

HOUSE BILL NO. 652

INTRODUCED BY M. HOPKINS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FUNDING AND AUTHORIZATION FOR CAPITAL AND
5 INFRASTRUCTURE PROJECTS STATEWIDE; PROVIDING FUNDING AND AUTHORIZATION FOR SCHOOL
6 FACILITY PROJECTS STATEWIDE; CREATING THE DELIVERING LOCAL ASSISTANCE GRANT PROGRAM;
7 PROVIDING RULEMAKING AUTHORITY; CREATING THE DELIVERING LOCAL ASSISTANCE ACCOUNT
8 FOR GRANTS AND THE LOCAL INFRASTRUCTURE ACCOUNT; APPROPRIATING MONEY TO AGENCIES
9 FOR CAPITAL PROJECTS; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES
10 AND CONSERVATION FOR GRANTS UNDER THE RENEWABLE RESOURCE GRANT AND LOAN
11 PROGRAM; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND
12 CONSERVATION FOR GRANTS UNDER THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM;
13 APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR FINANCIAL ASSISTANCE TO
14 LOCAL GOVERNMENT INFRASTRUCTURE PROJECTS; AUTHORIZING PROJECT GRANT AMOUNTS;
15 PLACING CONDITIONS UPON GRANTS AND FUNDS; AUTHORIZING THE CREATION OF STATE DEBT
16 THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS; AMENDING SECTION 90-6-701, MCA; AND
17 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20
21 NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 12], unless otherwise
22 provided, the following definitions apply:

- 23 (1) "Capital project" means improvements or the planning, capital construction, environmental cleanup,
24 renovation, or major repair projects authorized in [sections 9 through 12].
- 25 (2) "CPA" means the capital projects account provided for in 17-5-803 and 17-5-804.
- 26 (3) "Infrastructure projects" means:
- 27 (a) drinking water systems;
 - 28 (b) wastewater treatment;
 - 29 (c) sanitary sewer or storm sewer systems;
 - 30 (d) solid waste disposal and separation systems, including site acquisition, preparation, and monitoring;

- 1 (e) bridges;
- 2 (f) facilities for government administration;
- 3 (g) public safety infrastructure related to law enforcement, fire protection, or emergency services; or
- 4 (h) school district infrastructure projects. A school district infrastructure project means a project:
- 5 (i) that is related to life safety or security issues;
- 6 (ii) for major repairs or deferred maintenance to an existing school facility; or
- 7 (iii) for major improvements or enhancements to an existing school facility.
- 8 (4) "Local government" means an incorporated city or town, a county, a consolidated local government,
- 9 a tribal government, a school district, a county or multicounty water, sewer, irrigation, or solid waste district, or
- 10 an authority as defined in 75-6-304.

11

12 **NEW SECTION. Section 2. Local infrastructure accounts -- use.** (1) There is within the state special

13 revenue fund provided for in 17-2-102 an account called the delivering local assistance account for grants to

14 provide grant funding to local governments for local infrastructure projects. The department of commerce shall

15 administer the account.

16 (2) There is within the state special revenue fund provided for in 17-2-102 an account called the local

17 infrastructure account to provide grants as authorized in [sections 14, 19, and 20]. The department of commerce

18 shall administer the account.

19

20 **NEW SECTION. Section 3. Delivering local assistance grant program created -- authorization for**

21 **local infrastructure project grants.** (1) The department of commerce is authorized to make up to \$14 million

22 in grants to local governments impacted by natural resource development for infrastructure projects. The grants

23 authorized in this section are subject to the conditions set forth in [section 5].

24 (2) Of the grants authorized in subsection (1), \$7 million must be distributed to local governments for

25 local infrastructure projects as defined in [section 1(3)(a) through (3)(g)].

26 (3) Of the grants authorized in subsection (1), \$7 million must be distributed to local governments for

27 school district infrastructure projects as defined in [section 1(3)(h)]. The department shall prioritize school district

28 infrastructure projects in the following priority order:

29 (a) projects that solve urgent and serious public health or safety or security problems or that enable public

30 school districts to meet state or federal health or safety standards; and

1 (b) projects that provide improvements necessary to bring school facilities up to current local, state, and
2 federal codes and standards.

3 (4) Except as provided in subsection (3), beginning June 1, 2019, the department of commerce shall
4 receive proposals from local governments for infrastructure projects.

5 (5) Funding for projects may be provided only as long as there are sufficient funds available from the
6 amount that was deposited or transferred into the delivering local assistance account for grants established in
7 [section 2(1)]. Funding for these projects must be made available in the order that the grant recipients satisfy the
8 conditions described in [section 5(1)].

9 (6) If a grant recipient does not complete all of the conditions described in [section 5(1)] by September
10 30, 2020, any obligation to the grant recipient is extinguished.

11
12 **NEW SECTION. Section 4. Eligibility -- submission deadline -- priority -- rulemaking authority.**

13 (1) A local government may apply to the department of commerce for local infrastructure grants under [section
14 3].

15 (2) For a project that was submitted for approval to the 66th legislature for funding from the treasure state
16 endowment program but did not receive legislative approval for funding from the program, the amount of a grant
17 for the project under [this act] may not exceed the amount of funding recommended for the project as described
18 in the treasure state endowment program 2021 biennium report to the 66th legislature.

