will finally have its day in the sun!

Many commercial, small business, and non-profit property owners in Montana face high utility bills caused by old, inefficient buildings or HVAC systems in need of upgrades. Although energy improvements would save Montana business owners more money on their utility bills than they cost over the long run, the upfront costs can be hard to afford.

(Continued on Page 2)
Commercial Property-Assessed Clean Energy (C-PACE) is a solution to these financial challenges. C-PACE is a financing tool that allows property owners to secure 100% upfront financing for energy efficiency, water conservation, and renewable energy upgrades to commercial buildings. The cost of these upgrades is repaid as a small assessment on the property’s annual tax bill.

Like a Special Improvement District for sidewalks or sewers, the financing is repaid as an assessment on the property’s regular tax bill over a term of up to 20 years. The annual energy savings for C-PACE projects are designed to exceed the annual assessment payment, so property owners save money from the start.

This tried-and-true approach is already enabled in 36 states. To enable C-PACE in Montana, we must first pass legislation that enables it... That’s what SB 245 is.

SB 245 gives the “green light” to counties across the state to start allowing people to take advantage of the program. Once the program is enabled, it is voluntary for both counties and individuals.

Once active, the Montana Facilities Finance Authority would have an ongoing role in administering the program and providing information for county treasurers to place C-PACE assessments on specific properties.

With the hearing coming on March 12, now is a great time to contact the Senate Energy and Telecommunications Committee! Please ask them to vote YES on SB 245.

Please call (406) 444-4800 with your message to the committee.

If there’s anything more you’d like to do in order to help pass C-PACE (letter to editor, lobby, etc.), please call (406) 248-1154, email Sydney at sydney@northernplains.org, or email Makenna at makenna@northernplains.org.

Thank you, Sen. Mary McNally (D-Billings) for sponsoring SB 245! 

(Continued from Front Page)
HB 22: LEVEL THE PLAYING FIELD FOR RENEWABLE ENERGY

Sponsored by Rep. Laurie Bishop (D-Livingston), this bill would extend the contract length for renewable energy projects to 25 years to make them more competitive for inclusion in Montana utilities’ energy portfolios—a necessary step to encourage the transition to clean, renewable energy. HB 22 passed out of the House on February 25 and will be heard in the Senate Energy and Telecommunications Committee soon!

⚠ Take Action: Contact the committee and tell them to vote YES on HB 22!

HB 118: GET THE LEAD OUT OF MONTANA SCHOOLS

Sponsored by Rep. Julie Dooling (D-Helena), creates a grant program to pay for removing lead from the drinking water in Montana schools – an invisible but serious health threat to our children and our communities.

This bill was heard in the House Natural Resources Committee on February 25 and tabled in committee on February 27.

HB 267: LAY THE GROUNDWORK FOR SMART METERS AND THE SMART GRID

Sponsored by Sen. Daniel Zolnikov (R-Billings), this bill establishes the legal security framework necessary to protect consumers’ personal information if they choose to have a “smart meter” installed by a utility. Smart meters are an effective tool that allow consumers to monitor and control their energy use through smartphones or computers. They also allow utilities to track energy use and make adjustments to conserve energy. Smart meters are an essential part of the eventual creation of the “smart grid” of the future.

⚠ Take Action: HB 267 is expected to be heard in the Senate Energy and Telecommunications Committee soon. Contact the committee and tell them to vote YES on HB 267.

HB 292: CONTINUE FUNDING THE COAL BOARD TO HELP COAL COMMUNITIES PREPARE FOR ENERGY TRANSITION

Sponsored by Rep. Barry Usher (R-Billings), this bill would allow the coal natural resources account to continue funding monetary distributions to coal communities at 5.8% until 2023, rather than drastically decreasing it to 2.9% this year. HB 292 will allow the coal board to continue helping coal communities adjust to the decline of the coal industry and transition to different energy and economic opportunities.

This bill passed the House on February 14 and will be heard in the Senate Taxation Committee soon.

⚠ Take Action: Contact members of the committee and tell them to vote YES on HB 292.

