

# 2023 NATURAL RESOURCE LEGISLATION SUMMARY

This is an overview of legislation, excluding budget provisions, line items for various grant and loan programs,<sup>1</sup> subdivision laws, and legislative resolutions. Bills listed include the general areas of energy, environmental protection, wildfire protection, fish and wildlife, forestry, mining, oil and gas, recreation, state lands, and water.<sup>2</sup> Also included are sections on agency-proposed legislation, interim committee studies, and bills that were passed but vetoed. This list is not exhaustive. More information is available at [leg.mt.gov/bills](https://leg.mt.gov/bills).

## INTERIM COMMITTEE BILLS AND DUTIES

### WATER POLICY INTERIM COMMITTEE

SB 17 revises the Governor's Drought and Water Supply Advisory Committee's oversight duties of the statewide stream gauge network.

### ENERGY AND TELECOMMUNICATIONS COMMITTEE

SB 32 aligns pipeline safety penalties with federal standards.

## BILLS BY SUBJECT AREA:

### ENERGY

HB 55 establishes a tax on electric vehicle charging stations.

HB 170 repealed the state energy policy.

HB 220 created the select committee on energy resource planning and acquisition.

HB 241 prohibits government from requiring the inclusion of solar panels in building construction.

HB 284 revises laws related to the pre-approval process for electricity supply resources.

HB 729 provides cost-effectives criteria and definitions regarding advanced-conductors.

SB 109 revises laws related to PSC redistricting.

SB 178 revises cryptocurrency laws and prohibits discriminatory digital asset mining utility rates.

SB 208 prohibits local government from banning or limiting energy choice.

SB 274 revises major facility siting act decision requirements

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<sup>1</sup> These include HB 6 (Renewable resource grants), HB 7 (Reclamation and development grants), HB8 (Renewable resource bonds and loans), and HB 11 (Montana coal endowment program).

<sup>2</sup> Bills related to development and subdivisions are the purview of the Local Government Interim Committee (<https://leg.mt.gov/committees/interim/lgic/>)

## ENVIRONMENTAL REMEDIATION, MEPA

HB 290 revises process for appointment to the Wetlands Protection Advisory Council.

HB 433 prohibits a limit on refrigerants listed as acceptable by the EPA.

HB 641 allows review of environmental impacts beyond Montana's borders if Congress regulates carbon dioxide as a pollutant.

HB 795 exempts Commerce and Coal Board from MEPA review of certain grant programs.

HB 971 excludes greenhouse gas emissions from MEPA analyses.

SB 240 exempts certain subdivisions from MEPA review, including those more than 2 miles from high-quality waters and with fewer than 14 single-family lots, and comply with wastewater and water rights requirements.

SB 334 clarifies aspects of the petroleum tank cleanup program, including for expenses and reimbursements.

SB 557 clarifies legal challenges to MEPA reviews, including that only a person submitting formal comment on an environmental review may challenge the review, and that such a legal challenge may not vacate, void, or delay a lease, permit, license, certificate, authorization or other entitlement absent a court injunction.

## FORESTRY AND WILDFIRES

SB 219 provides that operation of unmanned aerial vehicles that interferes with a wildfire suppression activity is subject to criminal charges.

SB 448 allows unattended burning of slash piles with significant precipitation, absence of high wind events, and sufficient monitoring.

## HUNTING AND FISHING

HB 217 increases the nonresident fee for a migratory game bird license and decreases the fee for a resident license.

HB 456 allows a resident one free chance in a lottery for a license to hunt Shiras moose, mountain sheep, or mountain goat for each deer or elk general license.

HB 593 requires FWP to publish annual number of licenses sold to nonresidents.

