

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 ~~CERTAIN~~ 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:

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

(2)(B) \$500,000 to implement measures to control invasive aquatic species in state waters.

(2) THE AMOUNT OF \$4,079,129 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, 2017. THE FUNDS IN THIS SUBSECTION MUST BE AWARDED BY THE DEPARTMENT TO THE NAMED ENTITIES FOR THE DESCRIBED PURPOSES AND IN THE GRANT AMOUNTS SET OUT IN SUBSECTION (4) SUBJECT TO THE CONDITIONS SET FORTH IN [SECTIONS 2 AND 3] AND THE CONTINGENCIES DESCRIBED IN THE RECLAMATION AND DEVELOPMENT GRANT PROGRAM JANUARY 2017 REPORT TO THE 65TH LEGISLATURE.

(3) FUNDS MUST BE AWARDED UP TO THE AMOUNTS APPROVED IN THIS SECTION IN THE ORDER OF PRIORITY LISTED IN SUBSECTION (4) UNTIL AVAILABLE FUNDS ARE EXPENDED. FUNDS NOT ACCEPTED OR USED BY HIGHER-RANKED PROJECTS MUST BE PROVIDED FOR PROJECTS FARTHER DOWN THE PRIORITY LIST THAT WOULD NOT OTHERWISE RECEIVE FUNDING. AFTER ALL ELIGIBLE PROJECTS ARE FUNDED, REMAINING FUNDS MAY BE USED FOR ANY RECLAMATION AND



1	<u>DEVELOPMENT PROJECT AUTHORIZED UNDER THIS SECTION.</u>	
2	<u>(4) THE FOLLOWING ARE THE PRIORITIZED GRANT PROJECTS:</u>	
3	<u>APPLICANT/PROJECT</u>	<u>AMOUNT</u>
4	<u>GRANITE CONSERVATION DISTRICT</u>	
5	<u>(FLINT CREEK WATERSHED METALS REMEDIATION</u>	
6	<u>- FRED BURR CREEK, RUMSEY MILL TAILINGS)</u>	<u>\$500,000</u>
7	<u>MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY</u>	
8	<u>(TRAMWAY CREEK MINE RECLAMATION PROJECT)</u>	<u>\$432,500</u>
9	<u>HARLOWTON, CITY OF</u>	
10	<u>(REMOVAL OF CONTAMINATED SOILS AND FREE</u>	
11	<u>PRODUCT AT THE HARLOWTON ROUNDHOUSE IN HARLOWTON, MT)</u>	<u>\$300,000</u>
12	<u>LEWISTOWN, CITY OF</u>	
13	<u>(CLEANUP OF THE CENTRAL POST AND</u>	
14	<u>TREATING COMPANY IN LEWISTOWN, MT)</u>	<u>\$475,000</u>
15	<u>EAST HELENA PUBLIC SCHOOLS</u>	
16	<u>(DARTMAN FIELD RECLAMATION PROJECT)</u>	<u>\$500,000</u>
17	<u>CONFEDERATED SALISH AND KOOTENAI TRIBES</u>	
18	<u>(REVAIS CREEK MINE TAILINGS RECLAMATION)</u>	<u>\$302,074</u>
19	<u>MISSOULA COUNTY COMMUNITY AND PLANNING SERVICES</u>	
20	<u>(NINEMILE CREEK HOUSEM PLACER MINE RECLAMATION)</u>	<u>\$420,000</u>
21	<u>LINCOLN CONSERVATION DISTRICT</u>	
22	<u>(TOBACCO RIVER RESTORATION PROJECT -</u>	
23	<u>ENGINEERING AND IMPLEMENTATION)</u>	<u>\$395,136</u>
24	<u>RICHLAND COUNTY CONSERVATION DISTRICT</u>	
25	<u>(MITIGATING IMPACTS TO THE FOX HILLS/HELL</u>	
26	<u>CREEK AQUIFER, RICHLAND COUNTY)</u>	<u>\$454,419</u>
27	<u>MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY</u>	
28	<u>(UPPER BLACKFOOT MINING COMPLEX - WETLAND CONNECTION)</u>	<u>\$300,000</u>
29	<u>DEER LODGE, CITY OF</u>	
30	<u>(MILWAUKEE ROUNDHOUSE CECRA SITE PASSENGER</u>	

