The legacy of the Copper Kings gives way to a new generation of “Methane Monarchs”

Just over fifty years ago, Montanans rose up to demand more from our institutions. We drafted a new state constitution with expanded rights to protect our communities and our ability to have a say in government decisions. One reason for this groundswell of democratic energy was a refusal to accept the legacy of the corrupt Copper Kings and their enabling Capitol cronies. These wealthy robber barons destroyed our land and polluted our air with reckless mining and smelting operations that overtook entire cities with dangerous toxins. They owned the legislature and the newspapers, conducting shady business deals outside of public view while printing propaganda in support of their interests.

The template crafted by these crooked industrialists from the late 1800s stuck around long past their lifetimes. Through most of the 20th century, much of the Montana Legislature’s business was conducted behind closed doors with subservient politicians all too happy to sell their constituents down the river in exchange for perks and payoffs from powerful corporate patrons.

This all changed in 1972 when reforms were made to re-center power in the hands of the people. In response to the numerous environmental disasters like the Libby asbestos site, the Berkeley pit, and the Anaconda Smelter site, we enshrined our “right to a clean and healthful environment” within our new Constitution. That right helped bolster legislation passed a year earlier, the Montana Environmental Policy Act (MEPA).

MEPA, requires the state to analyze the potential environmental and health impacts of major development projects. Sometimes called “the people’s law,” MEPA gives us a say in what happens in our communities and requires agencies to open government decisions to public scrutiny. Public comment periods and public hearings are part of processes outlined within MEPA. This law protects the health and safety of our communities, not to mention the tax dollars we all funnel into Montana’s massive Superfund cleanup sites that MEPA has helped prevent since its passage.

But, as you’ve likely heard by now, MEPA is under threat. Radical legislators are trying to exhume the bodies of the Copper Kings while burying our rights in their empty graves. But why?

Well, many of today’s legislators are happily beholden to a new generation of would-be Copper Kings – let’s call them the “Methane Monarchs.” The most prominent Methane Monarch is NorthWestern Energy, and one of the bills targeting MEPA was crafted explicitly for this monopoly corporation. Read on to learn more.
In early April, a handful of representatives were able to suspend House rules in order to introduce a new bill despite all deadlines having passed for new bill introduction. HB 971, sponsored by Rep. Josh Kassmier (R-Fort Benton), was written to give NorthWestern Energy a free pass to pollute our air and degrade our climate as the corporation continues to force a methane-fired power plant onto the community of Laurel.

A week prior to HB 971’s introduction, a Montana circuit court judge ruled that the Montana Department of Environmental Quality (DEQ) failed to properly analyze the climate pollution that the methane-fired plant would emit before granting its air quality permit. The judge ordered a halt to construction until more thorough analysis could be conducted.

Rather than stand up for the health and safety of Montanans, legislators rushed to the aid of the NorthWestern Methane Monarch with this hastily crafted bill that would ban state agencies from considering climate pollution in environmental analysis. The bill goes on to hold MEPA hostage by exempting most industrial projects from MEPA analysis if, at any point, the Montana Supreme Court rules that climate pollution must be considered in environmental reviews. In other words, it destroys most of our health and safety protections within MEPA if our courts rule that climate protections must also be enforced.

Despite this bill being introduced in half-written form on Friday afternoon with a hearing scheduled on Monday, Northern Plains members showed up in force to testify against this dangerous bill!

HB 971’s hearing in the House Natural Resources Committee was packed. More than 60 opponents – include many passionate and eloquent Northern Plains members - testified against the bill as compared to 11 proponents, almost all of whom were industry lobbyists.

Northern Plains chair Joanie Kresich took the bill’s supporters to task directly in her testimony:

“Our founders feared that corporations might amass more power than the people. That threat is in this room today. Please listen to our voices and honor your promise to serve Montana citizens, the bedrock of our fragile democracy. In spite of scientific agreement to end new fossil fuel burning plants, in spite of the utility brashly building a methane plant on land zoned for agricultural use… a plant that utility customers will be stuck paying for long after it becomes untenable. In spite of a big majority of us clamoring for a clean, affordable energy future. In spite of our youth who know the world they’re in, they will inherit, depends on moving away from fossil fuels. This bill is serving the shareholders of the utility.”

