

VOTING RECORD



Northern Plains member Elise Strong, left, of Bozeman talks about net metering legislation with Rep. Jeremy Trebas (R-Great Falls) during the clean-energy Lobby Day on Feb. 16. Member Rita Rozier of Livingston looks on.

2017 MONTANA LEGISLATURE

Northern Plains members hold the line against conservation foes

Once again, Northern Plains faced anti-conservation majorities at the 65th Montana Legislature. Even so, we were able to walk away from the 2017 session leaving Montana a little better off than when we started. We successfully killed or attained vetoes on our top defensive priorities and passed pragmatic pieces of legislation that will enable us to pass more impactful laws in the future.

Northern Plains members immersed themselves in these legislative battles and fought tenaciously to protect our family agriculture, clean water, and access to clean energy.

Prior to the session, Northern Plains members chose two key

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Big banks, party politics kill PACE

Despite the breadth of the coalition we built in support of Property Assessed Clean Energy (PACE) – several cities, counties, contractors, the AFL-CIO, a credit union, affordable housing developers, and a senior center – the PACE bill (**Senate Bill 330**) was killed in a House committee on a party-line vote.

One big reason for our defeat was the opposition from the Montana Bankers Association (MBA). Even though some individual Montana banks were interested in lending to clean energy projects (especially commercial PACE), the MBA spread fear about residential PACE in the case of foreclosure, and didn't want to jeopardize their ability to bundle mortgages for the secondary market.

Our other opponents were the Montana Association of Counties and the Montana Association of County Treasurers, who questioned whether counties and treasurers should play a role in facilitating private financing for energy improvements to buildings.

It was a shame, really, because Montana banks stand to benefit from lending to PACE projects, and county tax rolls stand to benefit as property values are increased by PACE improvement projects. Moreover, PACE would have been completely voluntary for counties, lenders, and property owners.

Similarly, although the PACE bill had a Republican sponsor – Sen. Chas Vincent (R-Libby) – the Republican leadership in the House made PACE a casualty of political volleyball. Speaker of the House, Rep. Austin Knudsen (R-Culbertson), decided to “kill” PACE simply because the Governor supported it.

The bill was assigned to a “kill committee” and was tabled on a party-line vote, despite passing the Senate with bipartisan support 31-19. This was a common theme from Speaker Knudsen this session – putting politics over what is best for Montanans.

His decision will cost Montana homeowners and building owners money and cost our whole state a good number of jobs that these energy improvement projects would have created. PACE is an economic opportunity that the House leadership, unfortunately, decided to scuttle.

However, all is not lost. In the process of organizing for PACE, Northern Plains members built power and relationships with new allies who are still motivated to unlock affordable financing for energy efficiency.

We are committed to working with these allies to try and establish PACE pilot programs or develop other solutions that do not rely on legislative action, including through rural electric cooperatives.



What is PACE?

PACE makes private capital (from banks and investors) available for energy efficiency, renewable energy, and water conservation upgrades to existing buildings.

Financing is repaid as an assessment on the property's regular tax bill over a term of up to 20 years.

PACE is an important solution that can help Montanans save money on utility bills, expand local businesses, create jobs, and increase the economic vitality of Main Street Montana. We will continue to pursue PACE-type financing for all Montanans who want to save money on energy efficiency and systems that reduce their power bills.

HOUSE COMMITTEE VOTES ON PACE

Here's how the vote came down in the House Natural Resources Committee.

SB 330 – PROVIDE FOR PROPERTY ASSESSED CLEAN ENERGY FINANCING

Kerry White, R-Bozeman	-
Zach Brown, D-Bozeman	+
Theresa Manzella, R-Hamilton	-
Kim Abbott, D-Helena	+
Bob Brown, R-Thompson Falls	-
Virginia Court, D-Billings	+
John Fleming, D-St. Ignatius	+
Willis Curdy, D-Missoula	+
Ross Fitzgerald, R-Fairfield	-
Kelly Flynn, R-Townsend	-
Wylie Galt, R-Martinsdale	-
Steve Gunderson, R-Libby	-
Dale Mortensen, R-Billings	-
Mark Noland, R-Big Fork	-
Jonathan Windy Boy, D-Box Elder	+



How prepared is state for accidents of hazardous materials? Study nixed

Thousands of Montanans living within one mile on either side of train tracks reside in the “oil train fire impact zone.” An oil train derailment near their homes would put these Montanans at risk of oil spills, explosive fires, toxic fumes, particulates, smoke, and possible evacuation.

