

1 HOUSE BILL NO. 45  
2 INTRODUCED BY J. WITT  
3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE WATER POLLUTION CONTROL STATE  
6 REVOLVING FUND ACT AND DRINKING WATER STATE REVOLVING FUND ACT TO AUTHORIZE THE  
7 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ADVANCE FUNDS TO PROJECTS  
8 FUNDED, IN PART, BY THE FEDERAL GOVERNMENT WHEN FEDERAL FUNDING HAS BEEN APPROVED  
9 BUT NOT APPROPRIATED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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13 NEW SECTION. **Section 1. Projects funded by federal government appropriations.** For projects  
14 that are funded in part by appropriations from the federal government over a term of years, that have been  
15 approved by the department and the department of natural resources and conservation under 75-5-1112,  
16 and that are considered to be in compliance with 75-5-1113, the department of natural resources and  
17 conservation may advance money to a municipality in anticipation of the receipt of federal funds by the  
18 municipality on the following conditions:

19 (1) congress has authorized the project and has committed to fund the project at a specified dollar  
20 amount over a period of years;

21 (2) other funding agencies will not authorize construction of the project to begin until there is  
22 evidence that construction money will be available to the municipality to pay all of the construction costs;

23 (3) the department and the department of natural resources and conservation determine that it  
24 is in the best interest of the state and the state's objectives under the program that the project begin  
25 construction prior to the receipt of all federal appropriations; and

26 (4) the advance of the money will be in the form of a note that is issued pursuant to 7-7-109 in  
27 anticipation of a federal grant for which the municipality promises to pay and pledges to the department  
28 of natural resources and conservation the proceeds of the grant when received.

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30 NEW SECTION. **Section 2. Projects funded by federal government appropriations.** For projects

1 that are funded in part by appropriations from the federal government over a term of years, that have been  
2 approved by the department and the department of natural resources and conservation under 75-6-222,  
3 and that are considered to be in compliance with 75-6-224, the department of natural resources and  
4 conservation may advance money to a public water system in anticipation of the receipt of federal funds  
5 by the public water system on the following conditions:

6 (1) congress has authorized the project and has committed to fund the project at a specified dollar  
7 amount over a period of years;

8 (2) other funding agencies will not authorize construction of the project to begin until there is  
9 evidence that construction money will be available to the public water system to pay all of the construction  
10 costs;

11 (3) the department and the department of natural resources and conservation determine that it  
12 is in the best interest of the state and the state's objectives under the program that the project begin  
13 construction prior to the receipt of all federal appropriations; and

14 (4) the advance of the money will be in the form of a note that is issued pursuant to 7-7-109 in  
15 anticipation of a federal grant for which the public water system promises to pay and pledges to the  
16 department of natural resources and conservation the proceeds of the grant when received.

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18 NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as  
19 an integral part of Title 75, chapter 5, part 11, and the provisions of Title 75, chapter 5, part 11, apply  
20 to [section 1].

21 (2) [Section 2] is intended to be codified as an integral part of Title 75, chapter 6, part 2, and the  
22 provisions of Title 75, chapter 6, part 2, apply to [section 2].

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24 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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