



**TREASURE STATE**  
**RESOURCES ASSOCIATION**  
OF MONTANA

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**TREASURE STATE RESOURCES ASSOCIATION NEWS**  
**January, 2021**

## **Greg Gianforte sworn in as Montana's 25th Governor**

Source: Iris Samuels, Associated Press/Report for America Jan. 4, 2021

HELENA, Mont. (AP) — Greg Gianforte was sworn in as Montana's 25th governor Monday, becoming the state's first Republican governor in 16 years.

Gianforte said he is committed to growing the state's economy, lowering taxes, improving the state's infrastructure and reining in state spending.

"For too long, state spending has grown out of control as taxpayers send more money to Helena. Its appetite has been insatiable," he said.

While Republicans won every statewide office in the November election and increased their majority in the state legislature, Gianforte said he intends to work across the aisle.

"I firmly believe there is more that unites us than divides us," he said. "That's why I look forward to working with anyone – Democrat, Republican, or independent – who has a good idea."

Kristen Juras was sworn in as lieutenant governor.

# **Lawmakers Prioritize Budget, Economy, Safety at 67<sup>th</sup> Montana Legislature**

Source: Legislative News Service by James Bradley January 4, 2021

Leaders in the Montana House and Senate laid out their plans for the 67<sup>th</sup> Legislature when the met for the first time Monday.

House Majority Leader Sue Vinton, R-Billings, said she and her party are ready to take full advantage of the control her party won in November.

“These are exciting times. Exceptional times, and the opportunity for meaningful change is finally here,” Vinton said.

House Minority Leader Kim Abbott, D-Helena, said House Democrats would hold their Republican counterparts accountable.

In the Senate, Minority Leader Jim Cohenour, D-East Helena, said Democrats will help create a balanced budget without cutting what they deem essential services.

“Senate Democrats are prepared to tackle the challenges ahead, and we encourage our colleagues to join us in moving the state forward, not backward,” Cohenour said.

Senate Majority Leader Cary Smith R-Billings, said he and his party are committed to opening Montana back up for business.

Lawmakers convened Monday for the biennial session in Helena.

## **Important Information about the Upcoming Montana Legislative Session – Options for Remote Participation**

### **New Features for Public to Access the Montana Legislature**

*Be sure to plan ahead if you want to offer testimony on upcoming bills.  
Committee practices may vary related to how testimony will be presented.*

The voices of Montanans will echo in the halls of the capitol in more ways than ever and from farther away when the 2021 Legislature convenes Monday.

“If there is a silver lining to the pandemic, it is the development of remote testimony capability,” said Susan Fox, executive director of the Legislative Services Division. Allowing Montanans the ability to testify without traveling to Helena has long been a goal of many legislative leaders, Fox said. But that wish became a necessity with the pandemic and the need to limit the number of people in the capitol.

There are no restrictions on in-person involvement, however the number of seats in hearing rooms are limited to maintain social distancing. The public is also subject to any Lewis and Clark County health directives regarding crowd size.

“Legislative staff worked diligently to provide the public with more opportunities than ever to interact with representatives and senators,” Fox said. New features include an ability to upload written testimony to a committee or request a link to testify remotely at a bill hearing. This is available for any bill that is scheduled for hearing. Testimony must be submitted by noon the day before the hearing to allow dissemination of the information to legislators and others.

The remote testimony feature debuts with the old standbys of sending an email, leaving a phone message, and traditional mail.

For more information, go to the Montana Legislature's Homepage [leg.mt.gov](http://leg.mt.gov) and for links to:

- more information on remote participation
- the form to request to testify or upload your documents
- the web messaging form
- Bill Search, Legislator Search, Session Information, and Revenue and Budget Information
- where to click to Watch/Listen to all meetings.

More information is also available by calling (406) 444-4800.