House Bill 296, sponsored by Rep. Denise Hayman (D-Bozeman), would have convened a task force to study the gaps in Montana’s hazardous materials transportation response and preparedness. The bill would have set up a process to make recommendations for improvements to funding and training that would make transporting hazardous materials – like crude oil – on Montana’s rails and roads safer for our rail communities and first responders.

Northern Plains supported **HB 296** as a concrete step toward filling the safety gaps identified in an October 2015 state study, the Railroad Safety Performance Audit. This audit reviewed the three state agencies that have a role in rail safety. It found that the state is not prepared to protect Montanans from a major oil-by-rail accident. The risk is particularly high to rural communities in eastern Montana.

Northern Plains members worked hard to support **HB 296**. Members made calls, wrote emails, and submitted written testimony. Eleven members made the trek to Helena for a citizen Lobby Day to support the bill when it was heard by the House Administration Committee on Jan. 25. Additional support for **HB 296** came from the Firefighters Union and the Montana Association of Counties. BNSF Railway, the Montana Petroleum Association, and the Montana Disaster and Emergency Services (DES) opposed the bill. Ultimately, **HB 296** was tabled in committee along a party-line vote, with Republicans in opposition.

However, during the hearing on **HB 296**, DES committed to addressing the safety training and preparedness concerns that were the motivation for the bill during the interim. DES plans to improve rail and highway safety through the State Emergency Response Commission (SERC). Northern Plains will continue to track this process to ensure solutions that protect Montana’s rail communities and first responders against the risks of transporting oil by rail.

Northern Plains will be back next session to pass the necessary legislation if adequate safety measures are not taken by the SERC during the interim.



From KPAX TV video

In the early morning hours of April 11, 1996, a Montana Rail Link train derailment near Alberton, 30 miles west of Missoula, unleashed a toxic soup of 129,000 pounds of chlorine gas, 85 pounds of sodium chlorate and 136,000 pounds of potassium cresylate (oil refinery waste), sending hundreds fleeing to area hospitals and shelters for more than two weeks. It was the largest mixed chemical spill by an American railroad in history, and the second largest chlorine spill from a train, ever.

– *The Missoula Independent*

COMMITTEE VOTES ON HAZARD STUDY

Here’s how the vote went down in the House State Administration Committee.

HB 296 - STUDY OF MONTANA'S HAZARDOUS MATERIALS RESPONSE AND PREPAREDNESS

Forrest Mandeville, R-Columbus	–
Bryce Bennett, D-Missoula	+
Wendy McKamey, R-Great Falls	–
Jacob Bachmeier, R-Great Falls	+
Geraldine Custer, R-Forsyth	–
Austin Knudsen, R-Culbertson	–
John Fleming, D-Saint Ignatius	+
Frank Garner, R-Kalispell	–
Denise Hayman, D-Bozeman	+
Jessica Karjala, D-Billings	+
Dennis Lenz, R-Billings	–
Jean Price, D-Great Falls	+
Walt Sales, R-Manhattan	–
Ray Shaw, R-Sheridan	–
Derek Skees R-Kalispell	–
Scott Staffanson, R-Sidney	–
Kathy Swanson, D-Anaconda	+
Peggy Webb, R-Billings	–
Susan Webber, D-Browning	+

Land developers target water resources

A defining fight of the 65th Montana Legislature centered on protecting Montana's water quantity and quality. Irresponsible developers and the fossil fuel industry's agenda were clear as they systematically worked to establish loopholes into the laws that protect Montana's water.

Northern Plains and our allies worked to kill or attain a veto for these bills and their threat to Montana's greatest natural resource.

HB 339 – REVISE LAWS RELATED TO EXEMPT APPROPRIATIONS TO EXEMPT WELLS – sponsored by Rep. Carl Glimm (R-Kila) would have put a loophole into state law to allow real estate developers to drill unregulated and unmonitored groundwater wells that – individually – pump less than 35 gallons per minute and produce less than 10 acre-feet of water a year. These wells could be used for new, large consumptive water uses, like subdivisions, without a permit.