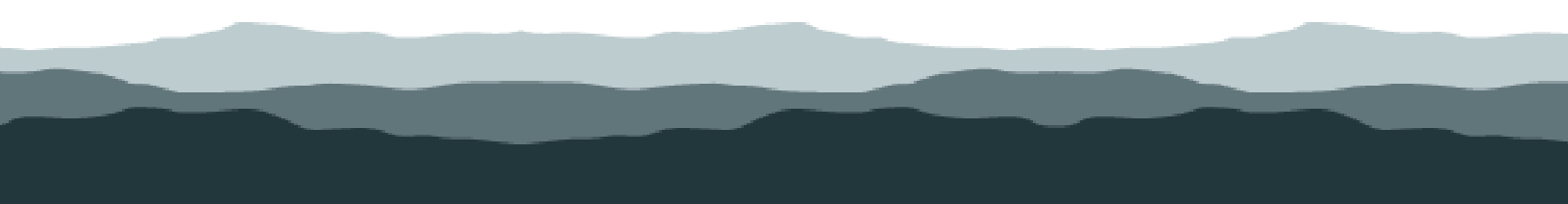
SB 280 requires a license to train bird dogs using game birds not raised in captivity.

SB 281 allows a nonresident big game combo or deer combo license-holder to purchase up to two additional deer B tags.

SB 295 allows the Fish and Game Commission to adopt rules for managing grizzly populations to maintained delisted status, including take by livestock owners and management by FWP.

SB 324 allows FWP to publish harvest locations of large predators at the hunting district level.

SB 354 allows a nonresident trapper to trap or snare certain fur-bearing species. Fur-bearing animals include marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine, northern swift fox, and beaver.



SB 356 requires FWP to notify a county sheriff before establishing a game checking station.

## INTERIM STUDIES

HJ 18 requests an EQC study of remediation work at the Smurfit-Stone mill site, including a consideration of future actions.

HB 520 requires a legislative study of private ponds, including permitting policies, impacts on aquatic resources, costs of regulation, and fish stocking.

## MINING AND MINERALS, MINE PERMITTING

HB 347 allows DEQ to issue letters of warning for hard-rock mining and open cut mining operations violations and administrative deficiencies, defining administrative deficiencies as minor, nonsubstantive and unlikely to recur.

HB 460 continues ability of DEQ to transfer a suspended metal mines permit to a successor operator.

HB 576 revises the definition of "material damage" for coal mining or reclamation operations related to the hydrologic balance, water quality or quantity in an alluvial valley floor, and for subsidence caused by an underground operation.

HB 656 provides that incidental boundary revisions or minor revisions of less than 320 acres within a permitted area of a coal mine that are not significant disturbances do not require an amendment to a coal mine permit.

SB 392 revises the determination of court costs related to coal mine reclamation litigation, awarding costs to the prevailing party.

## OIL AND GAS

SB 228 prohibits local government from banning certain petroleum fuels.

SB 426 revises the definition of natural gas to include certain additional products produced at the wellhead.

## PUBLIC LANDS

HB438 removes a \$5 application fee for landowners proposing a public access land agreement.

HB 521 requires a DNRC conservation license for use of state lands for general recreation purposes. The bill renames "wildlife conservation licenses."

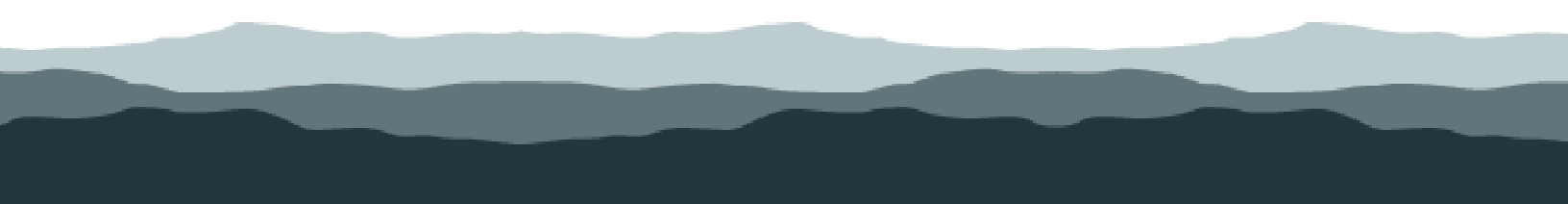
SB 49 clarifies that a current lessee of a cabin or home site may cancel a land sale at least 10 days prior to the auction unless another person has bid on the cabin or site. (Requested by State Auditor.)