HB 417: SUSPEND/REVOKE MAJOR FACILITY SITING ACT CERTIFICATE IF NEW ENVIRONMENTAL ISSUES COME TO LIGHT OR PROJECTS FAIL TO MEET SAFETY STANDARDS

Sponsored by Rep. Marvin Weatherwax (D-Browning), this bill applies to projects that are required to have a Major Facility Siting Act (MFSA) certificate. HB 417 would require the Department of Environmental Quality to suspend or revoke the MFSA certificate in any of the following circumstances:

1. Significant new environmental issues or information is discovered for those projects.
2. The MFSA certificate holder is found to have made false statements about the project in applying for the certificate.
3. The MFSA certificate holder fails to maintain safety standards to comply with the certificate. This bill could apply to the Keystone XL pipeline, forcing the company (TransCanada) and the state of Montana to use greater scrutiny with the aim to prevent disastrous spills that could affect the drinking and irrigation water for tens of thousands of people in northeastern Montana.

HB 417 was heard by the House Natural Resources Committee on February 20 and was tabled in committee.
BILL POSITIONS

BILLS WE SUPPORT (Cont’d)

HB 431: CREATION OF A MONTANA FARMER EDUCATIONAL LOAN REPAYMENT ASSISTANCE PROGRAM

Sponsored by Rep. Zach Brown (D-Bozeman), this bill would enact a student loan forgiveness program for Montana residents who pursue a career in farming or ranching after receiving their degree. HB 431 would revise Growth Through Agriculture laws and use interest income from coal severance tax funds to repay up to 50% of a student's loans. This bill was heard in the House Agriculture Committee on February 14.

⚠ Take Action: Contact members of the committee and tell them to vote YES on HB 431!

HB 467: HELP NORTHWESTERN PLAN FOR THE FUTURE WITHOUT PUTTING RATEPAYERS ON THE HOOK

Sponsored by Rep. Denise Hayman (D-Bozeman), this bill would allow NorthWestern Energy (NWE) to apply to the Public Service Commission to “securitize” its remaining debt using state-issued bonds. This is similar to refinancing your mortgage. The bill would allow NWE to diversify its energy-generation portfolio and deal with its cleanup obligations at Colstrip without unfairly shifting these costs onto its captive customers (you and me). This concept has been applied to other sectors for decades. HB 467 would make this tool available if NorthWestern should choose to pursue it, and the company would only be allowed to take this route with the approval and oversight of the PSC. This bill passed out of the House on March 1 and we expect it to be heard in the Senate Agriculture Committee soon.

⚠ Take Action: Contact your Senator and tell them to vote YES on HB 467.

HB 594: THE MONTANA COUNTRY-OF-ORIGIN LABELING ACT

Sponsored by Rep. Bradley Hamlett (D-Cascade), this bill would give our ranchers and farmers a fair shake and give Montana consumers the information they want. The bill would require that placards be placed in meat counters to inform consumers about where the meat was born, raised, harvested, and processed. HB 594 was heard in the House Agriculture Committee on February 26 and was tabled with a 9-8 vote.

⚠ Take Action: Support and opposition for this bill are almost tied, so we have a chance to turn votes. Contact the committee and tell them to reconsider HB 594!

SB 177: REVISE MONTANA LAW TO ENABLE FARMERS TO TAKE ADVANTAGE OF A GROWING INDUSTRIAL HEMP MARKET

Sponsored by Sen. Tom Jacobson (D-Great Falls), this bill would revise Montana law to align with new federal rules that allow industrial hemp to be grown, processed, and marketed like other crops. SB 177 would give Montana farmers a boost in taking advantage of the quickly growing hemp industry. SB 177 passed the Senate and will be heard by the House Agriculture Committee on March 21.

Starting on March 18 contact the committee and tell them to vote YES on SB 177.

SB 188: ENSURE WIND AND SOLAR ARE ALLOWED TO COMPETE ON AN EVEN FOOTING IN ENERGY PROCUREMENT

Sponsored by Sen. Sue Malek (D-Missoula), this bill would create a resource procurement advisory committee that would review, evaluate, and make recommendations on utility’s energy procurement decisions to ensure that the process promotes the best interest of rate-payers and give all energy sources—wind and solar included—a fair shake in the process.