Historically, these “permit exempt wells” have been used in rural areas to provide drinking water for homes, or irrigation water and stock water to farms and ranches. That kind of

use makes sense but, over the past two decades, residential subdivisions and other large industrial projects have installed exempt wells to circumvent the state's water right permitting and mitigation requirements.

HB 339 was designed to undercut a 2016 Montana Supreme Court decision that put to rest any notion that unregulated groundwater pumping for large developments is OK in Montana.

HB 339 would have eliminated requirements that prospective junior appropriators show that water is legally and physically available, that the proposed use of water is for a beneficial use, and that the new appropriation would not adversely affect existing water rights of senior prior appropriators.

In other words, it would have destroyed the water rights system that has conserved and allocated precious water resources for more than a century in Montana.

The Legislature passed this destructive bill, but Gov. Bullock issued a veto.

Effort to give Otter Creek to Arch Coal vetoed

Another bill we fought this session would have created a sweetheart of a deal that would allow Arch Coal to extend its Otter Creek coal leases indefinitely and prolong the risk of contaminating the water of the Tongue River watershed.

SB 235 – ALLOW EXTENSION OF COAL LEASE ON STATE LANDS – sponsored by Sen. Tom Richmond (R-Billings), would have allowed the Montana Land Board to extend the date for coal leases beyond their traditional 10-year term if the Board finds it in the “best interest of the state.” This bill was designed to allow Arch Coal to hang on to its Otter Creek lease in southeast Montana.

SB 235 would have negatively afflicted landowners. With their property in a perpetual state of limbo, they would not be able to assess whether to make ranch improvements, such as irrigation systems or new fences. Landowners on top of the Otter Creek coal leases and along the route of the Tongue River Railroad would also struggle to sell their property and its value would be reduced. They would never know if their next move will be rendered worthless by condemnation or industrialization.

Montana should not be extending a lease for a bankrupt company that cannot bring this coal to market. Allowing



Photo by Peter Lessica

The Otter Creek area in southeast Montana is where Arch Coal once proposed a huge strip mine. In 2010, the State Land Board voted 3-2 to lease the tracts to Arch and to develop the mine by 2020.

Arch to hang on to Otter Creek on raw speculation would have directly harmed farmers and ranchers for the sake of a project that threatens surface and ground water in semi-arid southeastern Montana.

We thank Gov. Bullock for vetoing this attack on landowners and on the state's leasing process. If mining companies can't exercise due diligence on their state leases, they shouldn't be rewarded with a perpetual lease extension.