## **Legislative Contacts:**

The 2021 Leadership is as follows:

## **SENATE**

- President: **Sen. Mark Blasdel**
- Majority Leader: **Sen. Cary Smith**
- Minority Leader: **Sen. Jill Cohenour**
- President Pro Tempore: **Sen. Jason Ellsworth**
  
- Majority Whips: **Sen. Doug Kary, Sen. Steve Fitzpatrick, Sen. Gordy Vance**
- Minority Whips: **Sen. JP Pomnichowski, Sen. Pat Flowers, Sen. Diane Sands**

# HOUSE

- Speaker of the House: Rep. Wylie Galt
- Majority Leader: Rep. Sue Vinton
- Minority Leader: Rep. Kim Abbott
- Speaker Pro Tempore: Rep. Casey Knudsen
  
- Minority Caucus Chair: Rep. Marilyn Marler
- Majority Whips: Rep. Seth Berglee, Rep. Dennis Lenz, Rep. Lola Sheldon-Galloway, Rep. Derek Skees, Rep. Barry Usher
- Minority Whips: Rep. Tyson Running Wolf, Rep. Laurie Bishop, Rep. Derek Harvey

## **Standing Committee Members Named for 2021 Legislative Session**

The Legislative Branch released the names of legislators who will serve on standing committees (also referred to as Session Committees) for the 67th Montana Legislative Session.

The 2021 House and Senate Standing Committees lists are online at: <https://leg.mt.gov/committees/session-committees/>

The 67th Legislative Session convenes on January 4, 2021. Additional information and bill tracking are online at on <https://leg.mt.gov/>.

Members and other information are subject to change. Check the website for the most up-to-date lists.

## **Legislative Bill Draft Requests:**

The number of bill draft requests for the 67<sup>th</sup> Legislative Session now exceeds 3000. Many are “placeholders” for yet to be determined legislation. Those interested in reviewing the list can click on the following link: [List All Introduced and Unintroduced Bills](#)

The “Bill Look-Up” site also has information about upcoming hearings both the House and Senate.

## **TSRA Weekly Legislative Meetings – Thursdays at 7 am. Starting January 14th**

TSRA will hold weekly legislative meetings beginning on Thursday, January 14, 2021 at 7:00 am. Those interested in participating should contact Peggy Trenk at: <mailto:ptrenk@tsria.net> to get on the list to receive the Zoom link and weekly agenda.

There is very limited seating in the conference room at the Montana Association of REALTORS® building for those who would like to attend the meeting in person. Due to COVID concerns we are unable to provide breakfast.

Weekly meetings allow us to look at upcoming hearings and determine what action TSRA will take on various bills, as well as discuss broader issues that arise during the session.

## **Faces of the New Gianforte Administration**

A new administration ushers in a new array of key staff and department directors that will help set state policy for the next four years. The following offers some background on some of the individuals with whom TSRA will work most closely:

### **Glenn Oppel – Policy Director**

Glenn Oppel will serve as policy director for the new administration. Glenn has spent the last five years working as vice president of government affairs at Strategies 360 in Helena, where his policy focus included improving the business climate, lowering taxes, reducing regulations and eliminating barriers to employment. With his experience leading policy development for the Montana Chamber of Commerce and Montana Association of REALTORS®, Oppel is familiar with developing policies to reduce taxes and regulatory burdens on Montana small businesses.

Source: Sidney Herald, December 8, 2020

### **Michael Freeman – Natural Resources Policy Advisor**

Michael Freeman most recently served as Acting Deputy Solicitor for Water Resources at the U.S. Department of the Interior (DOI). Before that, he served as Deputy Assistant Secretary for Policy and Environmental Management at DOI.

Freeman has promoted policy development in a senior role at an advocacy and strategic communications firm in Washington, D.C., held natural resource policy positions in both the U.S. Senate and House of Representatives, and was a career attorney at the Federal Energy Regulatory Commission.

Source: Sidney Herald, December 8, 2020

### **Agency Directors (Note: Directors will need to be confirmed by the Montana Senate)**

Source: Missoulian and Helena IR, December 30, 2021 By: Holly Michels

## **Amanda Kaster – Director, Department of Natural Resources**

Amanda Kaster is acting Deputy Assistant Secretary for Land and Minerals Management at the U.S. Department of Interior and is a former staffer for Republican then-U.S. Rep. Ryan Zinke, who went on to become Secretary of the Interior.

Kaster worked on timber management, non-energy solid leasable mineral development, oil and gas production and reporting, and administration of the grazing program most recently at the Interior Department.

Before that she was acting chief of staff and senior advisor at the Bureau of Land Management. She has also worked in the Office of Congressional and Legislative Affairs and before that was a legislative assistant for natural resources, energy, water and tribal issues for Rep. Zinke.