SB 188 was heard on February 14 by the Senate Energy and Telecommunications Committee and was tabled in committee on February 21.

SB 189: TAX CARBON FROM LARGE POLLUTERS AND INCENTIVIZE INNOVATION IN CARBON-FREE PRODUCTION

Sponsored by Sen. Dick Barrett (D-Missoula), this bill would
create a $10/ton tax on carbon from large polluters like power plants and refineries but allow for large polluters to offset their taxes with investments in low- or carbon-free energy production or manufacturing. SB 189 was heard by the Senate Energy Committee on February 7.

⚠ Take Action: The committee is expected to take action soon. Contact committee members and tell them to vote YES on SB 189!

SB 191: ALLOW COAL COUNTIES TO CREATE COAL TRUST FUNDS TO PREPARE TRANSITION
Sponsored by Sen. Duane Ankney (R-Colstrip), this bill relates to counties with coal power plants and mines. SB 191 would allow those counties to create trust funds to be used to support local economies affected by the transition away from coal. The funds would be taken from property tax revenue generated from the counties’ coal plants and mines.

This bill was heard by the full Senate on February 15 and will soon be heard by the House Energy, Technology, and Federal Relations Committee.

SB 201: PROTECT COAL MINERS’ PENSIONS WHEN COAL COMPANIES GO OUT OF BUSINESS
Sponsored by Sen. Duane Ankney (R-Colstrip), this bill would require coal mining companies to post surety bonds with the state to cover the cost of their workers’ pensions when they go bankrupt or reorganize — scenarios we’re already seeing play out in the midst of declining coal prices. SB 201 will create more security and stability for workers and their communities as they confront the energy transition. This bill was passed out of the Senate on February 27 and will be heard by the House Natural Resources Committee on March 18.

⚠ Take Action: Contact members of the committee and tell them to vote YES on SB 201!

SB 206: MONTANA COUNTRY-OF-ORIGIN LABELING ACT (COOL)
Sponsored by Sen. Al Olszewski, (R-Kalispell), this bill would restore country-of-origin labeling for beef and pork sold in Montana in order to give our ranchers and farmers a fair shake and give Montana consumers the information they want. SB 206 would require that placards be placed in meat counters to inform consumers about where the meat was born, raised, harvested, and processed. This bill was heard in the Senate Agriculture, Livestock and Irrigation Committee on February 12.

**While the committee tabled this bill on February 19, the campaign to restore Country-of-Origin-Labeling is far from over. The Senate passed a resolution (SJ 16) urging Congress to restore federal COOL on February 28 and a House Bill (HB 594) is likely to be reconsidered in the House.**

SB 245: MONTANA COMMERCIAL PROPERTY-ASSESSED CLEAN ENERGY ACT (C-PACE)
Sponsored by Sen. Mary McNally (D-Billings), this bill would provide business owners and agricultural producers access to 100% upfront financing to make energy efficiency and renewable energy improvements to their properties. C-PACE allows business and ag producers to start saving money on their energy bills from day one. This bill is good for Montana businesses, promotes energy independence, and immediately addresses the impacts of climate change. C-PACE financing will be repaid as long-term loans (up to 20 years) through an assessment on the property.

IMPORTANT UPDATE: This bill will be heard on March 12 in the Senate Energy and Telecommunications Committee.

⚠ Take Action: Contact members of the committee and tell them to vote YES on SB 245!

SB 264: ENSURE COAL ASH REMEDIATION JOBS PAY COMPETITIVE WAGES WITH BENEFITS
Sponsored by Sen. Jason Small (R-Busby), this bill would require that all workers hired for power plant remediation work be hired at the standard prevailing wage. This will ensure that these skilled workers are compensated fairly for their skilled labor. This bill will also make certain that union workers will be competitive when hiring decisions are made for the hundreds of
**BILL POSITIONS**

**BILLS WE SUPPORT (Cont’d)**

Continued from Page 5

jobs associated with cleanup. SB 264 passed out of the Senate on February 27 and will be heard by the **House Business and Labor Committee** on **March 19**.