HOUSE

A = Absent

Representatives	Party	City	HD	Percent favorable	HB 339: Exempt well loophole for subdivisions	SB 93: Lowering landowner notification for oil and gas drilling	SB 154: Repeal net metering incentives	SB 155: Prohibit local regulation of agricultural seeds	SB 235: Revival of Otter Creek coal lease	SB 330: Property Assessed Clean Energy	SB 337: Eliminate the Board of Environmental Review
Abbot, Kim	D	Helena	83	100%	+	+	+	+	+	+	+
Anderson, Fred	R	Great Falls	20	0%	-	-	-	-	-	-	-
Bachmeier, Jacob	D	Great Falls	28	71%	+	+	+	-	-	+	+
Ballance, Nancy	R	Hamilton	87	0%	-	-	-	-	-	-	-
Bartel, Dan	R	Lewistown	29	28%	+	-	-	-	-	-	+
Beard, Becky	R	Elliston	80	0%	-	-	-	-	-	-	-
Bennett, Bryce	D	Missoula	91	100%	+	+	+	+	+	+	+
Berglee, Seth	R	Joliet	58	0%	-	-	-	-	-	-	-
Bishop, Laurie	D	Livingston	60	100%	+	+	+	+	+	+	+
Brodehl, Randy	R	Kalispell	9	0%	-	-	-	-	-	-	-
Brown, Bob	R	Thompson Falls	13	0%	-	-	-	-	-	-	-
Brown, Zach	D	Bozeman	63	71%	+	+	+	-	-	+	+
Burnett, Tom	R	Bozeman	67	0%	-	-	-	-	-	-	-
Cook, Rob	R	Conrad	18	0%	-	-	-	-	-	A	-
Court, Virginia	D	Billings	50	85%	+	+	+	-	+	+	+
Cuffe, Mike	R	Eureka	2	14%	-	-	-	-	-	+	-
Curdy, Willis	D	Missoula	98	100%	+	+	+	+	+	+	+
Curtis, Amanda	D	Butte	74	100%	+	+	+	+	+	+	+
Custer, Geraldine	R	Forsyth	39	0%	-	-	-	-	-	-	-
Doane, Alan	R	Bloomfield	36	0%	-	-	-	-	-	-	-
Dudik, Kimberly	D	Missoula	94	100%	+	+	+	+	+	+	+
Dunwell, Mary Ann	D	Helena	84	100%	+	+	+	+	+	+	+
Eck, Jenny	D	Helena	79	100%	+	+	+	+	+	+	+
Ehli, Ron	R	Hamilton	86	0%	-	-	-	-	-	-	-
Ellis, Janet	D	Helena	81	100%	+	+	+	+	+	+	+
Essmann, Jeff	R	Billings	54	0%	-	-	-	-	-	-	-
Fern, Dave	D	Whitefish	5	100%	+	+	+	+	+	+	+
Fitzgerald, Ross	R	Fairfield	17	0%	-	-	-	-	-	-	-
Fleming, John	D	Saint Ignatius	93	85%	+	+	+	-	+	+	+
Flynn, Kelly	R	Townsend	70	14%	+	-	-	-	-	-	-
Funk, Moffie	D	Helena	82	100%	+	+	+	+	+	+	+
Galt, Wylie	R	Martinsdale	30	0%	-	-	-	-	-	-	-
Garner, Frank	R	Kalispell	7	0%	-	-	-	-	-	-	-
Glimm, Carl	R	Kila	6	0%	-	-	-	-	-	-	-
Greef, Edward	R	Florence	88	0%	-	-	-	-	-	-	-
Grubbs, Bruce	R	Bozeman	68	0%	-	-	-	-	-	-	-
Gunderson, Steve	R	Libby	1	0%	-	-	-	-	-	-	-
Hamilton, Jim	D	Bozeman	61	100%	+	+	+	+	+	+	+
Hamlett, Bradley	D	Cascade	23	57%	-	+	+	-	-	+	+
Harris, Bill	R	Winnett	29	0%	-	-	-	-	-	-	-
Hayman, Denise	D	Bozeman	66	100%	+	+	+	+	+	+	+
Hertz, Adam	R	Missoula	96	0%	-	-	-	-	-	-	-
Hertz, Greg	R	Polson	12	0%	-	-	-	-	-	-	-
Hill, Ellie Boldman	D	Missoula	90	100%	+	+	+	+	+	+	+
Holmlund, Kenneth	R	Miles City	38	0%	-	-	-	-	-	-	-
Hopkins, Mike	R	Missoula	92	28%	-	-	+	-	-	+	-
Jacobson, Tom	D	Great Falls	21	57%	-	-	+	+	-	+	+
Jones, Donald	R	Billings	46	0%	-	-	-	-	-	-	-
Karjala, Jessica	D	Billings	48	85%	+	+	+	-	+	+	+
Keane, Jim	D	Butte	73	16%	-	-	+	-	-	A	-