1	<u>REFUELING AREA VCRA PROGRAM REMEDIATION)</u>	<u>\$294,250</u>
2	<u>CITY AND COUNTY OF BUTTE-SILVER BOW, PLANNING DEPARTMENT</u>	
3	<u>(BUTTE-SILVER BOW EROSION CONTROL</u>	
4	<u>AND VEGETATION ENHANCEMENT PROGRAM)</u>	<u>\$185,307</u>
5	<u>FORT BELKNAP INDIAN COMMUNITY</u>	
6	<u>(LANDUSKY PIT AND SWIFT GULCH CAPTURE WELLS TO REDUCE ACID MINE DISCHARGE TO</u>	
7	<u>STATE WATERS AND THE FORT BELKNAP</u>	
8	<u>INDIAN RESERVATION, MONTANA)</u>	<u>\$132,000</u>
9	<u>MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY</u>	
10	<u>(BASIN CREEK MINE - PHASE 2 SITE STABILITY PROJECT)</u>	<u>\$300,000</u>
11	<u>RUBY VALLEY CONSERVATION DISTRICT</u>	
12	<u>(CALIFORNIA CREEK MINING RECLAMATION -</u>	
13	<u>MULTI-PHASE STREAM AND FLOODPLAIN RESTORATION)</u>	<u>\$62,625</u>
14	<u>DEER LODGE VALLEY CONSERVATION DISTRICT</u>	
15	<u>(MT. HAGGIN UPLANDS RESTORATION PROJECT)</u>	<u>\$74,405</u>
16	<u>MILE HIGH CONSERVATION DISTRICT</u>	
17	<u>(CONIFER ENCROACHMENT REDUCTION PROJECT)</u>	<u>\$32,809</u>
18	<u>DEER LODGE VALLEY CONSERVATION DISTRICT</u>	
19	<u>(OREGON CREEK PLACER MINE RECLAMATION)</u>	<u>\$58,610</u>
20	<u>ROOSEVELT COUNTY</u>	
21	<u>(KENCO REFINERY CLEANUP)</u>	<u>\$275,000</u>

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23 **NEW SECTION. SECTION 2. COORDINATION OF FUND SOURCES FOR GRANTS TO POLITICAL SUBDIVISIONS AND**

24 **LOCAL GOVERNMENTS. A PROJECT SPONSOR LISTED UNDER [SECTION 1] MAY NOT RECEIVE FUNDS FROM BOTH THE**

25 **RECLAMATION AND DEVELOPMENT GRANTS PROGRAM AND THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM FOR**

26 **THE SAME PROJECT DURING THE SAME BIENNIUM.**

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28 **NEW SECTION. SECTION 3. CONDITIONS OF GRANTS. DISBURSEMENT OF FUNDS UNDER [SECTION 1] IS**

29 **SUBJECT TO THE FOLLOWING CONDITIONS THAT MUST BE MET BY THE PROJECT SPONSOR:**

30 **(1) A SCOPE OF WORK AND BUDGET FOR THE PROJECT MUST BE APPROVED BY THE DEPARTMENT OF NATURAL**

1 RESOURCES AND CONSERVATION. ANY CHANGES IN SCOPE OF WORK OR BUDGET SUBSEQUENT TO LEGISLATIVE APPROVAL
 2 MAY NOT CHANGE PROJECT GOALS AND OBJECTIVES. CHANGES IN ACTIVITIES THAT WOULD REDUCE THE PUBLIC OR
 3 NATURAL RESOURCE BENEFITS AS PRESENTED IN DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION REPORTS
 4 AND APPLICANT TESTIMONY TO THE 65TH LEGISLATURE MAY RESULT IN A PROPORTIONAL REDUCTION IN THE GRANT
 5 AMOUNT.

