2023 Voting Record

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Montanans return to the people’s house on the hill

The 68th legislature offered a unique set of challenges but also one shining, bright spot: we were back in person following the pandemic session in 2021. For a grassroots organization like Northern Plains, making our voice heard is critical to preserving our values in the public policy arena. This session, we were able to make our case both in person and online. Members traveled to Helena from all over our state to testify at hearings and share their stories. Hundreds gathered in the Capitol during a winter storm to fight for the Montana Constitution at our February rally. Members from our Billings-based affiliate, Yellowstone Valley Citizens Council, made the journey to lobby legislators for two days, whipping votes for soil health and local food. Our members in coal country showed up in the building to fight the false narratives woven by coal companies, and demonstrate a critical landowner presence against big industry lobbyists. And our Helena members worked the halls in support of legislation to advance clean energy.

Time after time, and bill after bill, our members showed up for what matters most. It resulted in successes, some beyond measure. While we didn’t stop every bad bill, we stopped many. We were also glad to see virtual testimony continue, which allowed members from every corner of the state, in another harsh winter, to share their stories in hearings and voice their opposition or support. Virtual testimony also allowed at least some Montanans to speak up at hearings scheduled on short notice, sometimes less than 24 hours in advance, as was the case with HB 971. Introduced by legislators looking to reverse a court decision to halt construction of NorthWestern Energy’s methane-fired plant in Laurel, over 60 people testified in opposition, many doing so through virtual testimony.

Along with showing up in the Capitol and online, our members took action every week making phone calls and sending messages. We generated a groundswell of people power fighting for clean air, land, water, and our democracy. Whatever actions you took this session, we can tell you it made a difference, and most of all we must say THANK YOU!

Standing up for our democracy

This session, our democracy was under attack by a full onslaught of bills in many areas. This included 67 proposed state constitutional amendments in addition to 133 introduced bills on the courts and 102 election bills (many of which were designed to undermine fairness and/or take rights away from everyday Montanans). Fortunately, the worst proposals were defeated, including every single constitutional amendment.

Thanks to efforts like yours, we’ve preserved our revered state constitution, and the foundations of our democracy, for the future.

Protecting our state constitution

The Montana State Constitution was written by Montanans to serve Montanans. For more than half a century, it has faithfully protected our freedoms, rights, and people. It broke a stranglehold of corruption established by the Copper Kings and enshrined at least 17 more rights than can be found in the United States Constitution, including our right to a clean and healthful environment, government accountability and transparency, recognition of Native American culture and history, fair courts and elections, and more.

Northern Plains organized a February rally at the Capitol that turned out hundreds of Montanans to defend our constitution.

On February 1st, hundreds of Montanans packed the Capitol rotunda to say, “We the people love our Montana Constitution!”
Members of our Democracy Committee also worked tirelessly on individual bills, including two amendments to take away Montanans’ right to vote for our judges and instead put politicians in charge of our courts (HB 915, SB 372), five attempts to write gerrymandering into our constitution (HB 866, HB 895, HB 934, SB 515, SB 534), and a handful of others. We also worked to successfully head off the introduction of Rep. Steve Gunderson’s (R-Libby) attack on our right to a clean and healthful environment.

Members testified in committee hearings, lobbied in the halls, organized phone calls to constituents in strategic districts, crafted newspaper and social media ads, and more. We also integrated art into our organizing, with a variety of letter-pressed prints and postcards from our friends at The Windy Mill Press in Billings.

The battle for the Constitution was active through the last few days of the legislature, with a handful of amendments failing at the end by a margin of just several votes.

**Fair, impartial, and independent courts**

Our democracy is built on a system of checks and balances that includes three independent branches of government. In addition to constitutional attacks on our judicial branch, the legislature also sought to undermine our courts with bad policy.

Our courts make decisions about land, water, agriculture, business, and so much more. They impact all of our lives in major ways. We therefore depend on our courts to be unbiased and independent, not tools for partisan politics. Thanks to the voices of members like you, we defeated four bills that would have made our judges partisan (HB 464, HB 595, SB 200, SB 302), as well as an additional bill that would have allowed judges to campaign on partisan endorsements (SB 395). Some of these were close fights. For example, the final House vote on HB 464 was 49 yes votes to 51 no votes (a two-vote margin).

At the end of the day, Northern Plains members embodied the best of our democracy to protect our democracy.