HOUSE

A = Absent

Representatives	Party	City	HD	Percent favorable	HB 339: Exempt well loophole for subdivisions	SB 93: Lowering landowner notification for oil and gas drilling	SB 154: Repeal net metering incentives	SB 155: Prohibit local regulation of agricultural seeds	SB 235: Revival of Otter Creek coal lease	SB 330: Property Assessed Clean Energy	SB 337: Eliminate the Board of Environmental Review
Kelker, Kathy	D	Billings	47	100%	+	+	+	+	+	+	+
Kipp III, George	D	Heart Butte	15	85%	+	+	+	-	+	+	+
Knokey, Jon	R	Bozeman	65	14%	-	-	-	-	-	-	+
Knudsen, Austin	R	Culbertson	34	0%	-	-	-	-	-	-	-
Knudsen, Casey	R	Malta	33	0%	-	-	-	-	-	-	-
Lavin, Steve	R	Kalispell	8	0%	-	-	-	-	-	-	-
Lenz, Dennis	R	Billings	53	0%	-	-	-	-	-	-	-
Loge, Denley	R	Saint Regis	14	0%	-	-	-	-	-	-	-
Lynch, Ryan	D	Butte	76	71%	+	-	+	+	-	+	+
Mandeville, Forrest	R	Columbus	57	0%	-	-	-	-	-	-	-
Manzella, Theresa	R	Hamilton	85	14%	-	-	-	-	-	-	+
McCarthy, Kelly	D	Billings	49	100%	+	+	+	+	+	+	+
McConnell, Nate	D	Missoula	89	100%	+	+	+	+	+	+	+
McKamey, Wendy	R	Great Falls	19	0%	-	-	-	-	-	-	-
Morigeau, Shane	D	Missoula	95	100%	+	+	+	+	+	+	+
Mortensen, Dale	R	Billings	44	0%	-	-	-	-	-	-	-
Noland, Mark	R	Bigfork	10	0%	-	-	-	-	-	-	-
O'Hara, James	R	Fort Benton	27	0%	-	-	-	-	-	-	-
Olsen, Andrea	D	Missoula	100	100%	+	+	+	+	+	+	+
Patelis, Jimmy	R	Billings	52	0%	-	-	-	-	-	-	-
Peppers, Rae	D	Lame Deer	41	85%	+	+	+	-	+	+	+
Perry, Zac	D	Hungry Horse	3	100%	+	+	+	+	+	+	+
Pierson, Gordon	D	Deer Lodge	78	42%	-	-	+	-	-	+	+
Price, Jean	D	Great Falls	24	100%	+	+	+	+	+	+	+
Redfield, Alan	R	Livingston	59	14%	+	-	-	-	-	-	-
Regier, Matt	R	Kalispell	4	0%	-	-	-	-	-	-	-
Ricci, Vince	R	Laurel	55	0%	-	-	-	-	-	-	-
Rosendale, Adam	R	Billings	51	0%	-	-	-	-	-	-	-
Ryan, Marilyn	D	Missoula	99	100%	+	+	+	+	+	+	+
Sales, Walt	R	Manhattan	69	0%	-	-	-	-	-	-	-
Schreiner, Casey	D	Great Falls	25	85%	+	+	+	+	-	+	+
Shaw, Ray	R	Sheridan	71	0%	-	-	-	-	-	-	-
Sheldon-Galloway, L	R	Great Falls	22	14%	-	-	-	+	-	-	-
Skees, Derek	R	Kalispell	11	0%	-	-	-	-	-	-	-
Smith, Bridget	D	Wolf Point	31	85%	+	+	+	-	+	+	+
Staffanson, Scott	R	Sidney	35	0%	-	-	-	-	-	-	-
Stewart-Peregoy, S	D	Crow Agency	42	85%	-	+	+	+	+	+	+
Swanson, Kathy	D	Anaconda	77	85%	+	+	+	-	+	+	+
Trebas, Jeremy	R	Great Falls	25	0%	-	-	-	-	-	-	-
Tschida, Brad	R	Missoula	97	0%	-	-	-	-	-	-	-
Usher, Barry	R	Billings	40	0%	-	-	-	-	-	-	-
Vinton, Sue	R	Billings	56	0%	-	-	-	-	-	-	-
Wagoner, Kirk	R	Montana City	75	0%	-	-	-	-	-	A	-
Webb, Peggy	R	Billings	43	0%	-	-	-	-	-	-	-
Webber, Susan	D	Browning	16	100%	+	+	+	+	+	+	+
Welch, Tom	R	Dillon	72	0%	-	-	-	-	-	-	-
White, Kerry	R	Bozeman	64	0%	-	-	-	-	-	-	-
Windy Boy, J	D	Box Elder	32	57%	-	-	+	-	+	+	+
Woods, Tom	D	Bozeman	62	100%	+	+	+	+	+	+	+
Zolnikov, Daniel	R	Billings	45	28%	-	-	+	+	-	-	-

2017 scored legislative bills

Here are the 2017 bills that rose to the top of Northern Plains' legislative priorities and had votes that we can use for our scorecard (in other words, they had a vote by either the full House and/or Senate). The votes are tallied for each legislator on the previous pages.

CREATE AN EXEMPT WELL LOOPHOLE FOR SUBDIVISIONS

HB 339 – Sponsor: Rep. Carl Glimm, (R-Kila)

This bill would have put a loophole into state law that allows the development of unregulated and unmonitored groundwater wells that individually pump less than 35 gallons per minute and produce less than 10 acre-feet of water a year. These wells could be used for new large-consumption water uses, such as subdivisions, without a permit. It would wreak havoc on the water rights system that has conserved and allocated precious water resources for more than a century in Montana.