SB 138 keeps a prescriptive easement with land when acquired by the state.

## RECREATION, PARKS, SPORTS

HB 333 requires trail pass applicant to provide permanent street address, but restricts that and other personal information from becoming public.

HB 440 provides that no more than 80% of campsites may be reserved in a state park, recreation area, or public camping ground.



HB 846 limits nonresidents to no more than 10% of total permits on the Smith River waterway.

## **WATER**

HB 418 allows for limits on irrigable acreage within an irrigation district to a qualified recipient, which is defined as an individual, independent farm operation.

HB435 provides that construction of a water supply system is proof of beneficial use and allows the DNRC to issue a certificate of water right.

HB 561 alters timelines and requirement for hearings and appeals to water discharge permits.

HB 592 allows for a new subsurface wastewater treatment system in an area that has been cut or filled.

HB 928 expands Board of Oil and Gas Conservation authority over waters produced by oil and gas operations.

SB 285 clarifies that septic system discharges are deemed nonsignificant and meet nondegradation standards under certain criteria, including if a drainfield is lower than a waterbody, farther than 1/2 mile from drainfield to surface water, and meet surface water impact criteria 500 feet from a surface water.

SB 327 allows a subdivider to identify water well location if setbacks are maintained.

## **DEPARTMENT BILLS**

### **DEPARTMENT OF ENVIRONMENTAL QUALITY**

HB 54 removes the "relatively low risk" requirement from the Montana Petroleum Brownfields Revitalization Act.

HB 88 eliminates remediation requirement for a person not subject order at state superfund site.

SB 39 revises air quality requirements for incinerators and provides for registration of animal or human crematoriums.

SB 48 repeals three laws regulating detachable beverage container openers.

SB 55 enters Montana into the 25-state Interstate Mining Compact Commission to consult with and advocate for a regulatory program that conserves natural resources and secures a vibrant mineral economy.

### **DEPARTMENT OF FISH, WILDLIFE, AND PARKS**

HB 42 clarifies that only game wardens and other qualified FWP employees may be issued firearms.

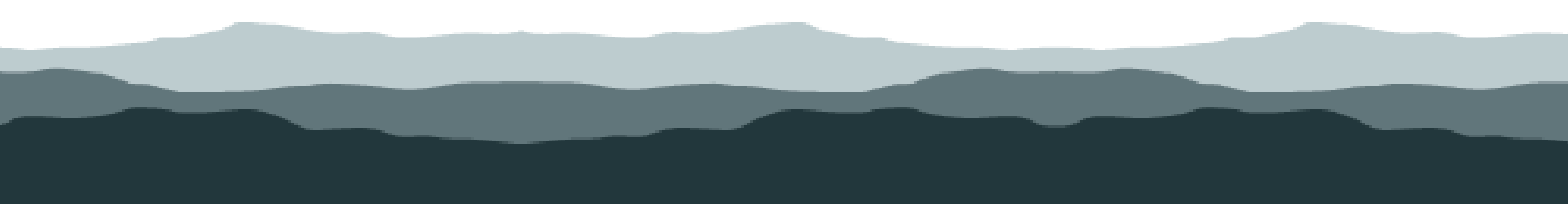
HB 73 repeals surety bond requirements for FWP license agents

HB 74 eliminates requirement that FWP Upland Game Bird Program releases pheasants.

HB 86 names and makes permanent the Kelly Flynn Montana Wildlife Habitat Improvement Act, adding weed and soil treatment provisions.

HB 99 clarifies snowmobile permit exemption language.

HB 131 removes a 24-hour waiting requirement for wolf hunting licenses.