**Grassroots efforts lead to a “win-win” for Montana’s landscapes**

Soil health is a win-win: the vitality of Montana’s food, water, economy, and environment are rooted in the health of Montana soils. These soils, and the people who steward them, have the ability to grow nutritious food for our communities and keep our waterways clean. Yet every year our soils are lost or degraded because their value is overlooked. That is why Northern Plains and an ever-growing number of agricultural producers and other stakeholders decided to champion joint resolution **SJ 9**, sponsored by Sen. Butch Gillespie (R-Ethridge) and co-sponsored Sen. Janet Ellis (D-Helena), to establish the first Week of April as Montana Soil Health Week and the first Wednesday in April as Montana Soil Health Day. The resolution intends to raise awareness of the importance of soil health, celebrate Montana’s agricultural producers, uplift Montana’s culture and legacy as an agricultural state, and promote the stewardship of Montana’s soils.

The “soil health week” resolution received strong bipartisan support in both the Senate and the House, was passed out of the legislature in early May, and is now signed into law! This victory builds on Northern Plains’ history of everyday people coming together to build the world they want to see. The resolution also benefited from the momentum that came from grassroots efforts in previous years such as the recognition of the state soil, the Scobey, a very deep, well-drained soil developed from glacial till. (Yes, Montana has a “state soil” just like a state bird or state flower!)

Numerous organizations, including Northern Plains, have already begun planning for the inaugural 2024 Soil Health Week and Day. State agencies, individuals, and other proponents are also expected to harness this opportunity to expand soil conservation in Montana.
During the 2023 Legislative Session, Northern Plains members in coal country rose in opposition to several dangerous bills that threaten Montana’s environment and fundamental citizen rights. Three bills rose to the top as the worst offenders, and all were signed into law. Two bills blatantly weaken coal companies’ obligations to prevent damage to land and water while another undermines a citizen’s ability to seek justice if that damage happens to their property.

**HB 656**, sponsored by Rep. Gary Parry (R-Colstrip), designates mining activity expanded up to 320 acres to be considered a “minor revision” and, therefore, not open to public comment. Many Montanans live and ranch immediately adjacent to mine permit boundaries, and this would allow mines to encroach on their property without giving them an opportunity to raise concerns. As a result of powerful testimony from Bull Mountain Land Alliance member and rancher Steve Charter in the House Natural Resources Committee, this bill was amended in two important ways. First, impacted surface owners must at least be notified of these changes, and secondly, the additional 320 acres must be within a mine’s existing permit boundary.

**HB 576**, sponsored by Rep. Rhonda Knudsen (R-Culbertson), will allow coal corporations to deplete and pollute water sources adjacent to coal mining with minimal liability. The bill alters how damage to land and water is defined - making Montana law much more ambiguous - which gives state agencies and coal companies an alarming amount of leeway in deciding what damage looks like. This legal murkiness would all but force landowners and ranchers to seek clarity from the court when water or land is damaged. But another bill makes that prospect incredibly dangerous to those without deep pockets.

**SB 392**, sponsored by Sen. Steve Fitzpatrick (R-Great Falls), would require litigants seeking justice for damage to land or water done by coal companies to pay the legal fees of a coal corporation if a judge rules in the coal company’s favor. Going to court over land and water disputes with coal corporations is already an intimidating and costly endeavor. However, circumstances arise where seeking justice through litigation is the only option available to protect one’s land and livelihood. SB 392 essentially takes that right to seek justice off the table by inserting enormous financial intimidation and risk.

Many coal country ranchers and landowners testified at the Capitol and spoke directly with legislators, relating stories about the challenges faced to protect their land and water. After hearing directly from citizens, both HB 576 and SB 392 “died” at various points within the legislative process. When legislators had the time and space to hear from Montanans, they voted these two bills down.

However, once regular citizens were gone, coal lobbyists found a way to resurrect both bills with last minute procedural maneuvers, taking advantage of the hectic haziness of an overloaded session and exhausted legislators.

As members and coal country landowners Pat Thiele and Clint McRae stated in a *Billings Gazette* op-ed; “individually, these bills are egregious. Together, these bills will be catastrophic for coal communities. All of us have either witnessed neighbors’ issues or personally experienced damage to our water and land from coal mining”.