⚠ **Take Action:** Contact members of the committee and tell them to vote **YES** on SB 264!

**BILL POSITIONS**

**BILLS WE SUPPORT (Cont’d)**

Continued from Page 5

Natural Resources committee on January 30. The bill passed out of the House and was heard in the **Senate Natural Resources Committee** on February 20. HJ 4 passed out of committee on **February 25**.

⚠ **Take Action:** Contact your senator and tell them to vote **NO** on HJ 4!

**BILLS WE OPPOSE (Cont’d)**

**BILLS WE OPPOSE**

**LC 973: ALLOW BAD ACTOR MINING COMPANIES TO POLLUTE MONTANA**

Sponsored by **Sen. Fred Thomas (R-Stevensville)**, this bill (soon to be introduced) would eviscerate Montana’s bad actor law which prevents mining permits from being issued to companies that have polluted Montana and left taxpayers responsible for cleanup. Under the current law, Hecla Mining Company was denied a permit to mine copper and silver beneath the Cabinet Mountain Wilderness in northwestern Montana because the company’s CEO was the former CFO of a mining company that went bankrupt in 1988 and left Montana taxpayers on the hook for $35 million in cleanup costs at the Zortman-Landusky Mine. Rather than complying with the law, Hecla wants to overturn this important protection for Montana taxpayers and the environment which was passed with bi-partisan support.

⚠ **Take Action:** We expect this bill to be introduced and heard soon. Call your Senator and Representative and tell them to **protect taxpayers and Montana’s environment by maintaining our bad actor law!**

**HB 144: KILL TAX CREDITS FOR ENERGY CONSERVATION AND SO MUCH MORE!**

Sponsored by **Rep. Alan Redfield (R-Livingston)**. In the name of raising revenue for state coffers, this bill would end tax credits that Montanans use to make energy conservation investments in their homes, as well as more than two dozen other tax credits. In addition to energy conservation, HB 144 would axe tax credits for landowners who allow access to land-locked public lands, biodiesel production, investments in historic preservation, for employers who invest in daycare facilities, and for employers who provide disability insurance to employees. HB 144 leaves other tax credits alone, including those involving capital gains and donations to churches and other tax-exempt groups. This bill was heard in the House Taxation Committee on Thursday, January 24.

The **House Taxation Committee** will be taking action soon! Contact committee members and tell them to vote **NO** on HB 144.

**HB 203: HAVE THE STATE OF MONTANA PURCHASE AND RUN COLSTRIP**

Sponsored by **Rep. Rodney Garcia (R-Billings)**, this bill would have allowed the state of Montana to issue up to $500 million in bonds to buy and run the Colstrip coal-fired power plant. Investing in coal at a time when coal-fired generation is increasingly uneconomical and uncompetitive (compared to natural gas, wind, and solar) is irresponsible. It would leave Montanans yoked to the aging, expensive plant and the shrinking market for coal-fired energy, and potentially on the hook for hundreds of millions of dollars in cleanup. This bill was heard in the **House Energy, Telecommunications, and Federal Relations Committee** on Monday, January 21.

**HJ 4: ENCOURAGE MORE COAL EXPORT**

Sponsored by **Rep. Joe Read (R-Ronan)**, this joint resolution would send a message from the legislature to Washington, D.C. that Montana wants the federal government to intervene and force Washington state to allow the Millennium coal terminal to be built to increase the export of Montana coal to Asia. The legislature has more pressing issues than to waste its energy on meaningless gestures encouraging the federal government to meddle in state affairs. This resolution was heard in the House Taxation Committee on January 30. The bill passed out of the Senate on February 19.

⚠ **Take Action:** Contact your senator and tell them to vote **NO** on HJ 4!
HB 415: PROHIBIT MONTANA FROM IMPLEMENTING FEDERAL REGULATIONS TO ADDRESS CLIMATE CHANGE

Sponsored by Rep. Joe Read (R-Ronan), this bill would prevent Montana from implementing federal regulations that would address greenhouse gas pollution and put Montana in the back seat in of national efforts to address climate change.

HB 415 was heard in the House Federal Relations, Energy, and Telecommunications Committee and tabled in committee on February 20.