HB133 allows a nonresident college student to apply online for a hunting or fishing license.

HB 146 creates landowner preference hunting licenses and permits for antelope and deer, including that 15 percent of licenses or permits in a hunting district must be available to landowners.

HB 162 revises electronic hunting tag requirements.

SB 58 increases the maximum annual block management payment to \$50,000

SB 76 removes requirement to attach paper hunting tag to game animal or turkey carcass.

SB 84 prohibits unlawful hunting or harassment of game animals or game birds with an aircraft, which includes a drone.

SB 88 exempts blind anglers from obtaining an aquatic invasive species pass.

## DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

HB 34 exempts specific grants, loans, or bonds related to conservation, reclamation, and renewable resource activities from MEPA review.

HB 53 revises fund transfer dates for DNRC accounts.

HB 85 exempts minor repairs, de minimus water developments and routine herbicide applications from MEPA review.

HB 114 revises the application process for a water appropriation permit or change, including expedited timelines, pre-application meetings, and a public comment requirement before an objection.

HB 122 revises contract requirements for construction and other services at state-owned water works.

HB141 revises appropriation language for Blackfoot Tribe water rights compact mitigation account

SB 42 revises applications process for easements on state lands, including exemptions from environmental and historic preservation review and allowing easements on certain roads and facilities constructed on state lands prior to Oct. 1, 1997.

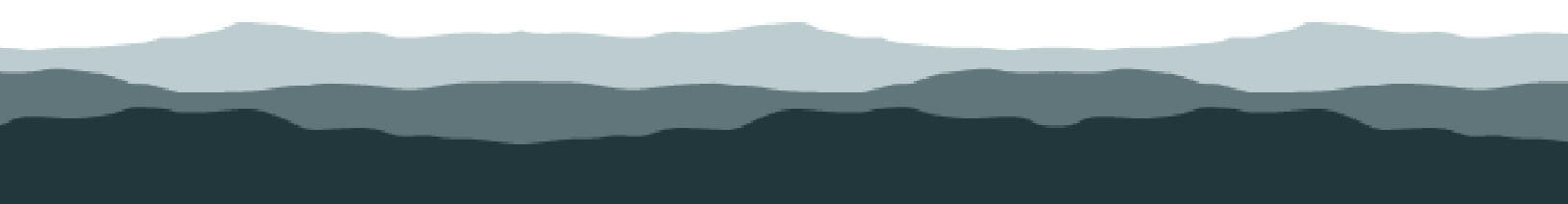
SB 43 allows notice of larger timber sales on DNRC website.

SB 83 creates the Western Montana Conservation Commission, eliminating the Flathead Basin Commission and the Upper Columbia Conservation Commission

## PUBLIC SERVICE COMMISSION

HB 52 revises common carrier regulations.

SB 33 repeals class C motor carrier regulations.



## VETOED BILLS

HB 419 proposed requiring financial security, known as a written undertaking, from a person seeking an injunction or restraining order that challenges the constitutional "preservation of harvest heritage (Article IX, Sec. 7).

HB 596 proposed to revise how a landowner who offers free public elk hunting is issued a free elk license (elk hunting access agreement cooperators license) and where that license may be used.

HB 635 proposed to set aside 15% of nonresident big game combo tags for nonresident landowners owning at least 2,500 contiguous acres.

SB 275 proposed to change the definitions of "proposed drainfield mixing zone" and "proposed well isolation zone" to remove specific approval dates, effectively grandfathering all approved mixing zones and isolation zones.

SB 301 proposed to grandfather any clearly visible boat ramp, boat house, boat shore station, boat rail system, dock system, pier, wharf, retaining wall, road or other structure within a lakeshore protection zone, exempting these from lakeshore protection zone review.

SB 442 proposed to transfer some marijuana tax collections to accounts for FWP habitat, state parks, trails and recreational facilities, nongame wildlife, veterans and surviving spouses, crisis intervention team training, and county road maintenance.