## **Chris Dorrington – Director, Department of Environmental Quality**

Chris is currently the administrator for the Air, Energy, and Mining Division in MT. DEQ. Dorrington has worked at DEQ since 2016 and previously spent a decade working for the Montana Department of Transportation. He was in private industry for six years before that. At DEQ he has headed up programs that permit and regulate air and mining, and advised on energy policy and projects.

## **Mike Foster – Director, Department of Agriculture**

Foster is the state executive director of the Montana USDA Farm Service Agency, a job he was appointed to in 2018 by the Trump administration. The Townsend native was a high school teacher and coach, and a legislator in the state House and Senate in the 1990's where he was majority whip. He was also chief policy advisory to former Republic Governor Judy Martz.

Before the FSA job, he worked as regional director of advocacy for St. Vincent Healthcare.

## **Mack Long – Director, Department of Transportation**

Long previously managed JTL group, a Billings-based construction company, and owned an oil field services business. A Billings native, he has a construction engineering degree from Montana State University and a master's degree in business administration from the University of Montana.

## **Brendan Beatty – Director, Department of Revenue**

On staff at the department since 1996, Beatty has worked on legal issues regarding natural resource taxes, property taxes, income taxes, and the breakup of the Montana Power Company.

A Shelby native, he has a bachelor's degree from UC Santa Barbara and a law degree from the University of Montana.

## **MT DEQ Taking Comment on New Version of Nutrient Rules**

On February 8, 2021, at 1:00 p.m., the Montana Department of Environmental Quality (“department”) will hold a virtual public hearing via Zoom to consider proposed amendments of Administrative Rules of Montana (ARM) 17.30.660. The department is proposing to revise Department Circular DEQ-12B *Nutrient Standards Variances* (“12B”) which is incorporated by reference in ARM 17.30.660. The rulemaking is in response to the U.S. District Court for the District of Montana's Consolidated Order (October 30, 2020) for cases CV-16-52-GF-BMM and CV-20-27-GF-BMM. Due to guidance issued by the Governor regarding the coronavirus COVID-19 public health situation, the hearing will be held virtually and will be recorded. More information is available on the department's website, including a copy of proposed 12B and instructions on how to attend the hearing remotely, at <http://deq.mt.gov/water/Surfacewater/standards>.

In 2019, the department revised 12B to respond to orders issued by the U.S. District Court in Case No. CV-16-52-GF-BMM. The revised 12B (November 2019 version) was provided to the U.S. Environmental Protection Agency (“EPA”) for review; EPA disapproved it on February 24, 2020 as inconsistent with the District Court's 2019 orders. In its disapproval, EPA noted it respectfully disagreed with the District Court's Orders and that it had filed an appeal. The State of Montana has also filed an appeal of certain aspects of the District Court's 2019 Orders. *See Upper Mo. Waterkeeper v. EPA*, No. 20-35135 (9th Cir.) Those appeals are pending.

In 2019, while the District Court found significant portions of the general nutrient standards variance to be lawful and supported by the record, the Court partially vacated and remanded a portion of EPA's October 31, 2017 approval of the general variance in 12B. The Court then stayed this vacatur and ordered the department to revise the effective variance and adopt a revised general variance timeline. The Court's action allowed the general variance to remain in place, pending EPA's approval of a revised variance. The Court did not vacate EPA's approval of the department's findings concerning widespread economic and social impacts, nor did it vacate approval of the treatment requirements found in Table 12B-1 of 12B.

In its 2020 Consolidated Order, the Court directed that its stay of the partial vacatur of the general variance timelines would remain in place until EPA approves a replacement general variance timeline. The Court directed the department reach general variance timelines that (1) begin with a program that complies with the relaxed criteria of the general variance; (2) work toward ultimate attainment of Montana's stringent base numeric nutrient standards in order to demonstrate progress toward attainment; and (3) adopt a timeline for which attainment of Montana's base numeric nutrient standards would be feasible.

The proposed rulemaking is necessary in order to comply with the Consolidated Order and the 2019 orders issued by the Court. The department was given 120 days from the date of the Consolidated Order to complete the rulemaking and then submit it to EPA for their review (EPA has 90 days to complete its review). This rulemaking is focused only on the requirements of the orders issued by the Court. The rulemaking will allow continued use and application of the general variance for eligible dischargers and will prevent the related economic and social harm that would result from requiring immediate compliance with the base numeric nutrient standards. Because the Court previously found the justifications and treatment requirements to be reasonable and did not vacate these portions of EPA's approval, the department is not addressing these matters in this rulemaking. Because EPA's approval was limited to only 36 municipal facilities, this proposed rulemaking is also limited to those 36 facilities.