HB 418: FORCE CLIMATE DENIAL INTO MONTANA LAW

Sponsored by Rep. Joe Read (R-Ronan), this bill would write into the Montana Code that “science shows human emissions do not change atmospheric carbon dioxide emissions enough to cause climate change.” It would require the state to inject climate denial into policy-making and educational curricula, and would discourage tax incentives for reducing greenhouse gas pollution. The Montana Code and our public schools and universities are no place for pseudo-science.

HB 418 was heard in the House Natural Resources Committee on February 18 and was tabled in committee on February 20.

HB 625: THROW THE BABY OUT WITH THE BATH WATER (QUALITY STANDARDS) FOR THE BENEFIT OF INDUSTRY

Sponsored by Rep. Bill Mercer (R-Billings), would eliminate numeric standards for nitrogen and phosphorus from Montana water quality laws, threatening the health of Montana’s rivers, lakes, and streams. Polluting industries can currently receive general variances from the Montana Department of Environmental Quality (DEQ) that allow them to continue doing business even if they don’t meet current water quality standards. The variances allow them to incrementally come into compliance with water standards over time. However, industry fears that federal courts may soon rule that these general variances for private industry are a violation of the Clean Water Act. Rather than waiting for the court decision and then working with the DEQ to obtain individual variances that would allow them to continue doing business while incrementally improving their discharges, industry wants to just scrap the standards. Without numeric standards for water quality laws, the state would be left with “narrative standards” which can be subject to interpretation and difficult to enforce. The bottom line is that industry would rather try to flex its muscle with the DEQ, continuing to pollute, as opposed to working with the department to reduce their discharges.

HB 625 passed out of the House on a near party-line vote on March 1.

⚠️ Take Action: Contact your senator and tell them to vote NO on HB 625!

SB 48: OPPOSE *UNLESS AMENDED* TO BRING WATER POLUTERS BACK INTO COMPLIANCE

Sponsored by Sen. Tom Richmond (R-Billings) and proposed by the Montana Department of Environmental Quality (DEQ), this bill is intended to give the department the ability to grant variances from water quality standards to municipal wastewater treatment facilities that are having trouble meeting water quality standards. The aim is to give the DEQ and the treatment facilities time and space to improve and meet the standards. While the intent is well-intentioned, writing the law in a way that keeps wastewater treatment facilities and other polluters (and the DEQ) accountable for protecting our streams and rivers demands precise language and objectives.

We adamantly opposed the first version of this bill but have been working with DEQ to amend it so they will have the tools they need to bring polluters into compliance and protect our water quality. Unfortunately, the bill was amended in committee, at the request of industry, to shift rule-making from the Board of Environmental Review to the Department of Environmental Quality, decreasing transparency and the consideration of stakeholder concerns.
**BILL POSITIONS**

**BILLS WE OPPOSE (Cont’d)**

⚠ **Take Action:** SB 48 will be heard in the House Natural Resources Committee on March 22. Contact members of the committee and tell them to keep rule-making with the Board of Environmental Review.

**SB 93: IMPOSE EXCESSIVE DECOMMISSIONING AND BONDING REQUIREMENTS ON LARGE-SCALE SOLAR**

Sponsored by Sen. Tom Richmond (R-Billings), this bill would create decommissioning requirements (including bonding) for large solar projects, similar to what exists for wind. In theory, this is a good idea—it would provide the surety to protect taxpayers and landowners from having to clean up solar developments when they reach the end of their lives. As written, however, SB 93 doesn’t take into account that solar companies often already engage in this sort of bonding with landowners on whose land these projects are developed. More important, it doesn’t require the same decommissioning requirements for other forms of energy production including natural gas and coal. Consistent bonding policy is desperately needed and this bill puts renewables at a competitive disadvantage compared to other forms of generation.

SB 93 passed out of the Senate on February 26, we expect a hearing in the House Energy, Technology and Federal Relations Committee in mid-March.

⚠ **Take Action:** Contact your representative and tell them to vote no on SB 93.