This attack on coal impacted communities is unacceptable. Because of the blatant violations to federal reclamation law, and the dire implications at play, members are by no means done fighting these bills. We will explore avenues for the federal government to step in and force Montana to uphold United States law.
Ag bills look to restore COOL and bring local fare to food banks

Significant progress this session was made in agriculture issues important to Northern Plains, especially in supporting truth in labeling and local food. HR 6, a house resolution sponsored by Rep. James Bergstrom (R-Buffalo), urges the U.S. Congress to restore federal mandatory country-of-origin labeling (COOL) for beef and pork. The resolution had a short but supportive hearing and passed the Montana House unanimously. This demonstrated needed support to Montana’s congressional delegation during a critical time for COOL as we seek to include it in this year’s farm bill.

We are disappointed that two bills we supported did not make it: HB 276 (Rep. Marty Malone, R-Pray) sought to establish a farm-to-food-bank program and HB 475 (Rep. Tom France, D-Missoula) and SB 347 (Sen. Willis Curdy, D-Missoula) a pair of bills that sought to restore the right to repair farm equipment for farmers and ranchers. All of these bills had excellent hearings with producers showing up to demand action to support our agricultural communities. “Right to repair” reinforced the value of a producer being able to fix their own equipment rather than being beholden to big manufacturers’ prices. HB 276 brought together many food pantries and community members who supported bringing healthy, locally-grown food to Montanans facing food insecurity. The farm-to-food-bank bill made it a long way within the Senate process, but unfortunately died in Senate Finance and Claims as spending concerns mounted.

We’re excited by the progress these ag bills made, and we are proud of the narrative taking shape at the session to support Montana’s local food producers. There is still work to be done in future sessions as we correct corrupt systems that serve corporations over family farmers and ranchers.

Community solar gains traction with strong Senate hearing

SB 399, Northern Plains’ bill to enable community solar for NorthWestern Energy customers, had a strong showing in its Senate Energy hearing this session. Sen. Chris Pope (D-Bozeman), the bill’s sponsor, introduced SB 399 as a way to “expand proven electrical production technology, bring significant economic development to the state, and a meaningful measure of low-cost energy independence to participating customers.” Community solar allows voluntary participants to “buy” a portion of a solar array, allowing renters and property owners alike to access affordable solar energy. In a time when energy rates are going through the roof, community solar provides an option to expand clean energy while decreasing energy bills: a win-win.

Montanans from all over the state submitted comments and called their senators urging support for community solar-enabling legislation. We knew this session would be a tough environment to pass proactive, clean energy legislation, and we prepared with key messages addressing every angle. NorthWestern Energy was the only opponent during the hearing. When Executive Action was taken later that evening, the bill tied 6-6. Unfortunately, a tie means a bill does not pass out of committee. It was then voted to be tabled.

Members commented on the wide variety of voices supporting community solar, noting that the community solar hearing represented “the Montana that [I] want to live in.” This hearing set us up for a strong second run with community solar in the interim session, or in the 2025 legislature.
Solidarity wins at the legislature

We faced many challenges and threats this legislative session, but we also shined a brighter light on the issues facing Montana's Native communities. We are proud to have supported a handful of successful bills in solidarity with our Native allies that recognize the harm done by Indian boarding schools and to confront the Missing and Murdered Indigenous Persons (MMIP) epidemic. In conjunction, we hope these bills will begin to build a promising path toward healing.

SJ 6, a joint resolution sponsored by Sen. Susan Webber (D-Browning), was signed into law on April 21st. This resolution recognizes the trauma and grief of the Indian boarding school experience by requesting that Congress designate a national day of remembrance. Perhaps the most notable moment of SJ 6's journey through the legislature was an impassioned and emotional hearing in the House Energy, Technology and Federal Relations Committee, where many shared their personal experience with these schools. One such testimony was from Northern Plains board member and Northern Cheyenne tribal member Tom Mexicancheyenne. Tom spoke to how SJ 6 will help us remember our fraught history while offering a path forward:

"You [the members of the committee] are not the perpetrators of this violence... By passing this bill you are recognizing the ones who died at these schools but also the ones who were sent home to die. And you also help recognize my mom and my dad's experiences and the trauma they lived through."

Two bills that seek to address Montana's MMIP epidemic also passed this session. HB 163, which extends the Montana Missing Indigenous Persons Task Force, was signed into law on May 19th, and HB 18, which invests in training for community-based teams to respond quickly to instances of missing Indigenous people, was signed into law on April 19th. Both of these bills were sponsored by Rep. Tyson Running Wolf (D-Browning). In Montana, Indigenous people make up about 6.7% of the population but account for 26% of missing persons cases, according to a report from the Montana Department of Justice that analyzed data from 2017 to 2019. In conjunction, these two bills keep the gravity of the MMIP crisis in focus as we continue to build progress toward solving the problem.