- Northern Plains position: **Oppose**
- Vote used in this scorecard:
 - House 3rd reading, Feb. 18, passed 62 to 38
 - Senate 3rd reading, April 10, passed 32 to 18
- Status: Vetoed by Governor



SB 93 would have reduced the distance for notifying neighboring landowners about possible oil and gas development from a quarter mile to 990 feet. A veto upheld the existing rule by the Montana Board of Oil and Gas Conservation.

LOWERING LANDOWNER NOTIFICATION REQUIREMENTS FOR OIL AND GAS DRILLINGS

SB 93 – Sponsor: Sen. Tom Richmond (R-Billings)

This bill sought to undermine Board of Oil and Gas Conservation rules requiring oil and gas operators to notify owners of homes and occupied buildings, such as offices, hospitals, and schools, within 1,320 feet of a proposed oil or gas well. SB 93 would have lowered the minimum notification distance to 990 feet and removed notification for schools, hospitals, or other occupied buildings that are not private residences.

- Northern Plains position: **Oppose**
- Vote used in this scorecard:
 - Senate 3rd reading, Feb. 6, passed 32 to 18
 - House 2nd reading, April 6, passed 64 to 36
- Status: Vetoed by Governor

DISMANTLING NET METERING

SB 78 – Sponsor: Sen. Keith Regier (R-Kalispell)

This bill would have established a new rate class for net metering customers and require a monthly service charge. It would effectively dismantle net metering in Montana. SB 78's unfair rate structure would only serve utilities' monopolies and undercut clean energy producers.

- Northern Plains position: **Oppose**
- Vote used in this scorecard:
 - Senate 3rd reading, Feb. 16, passed 30 to 19
- Status: Tabled in House Energy, Technology, and Federal Relations

REPEAL NET METERING INCENTIVES

SB 154 – Sponsor: Sen. Mike Lang (R-Malta)

Another attack on clean energy users, this bill would have repealed the alternative energy production credit and made net metering systems ineligible for the alternative energy system credit. (This tax credit only increases general fund revenue by about \$120,000 per year, compared to the \$265 million in lost revenue for the state from the oil and gas tax holiday from

2008 to 2014.) The Legislature again passed tax incentives for the oil and gas industry while repealing the meager incentives that exist for net metering.

- Northern Plains position: **Oppose**
- Vote used in this scorecard:
 - Senate 3rd reading, March 9, passed 33 to 17
 - House 2nd reading, April 18, passed 57 to 43
- Status: Vetoed by Governor

PROHIBIT LOCAL REGULATION OF AGRICULTURAL SEEDS

SB 155 – Sponsor: Sen. Mike Lang (R-Malta)

This bill is a product of the Koch brothers' American Legislative Exchange Council (ALEC) that seeks to make it impossible for local governments to ban the use of genetically modified seeds. The Governor sent the bill back to the Legislature with an amendatory veto removing the provision



Governor's scorecard

Northern Plains members and fellow conservationists stopped a number of the egregious attacks on Montana's clean energy, water quantity, and agricultural capability. Several ill-conceived bills, however, made it through the legislative process and to Gov. Steve Bullock's desk.



Gov. Bullock

Fortunately, Gov. Bullock stood up for Montana's conservation and family agriculture values by vetoing or amending every bad piece of legislation that came before him. We greatly appreciate the Governor's work to protect Montana's water quality and quantity, as well as our access to clean and renewable energy. Here are the bills scored by Northern Plains that required the Governor's action:

HB 339 veto + **SB 93** veto + **SB 154** veto +
SB 155 amendatory veto - **SB 235** + **SB 337** +

Please contact the Governor to THANK him for his vetoes. Submit comments online by going to the Northern Plains website, click on the Legislature tab, and then click "contact Governor Bullock" on the right side of the page. Or you can call the Governor at 406-444-3111.

in the bill that prevents local governments from regulating packaging, labeling, and notification of seeds. The amendatory veto was sustained by the Legislature.

- Northern Plains position: **Oppose**
- Vote used in this scorecard:
 - Senate 3rd reading, Feb. 22, passed 33 to 17
 - House 3rd reading, March 23, passed 70 to 30
- Status: Amendatory veto by Governor

REVIVAL OF OTTER CREEK COAL LEASE

SB 235 – Sponsor: Sen. Tom Richmond (R-Billings)

This bill would have allowed coal leases on state lands to be extended indefinitely. The Otter Creek coal lease would never have expired, and Arch Coal could have tried to breathe new life into the proposed Otter Creek Mine and Tongue River Railroad at any time.

