

HOUSE BILL NO. 7

INTRODUCED BY J. KEANE

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR GRANTS UNDER THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM; PRIORITIZING PROJECT GRANTS AND AMOUNTS; ESTABLISHING CONDITIONS FOR GRANTS; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Appropriations for reclamation and development grants.** (1) There is

appropriated to the department of natural resources and conservation from the natural resources projects state special revenue account established in 15-38-302 up to:

(a) \$800,000 for grants for planning reclamation and development projects to be awarded by the department over the course of the biennium;

(b) \$400,000 to implement measures to control aquatic invasive species in state waters; and

(c) \$944,778 for grants to the following two entities for the described purposes, amounts, and contingencies described in the reclamation and development grants program report to the 66th legislature entitled "Governor's Executive Budget Fiscal Years 2019-2021 Volume 5":

Applicant/Project	Amount
Lincoln Conservation District	
(Tobacco River Restoration Project)	\$451,193
Richland County Conservation District	
(Mitigating Impacts to the Fox Hill/Hell Creek Aquifer)	\$493,585

(2) The amount of \$2,722,000 is appropriated to the department of natural resources and conservation from the natural resources projects state special revenue account established in 15-38-302 for grants to political subdivisions and local governments during the biennium beginning July 1, 2019. The funds in this subsection



1 must be awarded by the department to the named entities for the described purposes and in the grant amounts  
 2 set out in subsection (4) subject to the conditions set forth in [sections 2 and 3] and the contingencies described  
 3 in the reclamation and development grant program January 2019 report to the 66th legislature.

4 (3) Funds must be awarded up to the amounts approved in this section in the order of priority listed in  
 5 subsection (4) until available funds are expended. Funds not accepted or used by higher-ranked projects must  
 6 be provided for projects farther down the priority list that would not otherwise receive funding. After all eligible  
 7 projects are funded, remaining funds may be used for any reclamation and development project authorized under  
 8 this section.

9 (4) The following are the prioritized grant projects:

10 Applicant/Project	Amount
11 Musselshell County	
12 (Bair-Collins Mine (Meathouse Road) Reclamation and Musselshell	
13 River Restoration)	\$500,000
14 Missoula County Community and Planning Services	
15 (Ninemile Creek Mine Reclamation)	\$437,000
16 Harlowton, City of	
17 (Removal of Contaminated Soils and Free Product at the Harlowton	
18 Roundhouse in Harlowton, MT, Phase 3)	\$500,000
19 Granite Conservation District	
20 (Silver King Mine Reclamation)	\$285,000
21 Powell County	
22 (Milwaukee Roundhouse Area Remediation)	\$500,000
23 <u>DEER LODGE, CITY OF</u>	
24 <u>(MILWAUKEE ROUNDHOUSE CECLA SITE PASSENGER REFUELING AREA</u>	
25 <u>VCRA PROGRAM REMEDIATION)</u>	<u>\$297,000</u>
26 <u>RYEGATE, TOWN OF</u>	
27 <u>(FORMER RYEGATE CONOCO GROUNDWATER REMEDIATION)</u>	<u>\$50,000</u>
28 Montana Department of Environmental Quality	
29 (Upper Blackfoot Mining Complex Wetland Contamination Removal)	\$500,000
30 <u>MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY</u>	

1	<u>(COTTONWOOD #2 ACID MINE DRAINAGE DIVERSION PROJECT)</u>	<u>\$300,000</u>
2	<u>MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY</u>	
3	<u>(BASIN CREEK MINE - PHASE 2 SITE STABILITY PROJECT)</u>	<u>\$300,000</u>
4	<u>(UPPER BLACKFOOT MINING COMPLEX WATER TREATMENT PLANT BRIDGE</u>	
5	<u>AND INFRASTRUCTURE PROTECTION)</u>	<u>\$300,000</u>

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7 **NEW SECTION. Section 2. Coordination of fund sources for grants to political subdivisions and**

8 **local governments.** A project sponsor listed under [section 1] may not receive funds from both the reclamation

9 and development grants program and the renewable resource grant and loan program for the same project during

10 the same biennium.

11

12 **NEW SECTION. Section 3. Condition of grants.** Disbursement of funds under [section 1] is subject

13 to the following conditions that must be met by the project sponsor:

14 (1) A scope of work and budget for the project must be approved by the department of natural resources

15 and conservation. Any changes in scope of work or budget subsequent to legislative approval may not change

16 project goals and objectives. Changes in activities that would reduce the public or natural resource benefits as

17 presented in department of natural resources and conservation reports and applicant testimony to the 66th

18 legislature may result in a proportional reduction in the grant amount.

19 (2) The project sponsor shall show satisfactory completion of conditions described in the recommendation

20 section of the project narrative of the program report to the legislature for the biennium ending June 30, 2021,

21 or, in the case of planning grants issued under [section 1], completion of conditions specified at the time of written

22 notification of approved grant authority.

23 (3) The project sponsor must have a fully executed grant agreement with the department.

24 (4) Any other specific requirements considered necessary by the department must be met to accomplish

25 the purpose of the grant as evidenced from the application to the department or from the proposal as presented

26 to the legislature.

27

28 **NEW SECTION. Section 4. Other appropriations.** There is appropriated to any entity of state

29 government that receives a grant under [section 1] the amount of the grant upon award of the grant by the

30 department of natural resources and conservation. Grants to entities from prior bienniums are reauthorized for

1 completion of contract work.

2

3 NEW SECTION. Section 5. Approval of grants. The legislature, pursuant to 90-2-1111, approves the  
4 reclamation and development grants listed in [section 1]. The authorization of these grants constitutes a biennial  
5 appropriation from the natural resources projects state special revenue account established in 15-38-302.

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7 NEW SECTION. Section 6. Notification to tribal governments. The secretary of state shall send a  
8 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
9 Chippewa tribe.

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11 COORDINATION SECTION. Section 7. Coordination instruction. (1) If [this act], House Bill 6, and  
12 an act that provides funding of at least \$400,000 for aquatic invasive species grants administered by the  
13 department of natural resources and conservation from a source other than the natural resources projects state  
14 special revenue account established in 15-38-302 are passed and approved, then:

15 ~~(1)(A)~~ [section 1(1)(b) of this act] is void; and

16 ~~(2)(B)~~ [section 1(1)(a) of this act] must read: "\$900,000 for grants for planning reclamation and  
17 development projects to be awarded by the department over the course of the biennium".

18 (2) IF BOTH [THIS ACT] AND AN ACT THAT PROVIDES ADDITIONAL FUNDING FOR RECLAMATION AND DEVELOPMENT  
19 GRANTS FROM BOND PROCEEDS ARE PASSED AND APPROVED, THE PROJECTS LISTED IN [SECTION 1(4) OF THIS ACT] THAT  
20 DO NOT RECEIVE FUNDING FROM THE APPROPRIATIONS IN [SECTION 1(2) OF THIS ACT] MAY RECEIVE FUNDING FROM THE  
21 APPROPRIATION IN THE OTHER ACT DESIGNATED FOR RECLAMATION AND DEVELOPMENT GRANTS IN THE ORDER OF  
22 COMPLETION OF THE CONDITIONS OF [SECTION 3 OF THIS ACT] AND TO THE EXTENT THAT THERE IS APPROPRIATION  
23 AUTHORITY AVAILABLE.

24

25 NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable  
26 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part  
27 remains in effect in all valid applications that are severable from the invalid applications.

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29 NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 2019.

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