We have a long way still to go, but we will continue to stand in solidarity with our Native allies and build upon the momentum of these successful bills. Thank you to Tom, Sen. Webber, Rep. Running Wolf and others who showed courage and conviction to usher these bills over the finish line.

Polluter patronage fuels 2023 session

A disturbing theme repeated itself during the 2023 legislative session. Over and over, an extremist faction of legislators bent over backwards to rig Montana's law books to favor the fossil fuel industry regardless of consequences to Montanans' health, wallets, and climate. It was not subtle. Lobbyists demanded that legislators bow to their demands, and the only response from many politicians as they crouched into subservience was “how low, my Lord?”

To detail every bill, vote, and scheme designed to sabotage the emergent market trends that embrace clean, affordable energy would require a document thicker and taller than the stacks of cash that NorthWestern Energy executives hope to rake in from this crony-compromised legislation. Even though coal executives and fellow fossil fuel financiers were also well represented, NorthWestern Energy's demands ruled the session. (See page 4 for more detail on legislation friendly to coal lobbyists...)

NorthWestern continues to abuse its position as the state's largest monopoly utility provider by perpetuating expensive, polluting energy sources. NorthWestern refuses to build wind, solar, and battery projects that are dramatically cheaper and less maintenance-intensive than fossil fuel projects, because...
the corporation is guaranteed 11% profit for every dollar it spends on building, operating, and maintaining its fuel plants. Instead of embracing more affordable renewable energy, NorthWestern lobbies politicians to grease the skids for expensive plants like the $280 million dollar methane-fired plant it’s building in Laurel. Which leads us to the worst bill of the session.

HB 971, sponsored by Rep. Josh Kassmier (R-Fort Benton), was written specifically to bail out NorthWestern’s Laurel plant after a Montana judge ordered a halt to construction until a climate pollution analysis could be conducted. Instead of waiting for that important data, Rep. Kassmier’s bill banned climate analysis from environmental reviews in Montana altogether. It was signed by Gov. Gianforte. This tactic of banning analysis or discussion about fossil fuels was repeated by industry-pandering legislators.

SB 208 and SB 228, both sponsored by Sen. Jason Small (R-Busby), ban local governments from passing protections against certain uses of natural gas (SB 208) or from enacting protections against the use, transport, or storage of petroleum-derived fuels (SB 228). Both were signed into law.

In addition to propping up fossil fuels, legislators also sought to undermine clean energy. SB 97, sponsored by Sen. Keith Regier (R-Kalispell), sought to tax clean energy to death while HB 524, another bill sponsored by Rep. Kassmier (R-Fort Benton), tried to burden solar installers with wildly onerous government regulations. Both of these measures failed, but they illustrate the willingness of politicians to weaponize Montana law against certain industries and small business owners to benefit the interests of large, polluting corporations.

In a final effort to insulate all of this industry-pandering legislation from legal accountability, politicians also passed bills to keep nonprofits and everyday Montanans from challenging these reckless laws in court. The most significant effort was SB 557, sponsored by Sen. Mark Noland (R-Bigfork). This bill, which was signed into law, threatens massive punitive financial payouts while requiring significant fees and onerous legal machinations for anyone who seeks to challenge Montana Environmental Policy Act (MEPA) decisions. Organizations and the public can challenge these decisions through the legal system if they believe they fail to fully address the environmental impact of a proposed development project. SB 557 is an obvious means to financially intimidate Montanans’ from exercising their right to access our justice system.

While Montanans should rightfully be disturbed by these giveaways, bailouts, and sleazy schemes crafted by an anti-democratic, market-rigging “fossil fuel caucus,” these efforts are both telling and vulnerable. Many of these bills are blatantly in violation of state and federal law; they will be challenged in court. They also illustrate that the fossil fuel industry understands that a paradigm shift is fast emerging.

