The Commercial Property-Assessed Clean Energy Act (SB 245) was heard in the Senate Energy and Telecommunications Committee on Tuesday, March 12, and Northern Plains members from across the state showed up to testify.

Proponents of the bill outnumbered opponents, and even the opponents (most of them, anyway) conceded that it was a good bill – they just wanted a certain amendment added.

We expected the committee to take executive action on both SB 245 and the amendment but due to a loaded agenda, the committee ran out of time. We anticipate their vote on Tuesday, March 19.

If you haven’t already, please contact the Senate Energy and Telecommunications Committee by Tuesday, March 19.

Please call (406) 444-4800 or email and ask the committee to vote YES on SB 245. Thanks to those of you who have already done this.

If SB 245 passes out of the committee next week, it's likely it will move quickly to the Senate floor, so we're asking you to also contact your senator to ask them to vote YES on SB 245!

C-PACE had its day in the sun...

and Northern Plains members brought their A-game

What is C-PACE?

C-PACE is a program that allows building owners access to 100% upfront financing from banks and investors for energy efficiency and renewable energy upgrades. Building owners pay the cost of those upgrades back over a long-term assessment on their property tax bill and save money from the start due to lower utility bills. It’s a voluntary program that has already been enabled in 36 states. Passing C-PACE is a big step toward making clean energy accessible and affordable to all.

Learn more by visiting https://mtpace.com

Photo credit: Andersen Windows
Member Mary Fitzpatrick testifies in support of C-PACE before the Senate Energy & Telecommunications Committee.

Sleeping Giant Citizens Council members Lynn Gardner (center) and Joel Harris (far right) speak with Sen. Al Olszewski (R - Kalispell).
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!

HB 219: ESTABLISH INDIGENOUS PEOPLE’S DAY

Sponsored by Sen. Shane Morigeau (D-Missoula), HB 219 removes Columbus Day as a state holiday and replaces it with Indigenous People’s Day. Establishing Indigenous People’s Day would give Montana the chance to celebrate and educate our communities about indigenous cultures and begin to heal generations of atrocities and wrongdoing against native peoples. HB 219 provides a way for Montana to recognize the importance of first nations in a small but significant way.

HB 219 passed the House with a vote of 62-35 and was heard on March 13 in the Senate State Administration Committee.

⚠ Take Action: Contact the committee and tell them why passing HB 219 is important to ALL Montanans!

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 allows 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 was heard in the Senate Taxation Committee on March 14.

HB 327: THE REAL MEAT ACT

Sponsored by Rep. Alan Redfield (R-Livingston), protein products, derived from animal cells but grown in a lab, are no longer the stuff of science fiction. Giant corporate meatpackers like Tyson and Cargill have invested tens of millions of dollars in developing techniques to mass-produce these new products and plan to mix them with meat products from live animals. This will give the packers a steady, cheap supply of product that they can use to drive down the prices they pay ranchers. HB 327 would clarify that hamburger and ground beef come from live animals and that cell-cultured meat could not be labeled as hamburger and ground beef. This bill will give consumers the information they need while ensuring ranchers get a fair price for their product.

HB 327 passed out of the House on February 18 and was heard by the Senate Agriculture Committee on March 12.

⚠ Take Action: Contact members of the committee and tell them to vote YES on HB 327!

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 ENERGY 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 Energy 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 the country 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!

HB 597: REVAMP UTILITY GENERATION AND REGULATION

Sponsored by Rep. Daniel Zolnikov (R-Billings). As the most robust energy legislation we are tracking this session, HB 597 makes some equally robust changes to the way the Public Service Commission (PSC) regulates utilities in our state. There are three major sections in this bill that are important to know:

1. HB 597 requires NorthWestern Energy and Montana-Dakota Utilities to shed light on their competitive solicitation process and prove that it really is competitive. NorthWestern Energy’s solicitation process for energy resources has a reputation of being murky, and this bill seeks to clarify it.
2. HB 597 requires the PSC to hire an independent hearings examiner (basically a third-party judge) to make recommendations on contested cases.
3. HB 597 requires that utilities prove how and why they choose the type of energy they do. This provides greater transparency about how they manage efficiency before energy gets to the user.

HB 597 was heard in the House Energy, Technology, and Federal Relations Committee on February 27 and is waiting for a revised fiscal note.

⚠ Take Action: Contact the members of the committee and tell them to vote YES on HB 597!

SB 176: ESTABLISH A CERTIFIED HEMP PLAN AND PROGRAM FOR MONTANA

Sponsored by Sen. Tom Jacobson (D-Great Falls). With Montana being one of the top industrial hemp producers in the nation, this bill would help add value to this promising new crop by creating a program to certify Montana hemp and promote it in the market.

SB 176 passed the Senate and will be heard by the House
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 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 those 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 in the House Energy, Technology, and Federal Relations Committee on March 13.

⚠ Take Action: Contact members of the committee and tell them to vote YES on SB 191!

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 22.

⚠ 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 the country 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, creates jobs, 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.

This bill was 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 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 25.

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

SJ 4: URGE CONGRESS TO REAUTHORIZE THE ABANDONED MINE LANDS (AML) FUND IN THE SURFACE MINE CONTROL RECLAMATION ACT

Sponsored by Sen. Jon Sesso (D-Butte). With the help of Northern Plains, SMCRA was passed into law in 1977 to require reclamation (cleanup) of strip mines. The law also created a new program, paid for by a fee on active coal mines, to reclaim mines that were abandoned before 1977. In western states like Montana, this program is used to reclaim both hard rock and coal mines. The AML fund has provided millions of dollars to clean up historic mining sites including the McLaren Tailings in Cooke City on the edge of Yellowstone National Park. For decades, McLaren Tailings created a “dead zone” in Soda Butte Creek, a tributary of the Lamar River. The AML fund is set to expire in 2020 unless it is reauthorized by Congress. SJ 4 urges its reauthorization so we can continue to clean up Montana and America’s legacy of mining pollution.