Despite the outcry from everyday Montanans like Joanie, a majority of the committee made their position clear: we side with industry profits over the health and safety of Montanans. The committee passed HB 971 and sent it forward to the full House. As of this writing, we are unclear what this dangerous bill’s future holds.

But the fight is just beginning, and we won’t back down. We have People Power and a proud Montana history of defying corporate corruption on our side. Thank you to everyone who has already called, emailed, or testified against this bill. Stay close to your inbox; we refuse to be subjects of the corrupt Methane Monarchs.

For the latest update on HB 971 (and all other bills), visit NorthernPlains.org/Bill-Tracker.

UPDATE: Just before sending this bulletin to the printer, new amendments were added to HB 971 that make this bad bill a bit less dangerous. Thanks to the testimony and actions taken by Northern Plains members and others, the “hostage threats” to MEPA were removed from HB 971! We remain opposed to this bill, but your tenacity made a big difference in protecting MEPA.
Let the veto requests commence!

Despite an overwhelming barrage of bad bills, Northern Plains members have done herculean work to protect Montana by killing many of the worst ideas. Thus far, we have protected the Montana Constitution from attacks that would undermine the independence of our courts and our right to a clean and healthful environment. These protections will be essential as we work to restore the balance of power back to the people and away from corrupt corporations who have captured so many Montana legislators.

Despite our best efforts, a handful of especially dangerous bills have passed through both chambers and will be making their way to the Governor’s desk for consideration. In some cases, we were able to kill these bills in committee through truly valiant organizing, but the long, slimy tentacles of industry lobbyists managed to resurrect them. Here is an overview:

**SB 220 and SB 228**, both sponsored by Sen. Jason Small (R-Busby), would ban local governments from making prohibitions against certain natural gas and petroleum infrastructure, an attempt to rig the system in favor of fossil fuel corporations by eliminating the rights of Montanans to have a say in their communities.

**HB 576 and SB 392** are reckless bills that only a craven coal lobbyist could love. HB 576, sponsored by Rep. Rhonda Knudsen (R-Culbertson), would significantly weaken Montana’s water quality standards for coal mining activities. If signed into law, this bill would allow coal companies to pollute public and private water sources immediately adjacent to mine property with minimal liability.

SB 392, sponsored by Sen. Steve Fitzpatrick (R-Great Falls), would use financial intimidation in an effort to block everyday Montanans from holding coal corporations accountable for misdeeds. If signed into law, litigants seeking justice for damage to land or water done by coal companies would have to pay the legal fees of the coal corporation if a judge rules in the coal company’s favor.

All of these bills share two things in common: 1) they put the profits of corporations above the rights and concerns of regular people, and 2) they are all headed to the Governor for consideration, illustrating a radical new strain of extremism and corporate cronyism in the halls of Helena.

In the coming days, Northern Plains members will determine what bills to flag for veto requests in the Governor’s office. More importantly, we will be ready to fight for our communities if these dangerous bills are signed into law. The Governor’s signature is not the last word on any of these issues, and we have proven time and again for over 50 years that Northern Plains members never give up and never back down.

Keeping our fingers crossed for Montana Soil Health Week 2024!

As we wrap up this month’s bulletin, we are cautiously optimistic about the success of our soil health resolution. **SJ 9**, sponsored by Sen. Buth Gillespie (R-Ethridge), would establish the first Week of April as Montana Soil Health Week and the first Wednesday in April as Montana Soil Health Day. Northern Plains has played a big role in helping craft and shepherd this resolution through the legislative process alongside Senator Gillespie.

Northern Plains member, self-proclaimed “soil nerd,” and MSU professor Tony Hartshorn testified at the SJ 9’s House Agriculture Committee hearing, describing how SJ 9 could lead to shared knowledge and new insights for Montana’s soil health practices:

“A Healthy Soils Week is an ideal way to bring teachers like me together with researchers and producers and foresters…. There are many good agencies and individuals across the state working hard every single day to improve our management of soil, but we should be pulling in the same direction, maybe not in opposite directions… We need a whole week to bring people together from all corners of the state to explore better ways to work smarter.”

We’re still waiting to see where some minor twists and turns land regarding amendments to the resolution, but we hope by the time you are reading this, SJ 9 will be on the Governor’s desk awaiting his signature.
Northern Plains Resource Council

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