The clean energy future Northern Plains members have fought to realize for years is coming into view and taking shape right here, right now. These backward bills are a futile, last gasp effort to slow the inevitable takeover of the safer, cleaner, and more affordable energy landscape that Montanans are already beginning to travel. Soon enough, we will leave the rusted relics of these corporate con men in the dust as we implement a just transition to 21st century, homegrown technologies. A clean energy future for us all is right around the corner, and it is much too bright to be darkened by the shady shenanigans of misguided legislators.
The Heroes and Cowards of the 2023 Legislative Session

HEROES

At Northern Plains, we focus most of our legislative attention on constituents. We work to ensure that “We the People” have a say in the decisions made in Helena. However, we need office holders who are willing to listen and, hopefully, even lead on the issues we care most about. For that reason, we want to highlight a number of those strong leaders - the heroes of Montana’s 68th Legislative Session:

Sen. Butch Gillespie (R-Ethridge): Senator Gillespie was the primary sponsor of SJ 9, our resolution establishing Soil Health Week and Day. Senator Gillespie’s good nature and strong relationships were essential to the resolution’s success and passage through both chambers with overwhelming bipartisan support. Senator Gillespie also continually stood with ranchers on bills threatening their land and water, voting “no” and speaking against a slate of bad coal bills: HB 576, HB 656, and SB 392.

Sen. Chris Pope (D-Bozeman): Senator Pope was a stalwart leader on conservation and clean energy issues, sponsoring multiple bills to help create the affordable, clean energy future Montanans want and deserve. Senator Pope heroically carried Northern Plains’ community solar bill, SB 399, presenting compelling and well-prepared information while ably handling all questions during the bill’s hearing. Thanks in large part to Senator Pope’s expert knowledge and excellent preparation, SB 399 beat expectations garnering more votes than anticipated. While the bill came just shy of passing through committee (it was a tie vote), we expect community solar will have its day in the sun come 2025 given the strong support Senator Pope helped build this session.

Rep. Tom France (D-Missoula): Representative France continuously stood up for Montana’s democracy, land, air, and water this session. Rep. France served on House Natural Resources Committee, and asked critical questions of industry-backed bills, and consistently represented the concerns of everyday Montanans over corporate interests. Rep. France stood up on the floor of the House to vehemently oppose SB 392, a bill that would force landowners to pay the legal bills of coal corporations if a judge ruled in a coal company’s favor during legal disputes over land and water damage. Rep. France also worked with landowners in pursuit of an amendment to improve HB 656, a bill to make coal mine expansion a “minor” permit revision that requires less public scrutiny.

Rep. Laurie Bishop (D-Livingston): Rep. Bishop served on the House Energy, Technology, and Federal Relations Committee and was a strong voice for Montana’s ratepayers who faced attacks from our investor-owned utilities seeking to rig the system to inflate their profits. Rep. Bishop pushed back on dangerous proposals like repealing the state energy policy, peeling back net metering for solar customers, and gerrymandering of the PSC. We’re thankful for her support of Montana’s energy customers and clean energy future.

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COWARDS

Cowardice during the legislative session means lacking the courage to stand up to lobbyists for the people of Montana and being afraid of new ideas and new ways of doing things - especially regarding Montana's energy policy. Frankly, the 2023 session had no shortage of cowards willing to kowtow to corporate interests while ignoring the needs of everyday Montanans. The following are the biggest cowards of the session:

Rep. Josh Kassmier (R-Fort Benton): Rep. Kassmier is clearly content to be an empty vessel for industry lobbyists. Rep. Kassmier sponsored some of the worst bills of the 2023 session, several of which tried to rig the system against renewable energy while propping up Montana's corporate utilities. Rep. Kassmier's greatest act of industry kowtowing was HB 971, a bill crafted to bail out NorthWestern Energy's methane-fired power plant in Laurel after Montana courts found the project's permit did not consider climate pollution. Instead of waiting for a proper analysis of the plant's climate impacts, HB 971 banned analysis for climate pollution from environmental reviews in the state altogether. HB 971 was a gift to a single corporation that undermines the prosperity of future generations of Montanans.

Sen. Steve Fitzpatrick (R-Great Falls): Majority Leader Fitzpatrick is the son of a former chief lobbyist for NorthWestern Energy, and often appears to do his father's work from his government perch. The Senator began the session proposing rules that would have forced the Consumer Counsel - the office created by the Montana Constitution to represent the interests of the people in energy matters - to gain permission from legislators before weighing in on legislation. That effort failed. Fitzpatrick's worst bill this session was one of many bad coals bills, SB 392.

Northern Plains gets national attention
fighting cronyism and corruption at the legislature

If you found yourself frustrated by legislators who repeatedly ignored the will of the people while doing the bidding of polluting corporations, you weren't alone. Politicians were so brazen in their efforts to prop up Montana's fossil fuel industry – no matter the cost to our wallets, health, or climate - that national media outlets collaborated with local reporters to take a deep dive into the problem.