- Northern Plains position: **Oppose**
- Vote used in this scorecard:
 - Senate 2nd reading, March 16, passed 32 to 17
 - House 3rd reading, April 22, passed 67 to 33
- Status: Vetoed by Governor

PROVIDE FOR PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING

SB 330 – Sponsor: Sen. Chas Vincent (R-Libby)

This bill would have enabled Property Assessed Clean Energy (PACE) financing in Montana. PACE is a simple and effective way to finance energy efficiency, renewable energy, and water conservation upgrades to buildings. PACE would save Montanans money, and improve Main Street Montana.

- Northern Plains position: **Support**
- Vote used in this scorecard:
 - Senate 3rd reading, March 31, passed 31 to 19
 - House blast motion, April 20, failed 42 to 55
- Status: Died when blast motion failed

ELIMINATE THE BOARD OF ENVIRONMENTAL REVIEW (BER)

SB 337 – Sponsor: Sen. Duane Ankney (R-Colstrip)

This bill would have eliminated the Board of Environmental Review (BER) from every section of the Montana Code. The BER serves as an important check on decisions made by DEQ, and has enabled increased citizen participation in DEQ decision-making processes. Northern Plains successfully opposed the Otter Creek Mine at the BER, leading to the eventual suspension of the permit application by Arch Coal.

- Northern Plains position: **Oppose**
- Vote used in this scorecard:
 - Senate 3rd reading, March 30, passed 33 to 17
 - House 3rd reading, April 22, passed 57 to 43
- Status: Vetoed by Governor



Northern Plains member John Brown of Shepherd shows Sen. Gene Vukovich (D-Anaconda) our fact sheet on Property Assessed Clean Energy during a Northern Plains Lobby Day in February.



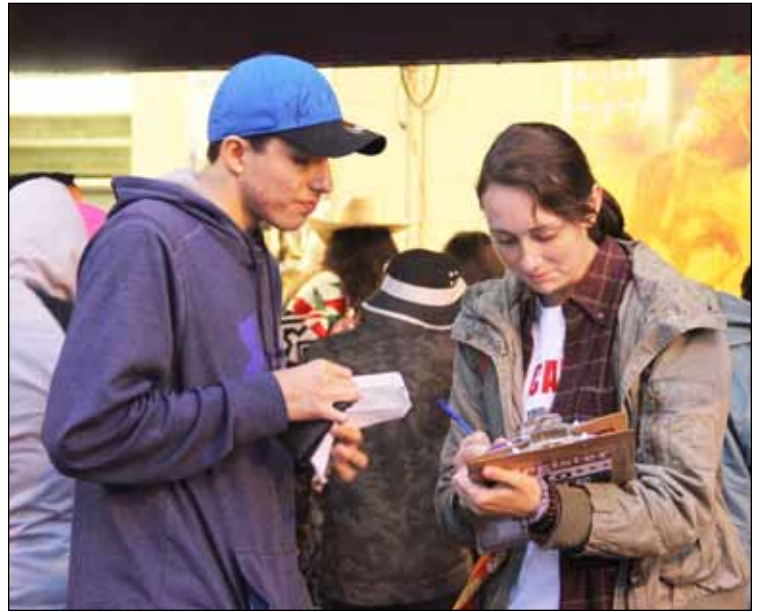
Northern Plains works to expand voting

Northern Plains believes we can make a difference in decisions made about the future of our communities and our state. Montanans have a responsibility to participate in our elections, but our responsibility to participate is coupled with the Legislature's responsibility to protect the franchise and make sure that Montanans are able to fully participate in the democratic process.

That is why Northern Plains worked for two pieces of legislation that would have allowed eligible citizens to “opt-in” for automatic voter registration, or easily and securely register to vote – or update their information – via secure government websites.

■ **HB 525**, sponsored by Rep. Moffie Funk (D-Helena), would have enabled eligible citizens who interact with government agencies to be registered to vote unless they decline. Agencies could transfer voter registration information electronically to election officials, creating a seamless process that is more convenient and less error-prone for both voters and government officials. This policy boosts registration rates, cleans up the rolls, makes voting more convenient, and reduces the potential for voter fraud, all while lowering costs.