6 (2) THE PROJECT SPONSOR SHALL SHOW SATISFACTORY COMPLETION OF CONDITIONS DESCRIBED IN THE
 7 RECOMMENDATION SECTION OF THE PROJECT NARRATIVE OF THE PROGRAM REPORT TO THE LEGISLATURE FOR THE
 8 BIENNIUM ENDING JUNE 30, 2019, OR, IN THE CASE OF PLANNING GRANTS ISSUED UNDER [SECTION 1], COMPLETION OF
 9 CONDITIONS SPECIFIED AT THE TIME OF WRITTEN NOTIFICATION OF APPROVED GRANT AUTHORITY.

10 (3) THE PROJECT SPONSOR MUST HAVE A FULLY EXECUTED GRANT AGREEMENT WITH THE DEPARTMENT.

11 (4) ANY OTHER SPECIFIC REQUIREMENTS CONSIDERED NECESSARY BY THE DEPARTMENT MUST BE MET TO
 12 ACCOMPLISH THE PURPOSE OF THE GRANT AS EVIDENCED FROM THE APPLICATION TO THE DEPARTMENT OR FROM THE
 13 PROPOSAL AS PRESENTED TO THE LEGISLATURE.

14
 15 NEW SECTION. SECTION 4. OTHER APPROPRIATIONS. THERE IS APPROPRIATED TO ANY ENTITY OF STATE
 16 GOVERNMENT THAT RECEIVES A GRANT UNDER [SECTION 1] THE AMOUNT OF THE GRANT UPON AWARD OF THE GRANT BY
 17 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION. GRANTS TO ENTITIES FROM PRIOR BIENNIUMS ARE
 18 REAUTHORIZED FOR COMPLETION OF CONTRACT WORK.

19
 20 NEW SECTION. SECTION 5. APPROVAL OF GRANTS -- COMPLETION OF BIENNIAL APPROPRIATION. THE
 21 LEGISLATURE, PURSUANT TO 90-2-1111, APPROVES THE RECLAMATION AND DEVELOPMENT GRANTS LISTED IN [SECTION
 22 1]. THE AUTHORIZATION OF THESE GRANTS CONSTITUTES A BIENNIAL APPROPRIATION FROM THE NATURAL RESOURCES
 23 PROJECTS STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN 15-38-302.

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

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 29 COORDINATION SECTION. SECTION 7. COORDINATION INSTRUCTION. IF BOTH [THIS ACT] AND AN ACT THAT
 30 PROVIDES ADDITIONAL FUNDING FOR RECLAMATION AND DEVELOPMENT GRANTS FROM BOND PROCEEDS ARE PASSED AND

1 APPROVED, THE PROJECTS LISTED IN [SECTION 1(4)] THAT DO NOT RECEIVE FUNDING FROM THE APPROPRIATION IN
2 [SECTION 1(2)] MAY RECEIVE FUNDING FROM THE APPROPRIATION IN THE OTHER ACT DESIGNATED FOR RECLAMATION AND
3 DEVELOPMENT GRANTS IN THE ORDER OF COMPLETION OF THE CONDITIONS OF [SECTION 3] AND TO THE EXTENT THAT
4 THERE IS APPROPRIATION AUTHORITY AVAILABLE. THE PROJECT APPLICANT MUST COMPLETE THE CONDITIONS OF
5 [SECTION 3] BY SEPTEMBER 30, 2020, OR ANY OBLIGATION TO THE PROJECT IS VOID.

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7 NEW SECTION. SECTION 8. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE
8 SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
9 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
10 APPLICATIONS.

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12 NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 2017.

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