Reveal from the Center for Investigative Reporting, in collaboration with the Montana Free Press exposed how politicians are colluding with NorthWestern Energy and others to guarantee big corporate profits while everyday Montanans pay the price. Northern Plains members Jeanie Alderson, Steve Krum, and Wally McRae described their experiences on the front lines as they’ve fight to protect their communities from toxic pollution and industry greed.

Reveal, which is broadcast on over 350 radio stations and has an audience of over one million listeners each week, has won numerous journalism awards and was even a finalist for the Pulitzer Prize. Our members continue to be part of the national conversation as we work to create the clean, affordable, and just energy future Montanans want and deserve. You can find the 50-minute podcast by searching “Reveal coal country” on your favorite podcast app or by visiting: NorthernPlains.org/Reveal-Coal-Country.
Here are the 2023 bills that rose to the top of Northern Plains’ legislative priorities. The votes are tallied for each legislator on pages 13 - 15.

HB 276 - Establish farm to food bank program

Rep. Marty Malone (R-Pray)

This bill would have established a $1 million grant account from Montana’s general fund, allowing regional food bank centers to purchase food from local producers. We supported this bill because we believe in supporting Montana’s family farmers and ranchers while also supporting Montanans facing food insecurity.

Northern Plains position: SUPPORT
Votes shown: House 3rd Reading Passed and Senate 2nd Reading Concurred
Status: Dead

HB 284 - Revive “pre-approval” process, shifting financial risks from corporations to energy customers

Rep. Jerry Schillinger (R – Circle)

This bill revives the currently unconstitutional process known as “pre-approval.” Pre-approval is a process by which monopoly energy providers like NorthWestern Energy can seek permission from the Public Service Commission to force energy customers to cover all of the upfront costs for their electricity generation projects by raising rates before construction begins. Montana’s pre-approval statute was ruled unconstitutional in 2022, but this bill revises the portion of the statue deemed unconstitutional thereby reviving pre-approval. We opposed this bill because Montana’s utility corporations shouldn’t be allowed to pass all the financial costs and risks associated with building and operating power plants onto customers for years to come.

Northern Plains position: OPPOSE
Vote shown: House 3rd Reading as Amended by Senate and Senate 3rd Reading Concurred
Status: Signed into law

HB 576 - Allow coal mining corporations to pollute our clean water

Rep. Rhonda Knudsen (R-Culbertson)

This bill would significantly weaken Montana’s water quality standards for coal mining activities. If passed, coal companies would no longer have to prove that mining activities will not dramatically impact water quality on property adjacent to mining operations for permit approval. In short, this bill would allow coal companies to pollute public and private water sources immediately adjacent to mine property with minimal liability. We oppose this bill because we believe that Montana’s clean water is essential to our prosperity, and the state should not allow coal companies to degrade water we depend on for farming, ranching, and recreation.

Northern Plains position: OPPOSE
Votes shown: House 3rd Reading Passed and Senate 3rd Reading Passed
Status: Signed into law

HB 656 - Make coal permit revisions more corporate-friendly

Rep. Gary Parry (R-Colstrip)

This bill alters what qualifies as a major vs. minor revision for coal mining permits. This is important because major permit revisions require public comment periods; minor revisions do not. HB 656 designates that mining activity expanded up to 319 acres, within permit boundaries, as a minor revision and, therefore, not open to public comment. Many Montanans live and ranch immediately adjacent to mine permit boundaries, and this allows mines to encroach on their property without giving them an opportunity to raise concerns. We opposed this bill because we believe Montanans should have a say in decisions that impact their land, livelihoods, and communities.

Northern Plains position: OPPOSE
Votes shown: House 3rd Reading Passed and Senate 3rd Reading Concurred
Status: Signed into law

HB 915 - Destroy Montanans’ right to elect Supreme Court justices

Rep. Bill Mercer (R-Billings)

HB 915 sought to dismantle an essential right within Montana’s Constitution. HB 915 called for a voter referendum to amend Montana’s Constitution to strip out the right of citizens to elect Montana’s Supreme Court justices. The proposed amendment would have moved this power away from everyday Montanans, giving the Governor of Montana the authority to appoint Supreme Court justices instead. We
opposed this bill because partisan politics should not be weaponized to destroy Montanans’ Constitutional right to choose Supreme Court justices. We also opposed this bill because it threatens an independent and unbiased judiciary.