■ **HB 532**, sponsored by Rep. Kim Abbott (D-Helena), would have created an online voter registration system that supplements the traditional paper-based process, by which new voters fill out a paper form that is submitted to election officials who confirm the registration is valid and enter the information from the paper application into the registration system. Online voter registration follows essentially the same process but the voter fills out a form on the internet which is then submitted electronically to election officials.



Northern Plains canvasser Laura Keating, right, helps a young man register to vote during an event at MetraPark in Billings in September of 2016.

Over the past decade, voters have embraced both these approaches for their convenience, and state officials have championed it for its accuracy, efficiency, and affordability. Electronic registration avoids many of the issues common to paper registration, including data entry errors and missing information, and saves states money by reducing or eliminating the need for paper, printing, postage, and staff time.

You won't see these two bills reflected in our *Legislative Scorecard* because, unfortunately, both bills were tabled in the House State Administration Committee. This legislative action continues an unfortunate trend in recent sessions as lawmakers have erected new obstacles to voting.



Member lobbyists find legislators can listen

AT LEFT: Northern Plains member Wade Sikorski of Baker uses our fact sheet on Property Assessed Clean Energy (PACE) to initiate a discussion with Senate President Pro Tempore Bob Keenan (R-Big Fork).

AT RIGHT: Member Julie Holzer of Red Lodge has a long talk with Speaker of the House Austin Knudsen (R-Culbertson).





Members work Capitol hallways, hearing rooms

Fifty-seven Northern Plains members made the trip to Helena to lobby legislators for our two Lobby Days and when needed during the 2017 Legislature. More than 300 members signed up for our phone trees to make calls to legislators when we needed immediate action on bills.

ABOVE: Northern Plains members gather Jan. 25 before hitting the hallways to lobby for funding for a study on the preparedness of rural Montana for rail or highway accidents involving hazardous materials.

AT RIGHT: Some of the 40 members who lobbied Feb. 16 for net metering and Property Assessed Clean Energy legislation.

BELOW: Alma Winberry, right, meets her legislator, Sen. Carlie Boland (D-Great Falls).

BELOW RIGHT: Jeannie Brown of Belgrade testifies before the House State Administration Committee about her fears of transporting hazardous materials and living next to the railroad tracks.



2017 MONTANA LEGISLATURE
VOTING RECORD
MAY 2017

Hold the line

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proactive priorities this Legislature:

- Enacting legislation to allow Property Assessed Clean Energy (PACE);
- Creating solutions to safety gaps in Montana's hazardous materials response and preparedness.

We also knew that we would have our work cut out for us defending against rollbacks to existing laws that provide Montanans access to clean energy. Legislators considered several absurd and destructive proposals that threatened the unique quality of life we enjoy as Montanans. The session abounded with attempts to insert loopholes for the energy industry into the laws that protect our land and water, but the majority of these bills were killed with the help of our citizen lobbyists who lobbied, testified, made phone calls, and sent emails.

The outcome of all this was a mixed bag. The Legislature narrowly thwarted our efforts to pass PACE, and also tossed aside a pathway to solve Montana's inadequate hazardous materials response and preparedness policies.

On the other hand, the Legislature overwhelmingly passed a bill that strengthened the remediation requirements for Colstrip and

another that will force NorthWestern Energy to prove that a net metering cost shift actually exists, as they often claim when opposing the expansion of net metering.

While the House and Senate majorities were doing the bidding of the energy industry, Montanans were well served by Governor Bullock and his commitment to protect our greatest resources. The Governor served as a key leader in our attempt to enact PACE, and vetoed or amended every bad piece of legislation that hit his desk. We thank Governor Bullock for his work throughout the session; Montanans are fortunate to have a Governor that is willing to exercise political courage.

Northern Plains also developed strong relationships with new legislators and allies, building a stronger base for future sessions.

However, the fact remains that, until Montanans elect a Legislature that shares conservation values, we can continue to expect to play an extensive defensive role.

We want to thank all of you who played an active role in our legislative efforts, driving through winter weather to testify, participating in the phone tree, attending a Lobby Day, writing emails and letters to the editor, and making calls to your legislators. Lawmakers heard from you, and it made a difference more than once this session. Thank you!