**SB 199: TIE THE PUBLIC SERVICE COMMISSION’S HANDS TO PROTECT RATEPAYERS FROM NORTHWESTERN’S BAD INVESTMENTS**

Sponsored by Sen. Tom Richmond (R-Billings), this bill would restrict the Public Service Commission’s (PSC) ability to protect utility customers (you and me). This bill will take away the PSC’s ability to shorten the economic life or contract length of a utility’s electricity generation facility to earlier than its depreciation date. This means that utilities can make bad long-term investments in energy sources expected to be less competitive in the future while forcing ratepayers to foot the bill. SB 199 applies to existing and future power plants. The bill would also prevent the PSC from protecting customers from being forced to off a utility’s investment debt for years (even decades) after a power plant is taken offline. If SB 199 passes, NorthWestern Energy could close down one of its power plants, such as Colstrip, because it found the plant uneconomical.

Ratepayers would then be forced to pay off the remaining debt for that plant over decades even though they never received electricity from the plant. SB 199 passed out of the Senate on February 25 after it was misrepresented by the sponsor. It will be heard in the House Energy, Technology and Federal Relations Committee in mid-March.

⚠ **Take Action:** Contact your representative and tell them to vote no on SB 199.

**SB 278: “STICK IT TO RATEPAYERS” AND GIVE NORTHWESTERN A FREE PASS**

Sponsored by Sen. Tom Richmond (R-Billings), this bill would require that the Public Service Commission allow NorthWestern Energy to shift the risks of any investments the company has made or will make in the Colstrip power plant to ratepayers for up to 30 years. It would allow NorthWestern to buy more of Colstrip Units 3 and 4 for next to nothing (one dollar). Ratepayers would be responsible for costs to operate and maintain the aging units producing some of the most expensive electricity in the state. It would also allow NorthWestern to shift to ratepayers its share of the hundreds of millions of dollars of cleanup costs associated with cleaning up the plant’s coal ash ponds. SB 278 would also remove PSC oversight over the utility’s actions and could potentially leave Montanans on the hook for decades, even if they are no longer receiving energy from the utility. SB 278 was heard in Senate Finance and Claims on February 26.

⚠ **Take Action:** Contact your Senator and tell them to vote NO on SB 278!
I love Montana’s character, strong rural communities, and our “get things done” attitude. As I see our economy changing and our rural towns fighting for people and funding, I see opportunities for our state leaders in the legislature to help in this fight to protect the “Last Best Place.”

One opportunity the legislature should see as a bipartisan benefit to all its constituents is the Commercial Property-Assessed Clean Energy bill. C-PACE is a financing tool that can be used to make energy efficiency upgrades to businesses, multifamily housing properties, agricultural properties, and non-profits at no cost to taxpayers.

This bill will help protect many of our historic churches, buildings and the small businesses that use them. Rather than knocking down our heritage and building anew, we can repair old windows, upgrade HVAC systems, and refill insulation. Jobs, jobs, jobs! Once enabled, it is completely voluntary.

C-PACE will continue to build our communities as it helps upgrade downtowns and aging infrastructure. By saving money on energy efficiency upgrades, local businesses will have more money to create new jobs and make other smart business investments.

Thirty-six states have already enabled PACE, including Wyoming, Colorado and Texas. Let’s see that Montana is added to this list!

This letter-to-the-editor was submitted to the Livingston Enterprise by Northern Plains member Ken Decker. For assistance drafting or submitting a letter of your own, contact Dustin at (406) 248-1154 or email dustin@northernplains.org
POSTPONED: COOL Capitol Meat-up

Thank you to all who were planning on coming to Helena this Friday, March 8 for our COOL Capitol Meat-Up! We’ve decided to postpone this event for two reasons:

1. Transmittal break was extended beyond the originally planned break and it’s hard to lobby people who aren’t present to be lobbied!
2. Weather forecasts remain terrible.

Stay tuned for our reschedule. THANK YOU for your phone calls (and emails) to legislators so far this session. And thanks especially to those of you who have been to Helena to lobby and testify! Putting a face on our concerns really does make a difference.

For more information about COOL, contact Caroline at (406) 248-1154 or email caroline@northernplains.org.