**Northern Plains position:** OPPOSE  
**Votes shown:** House 3rd Reading Passed and Senate 3rd Reading Failed  
**Status:** Dead

**HB 971 - Dismantle Montanans’ right to protect our air quality and climate**  
*Rep. Josh Kassmier (R-Fort Benton)*

HB 971 bans consideration of climate pollution within any environmental reviews in Montana. A prior version of this bill would have gutted the very core of the Montana Environmental Policy Act (MEPA), but those provisions were removed via amendments after community outcry.

The bill, as indicated by its sponsor, is targeted directly at a Montana judge’s decision to require climate pollution analysis at NorthWestern Energy’s methane-fired power plant in Laurel before construction of that project can proceed. HB 971 is designed to bailout NorthWestern Energy while jeopardizing the health of Montanan’s climate and air quality.

We opposed this bill because we oppose corporate bailouts and believe Montana’s air quality deserves protection under the law.

**Northern Plains position:** OPPOSE  
**Votes shown:** House 3rd Reading Passed and Senate 3rd Reading Concurred  
**Status:** Signed into law

**SB 109 - Gerrymander Public Service Commission districts**  
*Sen. Keith Regier (R-Kalispell)*

This bill, sponsored by Rep. Sen. Keith Regier (R-Kalispell), upends decades of tradition and efficacy regarding how Public Service Commission (PSC) districts are drawn. The bill carves up PSC districts into gerrymandered slices for partisan gamesmanship, dismantling the straightforward method of drawing boundaries along county lines, which has been used since the PSC’s inception. SB 109 splits 14 counties and 6 major cities (including dividing Cascade County into three separate PSC districts), diluting local voices.

We opposed this bill because we believe that partisan gerrymandering of voting districts exacerbates extremism in the body politic, undermining efforts to create commonsense policy that benefits all Montanans and prevents energy corporations from co-opting politicians for narrow corporate interests.

**Northern Plains position:** OPPOSE  
**Votes shown:** House 3rd Reading Concurred and Senate 3rd Reading Passed  
**Status:** Signed into law

**SB 176 - Mandate partisanship within interim committees**  
*Sen. Keith Regier (R-Kalispell)*

This bill upends the bipartisan structure of Montana’s interim legislative committees (bodies that meet outside of the 90-day regular sessions). Currently, interim committees have equal bipartisan members, but SB 176 revises the structure to reflect the majority/minority composition of the Legislature and designate the committee chair be from the majority party. We opposed this bill because it further injects partisan polarization into the legislature, undermining Montana’s proud tradition of independence and cooperation among our citizen legislators.

**Northern Plains position:** OPPOSE  
**Votes shown:** House 3rd Reading Concurred and Senate 3rd Reading Passed  
**Status:** Signed into law

**SB 228 - Ban local governments from making local decisions about petroleum fuels**  
*Sen. Jason Small (R-Busby)*

This bill bans local governments from prohibiting the use of petroleum fuels. We opposed this bill because we believe the state legislature should let local governments make their own decisions about their communities.

**Northern Plains position:** OPPOSE  
**Votes shown:** House 3rd Reading Concurred and Senate 3rd Reading Passed  
**Status:** Signed into law

**SB 302 - Remove independence and impartiality from Montana’s judiciary**  
*Sen. Daniel Emrich (R-Great Falls)*

This bill would have required that Montana’s judicial candidates, including those running for the Montana Supreme Court, declare a party affiliation. We opposed this bill because it would have injected polarizing partisan politicking into Montana’s judiciary undermining the independence and impartiality of this entire branch of state government.
Northern Plains position: OPPOSE
Vote shown: Senate 2nd Reading Pass Motion Failed
Status: Dead

SB 392 - Intimidate landowners seeking justice with enormous financial risks
Sen. Steve Fitzpatrick (R-Great Falls)

This bill requires that litigants seeking justice for damage to land or water done by coal companies pay the legal fees of the coal corporation if a judge rules in the coal company's favor. This bill is an obvious effort to chill the rights of citizens to pursue litigation against corporate misdeeds by putting individuals at grave financial risks for engaging with our justice system. We opposed this bill because we believe that Montanans have a right to pursue justice without incurring enormous financial risks.