SJ 4 passed out of the Senate on February 12 and will have a hearing in the House Natural Resources Committee on March 18.

⚠ Take Action: Contact members of the House Natural Resources Committee and tell them to vote YES on SJ 4!
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, a law that was passed with bipartisan 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!

**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 resolution is a meaningless gesture encouraging the federal government to meddle in state affairs. This resolution was heard in the House 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 the Senate on March 12 and has been sent to Enrolling.

⚠ **Take Action:** Contact Governor Bullock's office and tell him to VETO HJ 4!

**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 landlocked 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 487: UNDERMINE MONTANA’S RENEWABLE PORTFOLIO STANDARD**

Sponsored by Rep. Derek Skees (R-Somers), this bill attempts to undercut the Montana’s Renewable Portfolio Standard (RPS) by allowing existing hydro-electric dams to be included in the list of new renewable energy projects. (Last time we checked, 100-year-old dams should not count as new renewable energy projects.) Allowing existing hydro-electric dams to be eligible for the RPS and the Community Renewable Energy Project (CREP) standard defeats the purpose of the current law, which exists to encourage rural economic development through renewable energy projects.

HB 487 passed the House with a 64-32 vote. This bill was heard in the Senate Energy and Telecommunications Committee on March 14.

⚠ **Take Action:** Contact the committee and tell them not to water down our state’s renewable standards and vote NO on HB 487!

**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 polluters would rather try to flex their 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. We expect HB 625 to be heard by the Senate Natural Resources Committee soon.

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

SB 48: OPPOSE UNLESS RULE-MAKING IS CONDUCTED BY THE BOARD OF ENVIRONMENTAL REVIEW

Sponsored by Sen. Tom Richmond (R-Billings) and proposed by the Montana Department of Environmental Quality (DEQ), this bill is intended to allow the department 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.

⚠ Take Action: SB 48 will be heard in the House Natural Resources Committee on March 18. Contact members of the committee and tell them to keep rule-making with the Board of Environmental Review and vote NO on SB 48!

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 like 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 and was heard in the House Energy, Technology and Federal Relations Committee Committee on March 18.

⚠ 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 force ratepayers to pay off a utility’s investment debt after a power plant is taken offline. This is unfair. For example, if NorthWestern bought a gas-fired power plant for $185 million on Monday and found that it was uneconomical on Tuesday, it could close the plant and charge ratepayers for that $185 million for decades.

Utilities like NorthWestern Energy are monopolies and their customers are captive. The PSC is there to protect consumers from being held accountable for a utility’s bad financial decisions.

SB 199 passed out of the Senate on February 25 and was heard in the House Energy, Technology and Federal Relations Committee on March 15.

⚠ Take Action: Contact members of the committee and tell them to vote NO on SB 199!

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. This terrible bill would also remove PSC oversight over the utility’s actions.

With SB 278, NorthWestern will be allowed to make risky, irresponsible decisions with Montana’s energy future and will leave Montanans footing the bill for multiple decades.

SB 278 was heard in Senate Finance and Claims on February 26.

**After garnering significant public criticism, SB 278 was tabled by the Senate Finance and Claims committee on March 13. However, it was morphed into a new bill, SB 331 (see below). We expect SB 331 to be heard soon—contact your Senator and tell them to vote NO on SB 331!**

SB 331: LET NORTHWESTERN SHIFT ITS DEBT AND REMEDIATION OBLIGATIONS ONTO RATEPAYERS

Sponsored by Sen. Tom Richmond (R-Billings), SB 331 is a spin-off of its failed predecessor (SB 278). It would authorize NorthWestern Energy to purchase an increased share of Colstrip Unit 4 for $1 and guarantee NorthWestern’s right to pass up to $40 million in Colstrip-related costs onto ratepayers without Public Service Commission oversight.

Worse yet, the bill mandates that all of NorthWestern’s remaining debt for its existing share of Colstrip—plus remediation and decommissioning costs—be paid by ratepayers if the plant closes down before its depreciation date of 2042. If SB 331 were passed, nothing could stop NorthWestern from leaving Colstrip early when the costs get too high, while sticking ratepayers with the bill.

SB 331 will be heard by the Senate Energy and Telecommunications Committee on March 19.

⚠ Take Action: Contact members of the committee and tell them to vote NO on SB 331!

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 (PSC) allow NorthWestern Energy to purchase an increased share of Colstrip—plus remediation and decommissioning costs—be paid by ratepayers if the plant closes down before its depreciation date of 2042. If SB 331 were passed, nothing could stop NorthWestern from leaving Colstrip early when the costs get too high, while sticking ratepayers with the bill.

SB 331 will be heard by the Senate Energy and Telecommunications Committee on March 19.

⚠ Take Action: Contact members of the committee and tell them to vote NO on SB 331!
THANK YOU FOR STEPPING UP FOR MONTANA!

We are grateful, humbled, and inspired by the hard work, courage, and dedication you have shown during this 2019 Legislative Session! Northern Plains members have sent emails and made countless phone calls. We know, because the switchboard operators in Helena have told us during our own calls that they have been swarmed with your input supporting our bills.

Some of you braved a snow storm to rally in support of clean energy. Many of you have sent letters to newspapers which have been published in every corner of the state. Several of you have lobbied your representatives in Helena, and a few of you have even testified in hearings. All of you are making a difference.

You are protecting the things we value most, and creating positive change to further strengthen Montana! Again, THANK YOU!