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Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Sandy Scherer, Paralegal, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to [sscherer@mt.gov](mailto:sscherer@mt.gov), no later than 5:00 p.m., February 8, 2021. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

## **Biden Ban on Public Lands To Cost Economy \$670 Billion Over 20 years**

*Montana among hardest hit by incoming president's pledge to ban development*

Source: MPA/Western Energy Alliance Press Release December 15, 2020

**DENVER** -- A ban on oil and natural gas development on public lands by President-elect Joe Biden would severely harm the economies of eight western states, according to a Wyoming Energy Authority [study](#) conducted by University of Wyoming Professor Tim Considine. Over the next four years, the human cost of fulfilling Biden's campaign pledge would be an average of 72,818 fewer jobs annually. Lost wages would total \$19.6 billion, economic activity would decline \$43.8 billion, and tax revenues would drop \$10.8 billion by the end of Biden's first term in Alaska, California, Colorado, Montana, New Mexico, North Dakota, Utah, and Wyoming. By 2040, Gross Domestic Product (GDP) would decline by \$670.5 billion and average annual job losses would exceed 351,000 across the West.



The following are comments from [Western Energy Alliance](#) and the [Montana Petroleum Association](#)<https://utahpetroleum.org> in response to the report.

“President-elect Biden has had to face the reality that he can’t ban fracking nationwide, so he’s pledged to ban leasing and fracking on federal lands. A Biden ban would be devastating to the economies of western states by eliminating thousands of jobs just as Americans are struggling to recover from the pandemic,” said **Kathleen Sgamma, president of Western Energy Alliance**. “He’s calculating that he won’t pay a political price while satisfying radical climate activists, but he would be sacrificing the livelihoods of thousands of westerners throughout many sectors of the economy. We hope this report convinces him not to inflict economic pain on westerners. If he makes good on a Biden ban, the Alliance will be in court within hours.”

“The Biden proposal to eliminate leasing and consequently the abolition of oil and gas production on federal lands will create tremendous economic harm to not only the United States but also Montana. As Montana faces tough budget choices trying to provide services such as senior care, public education, and public safety, the incoming Biden administration’s proposal to ban leasing and development of Federal minerals is the wrong way to go. The lost employment, state revenue, and overall effect on Montana’s GDP will add additional impacts to our recovery from the COVID-19 pandemic recovery,” said **Alan Olson, Executive Director of the Montana Petroleum Association**. “We stand solidly with the Western Energy Alliance in efforts to educate the incoming Biden administration on the financial impacts a Biden ban on leasing and development of Federal minerals will have on Montana and the United States as a whole.”

Montana, which ranks seventh in oil production on public lands and tenth in natural gas, would lose \$5.4 billion in GDP over the next 20 years. Between 2021 and 2024, a drilling ban would eliminate:

- 550 jobs on average each year
- \$246 million in oil and natural gas investments
- production valued at \$182 million
- \$173 million in tax revenue to the state
- \$317 million in GDP
- \$144 million in wages.

Across the eight states that together provide over 97 percent of federal onshore production, closing off public lands over the next 20 years would result in:

- Average annual job losses reaching 351,555 by years 2036 through 2040
- GDP dropping by \$670.5 billion
- Oil and natural gas investment plummeting \$389 billion, leading to a loss of \$502.6 billion worth of production

- The elimination of \$159 billion in state tax revenues and \$300 billion in lost wages.

The report entitled, “The Fiscal and Economic Impacts of Federal Onshore Leasing and Drilling Bans,” analyzes the economic impacts of two potential scenarios: a leasing moratorium and a ban on approving drilling permits. The full report is available [online](#).

**Upcoming Events/Dates:**

January 4, 2021                      Start of 67<sup>th</sup> Legislative Session  
State Capitol, Helena

June 16-17,2021                      TSRA Annual Meeting  
DoubleTree Hotel, Billings, MT

*If you don't want to receive the TSRA Newsletter, please let me know. If you want to share with others in your company or organization, please do so. The mission of the Treasure State Resources Association is to promote and enhance the Montana Way of Life through responsible resource development.*