Northern Plains position: OPPOSE
Votes used in this scorecard: House 3rd Reading Concurred and Senate 3rd Reading Passed
Status: Signed into law

SB 524 - Make engaging with government processes more expensive for non-profits
Sen. Greg Hertz (R-Polson)

SB 524, sponsored by Sen. Greg Hertz (R, Polson), targeted non-profit organizations and would have required them to declare any expenses related to challenging or supporting government actions as non-charitable expenditures. In other words, this work would have been taxable. The language of this bill was incredibly broad and would have impacted Northern Plains' and many other nonprofits' work on nearly every front. We opposed this bill because organizations like Northern Plains play an important role in giving everyday Montanans a say over the decisions that impact their lives. This bill was a blatant attempt to impede our right to participate in government processes by making the cost of doing so more expensive.

Northern Plains position: OPPOSE
Vote shown: Senate 3rd Reading Passed
Status: Dead

SB 557 - Make engaging with government processes more expensive for non-profits
Sen. Mark Noland (R-Big Fork)

This bill places onerous financial and disclosure barriers in front of parties seeking to challenge a Montana Environmental Policy Act (MEPA) decision. MEPA requires the state to analyze impacts to Montana's air, land, water, and wildlife before approving proposed development projects. However, organizations and the public can challenge these decisions through the legal system if they believe the analysis was inadequate or fails to fully address the environmental impact of a proposed project. For example, it was a successful MEPA challenge that protected Yellowstone National Park from destructive gold mining near the park boundary.

SB 557 is an obvious attempt to financially intimidate Montanans' from exercising their right to access our justice system. We opposed this bill because Montanans deserve a right to hold our government accountable to following the law.

Northern Plains position: OPPOSE
Votes shown: House 3rd Reading Concurred and Senate 3rd Reading Passed as Amended by House
Status: Signed into law

SJ 6 - Recognize the harm done by Indian boarding schools
Sen. Susan Webber (D-Browning)

This resolution recognizes the trauma and grief of the Indian boarding school experience, and requests that U.S. Congress designate a national day of remembrance. We support this bill because we stand in solidarity with our Indigenous allies.

Northern Plains position: SUPPORT
Votes shown: House 3rd Reading Concurred and Senate 3rd Reading Passed
Status: Signed into law

SJ 9 - Celebrate and elevate soil health in Montana
Sen. Butch Gillespie (R-Ethridge)

This resolution establishes the first week of April as Montana Soil Health Week, and the first Wednesday in April as Montana Soil Health Day. We support this resolution because we believe in celebrating Montana's hardworking ag producers, organizations, and businesses who are doing innovative work to foster healthy soils.

Northern Plains position: SUPPORT
Votes shown: House 3rd Reading Concurred and Senate 3rd Reading Passed
Status: Signed into law
2023 Scorecard

SJ 9: Elevate Montana’s healthy soils by establishing the first week of April as Montana Soil Health Week, and the first Wednesday in April as Montana Soil Health Day.

SJ 6: Recognize the trauma and grief of the Indian boarding school experience, and request that U.S. Congress designate a national day of remembrance.

SB 557: Place onerous financial and disclosure barriers in front of parties seeking to challenge a Montana Environmental Policy Act (MEPA) decision.

SB 524: Require non-profits to declare any expenses related to challenging or supporting government actions as non-charitable expenditures.

SB 392: Require that litigants seeking justice for damage to land or water done by coal companies pay the legal fees of the coal corporation if a judge rules in the coal company’s favor.

SB 302: Require that Montana’s judicial candidates declare a party affiliation.

SB 228: Ban local governments from prohibiting the use of petroleum fuels.

SB 176: Inject partisanship into interim legislative committees by restructuring them to reflect the majority/minority composition of the Legislature.

SB 109: Gerrymander Public Service Commission districts.

HB 971: Ban consideration of climate pollution within any environmental reviews in Montana.

HB 915: Call for a voter referendum to amend Montana’s Constitution to strip out the right of citizens to elect Montana’s Supreme Court justices.

HB 656: After what qualifies as a major vs. minor revision for coal mining permits, making them more corporate-friendly.

HB 576: Allow coal companies to pollute public and private water sources immediately adjacent to mine property with minimal liability.

HB 284: Revive “pre-approval” process, shifting financial risks from corporations to energy customers.

HB 276: Establish a $1 million grant account from Montana’s general fund, allowing regional food bank centers to purchase food from local producers.

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SENIOR

SENATE

2023 Scorecard

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Favorability

- = Absent/Excused

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### 2023 Voting Record

### Desire Vote

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### Note:
We understand there are limitations to evaluating any legislator by a few selected votes. We provide this scorecard and analysis as a general overview of how aligned a legislator's voting record is with the legislative outcomes sought and prioritized by Northern Plains members working to uphold our mission.