19 (3) All local governments shall submit grant requests and materials to the department by September 30,
20 2019, in order to be eligible for funding under [section 3].

21 (4) The department is authorized to adopt rules or guidelines necessary to implement [this act].
22

23 **NEW SECTION. Section 5. Condition of grants -- disbursement of funds.** (1) The disbursement of
24 grant funds for the projects chosen by the department of commerce pursuant to [section 3] is subject to
25 completion of the following conditions:

26 (a) The grant recipient shall document that other funds required for completion of the project are firmly
27 committed.

28 (b) The grant recipient must have a project management plan that is approved by the department.

29 (c) The grant recipient must be in compliance with the auditing and reporting requirements provided in
30 2-7-503 and have established a financial accounting system that the department can reasonably ensure conforms

1 to generally accepted accounting principles. Tribal governments shall comply with auditing and reporting
2 requirements provided for in 2 CFR part 200.

3 (d) The grant recipient shall execute a grant agreement with the department of commerce.

4 (e) The grant recipient shall satisfactorily comply with any conditions described in the application (project)
5 summaries section of the treasure state endowment program 2021 biennium report to the 66th legislature.

6 (f) The grant recipient shall satisfy other specific requirements considered necessary by the department
7 of commerce to accomplish the purpose of the project as evidenced by the application to the department.

8 (2) With the exception of bridges and facilities defined in [section 1(3)(f) through (3)(h)], all projects must
9 adhere to the design standards required by the department of environmental quality. Recipients of grants under
10 [section 3] that are not subject to the department of environmental quality design standards shall adhere to
11 generally accepted industry standards such as Recommended Standards for Wastewater Facilities or
12 Recommended Standards for Water Works, published by the Great Lakes-Upper Mississippi River Board of State
13 and Provincial Public Health and Environmental Managers, latest edition.

14 (3) Facility projects as defined in [section 1(3)(f) through (3)(h)] must adhere to the design standards
15 required by applicable regulatory agencies. Recipients of program funds for projects that are not subject to any
16 design standards must comply with generally accepted industry standards.

17 (4) When applicable, recipients of grants under [section 3] are subject to the requirements of the
18 department of commerce as described in the most recent edition of the Treasure State Endowment Program
19 Project Administration Manual adopted by the department by administrative rule.

20
21 **NEW SECTION. Section 6. Disbursement of funds.** (1) The department of commerce shall disburse
22 grant funds on a reimbursement basis as grant recipients incur eligible project expenses.

23 (2) If actual project expenses are lower than the projected expense of the project, the department must
24 reduce the amount of grant funds to be provided to grant recipients.

25
26 **NEW SECTION. Section 7. Maximum state funding available for infrastructure -- per project -- per**
27 **county.** The maximum amount of state funding under [sections 3 through 7] may not exceed \$750,000 per
28 project, and the maximum amount of grant funding under [sections 3 through 7] that may be received in a single
29 county may not exceed \$1.5 million.

30

1 **NEW SECTION. Section 11. Capital projects -- contingent funds -- legislative consent.** (1) Except
2 as provided in subsection (2), if a capital project is financed in part with appropriations contingent on the receipt
3 of funding from another funding source, the department of administration may not let the project go to bid until
4 the agency receiving funding has submitted a financial plan for approval by the director of the department of
5 administration.

6 (2) A financial plan may not be approved by the director if:

7 (a) the level of funding provided under the financial plan deviates substantially from the funding level
8 provided in [section 9] for that project; or

9 (b) the scope of the project is substantially altered or revised from the preliminary plans presented for that
10 project in the 2021 biennium long-range building program and as presented to the 66th legislature.

11 (3) The appropriations authorized in [section 9] constitute legislative consent for the capital projects
12 contained in [section 9] within the meaning of 18-2-102.

13

14 **NEW SECTION. Section 12. Review by department of environmental quality.** The department of
15 environmental quality shall review capital projects authorized in [section 9] for potential inclusion in the state
16 building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital
17 project will result in energy improvements, the project must be submitted to the energy conservation program for
18 funding consideration. Funding provided under the energy conservation program guidelines must be used to
19 offset or add to the authorized funding for the project, with the amount dependent on the annual utility savings
20 resulting from the facility improvement. Agencies must be notified of potential funding after the review.

21

22 **NEW SECTION. Section 13. Authorization of bonds -- conditions -- maturity.** (1) The board of
23 examiners is authorized to issue and sell general obligation bonds in one or more series and from time to time
24 for the purposes described in subsection (3) in addition to the amount of general obligation bonds outstanding
25 on January 1, 2019.

26 (2) The bonds under this section must be issued in accordance with the terms and in the manner required
27 by Title 17, chapter 5, part 8, and the maturity of these bonds must be 10 years. The authority granted to the
28 board of examiners by this section is in addition to any other authorization to the board of examiners to issue and
29 sell general obligation bonds.

30 (3) On [the effective date of this act], the board of examiners is authorized to issue and sell general

1 obligation bonds and deposit the proceeds as follows:

2 (a) \$47,050,000 of the proceeds from the bonds sold under this section must be deposited in the capital
3 projects account provided for in 17-5-803 and 17-5-804; and

4 (b) \$14,000,000 of the proceeds from the bonds sold under this section must be deposited in the
5 delivering local assistance account for grants provided for in [section 2(1)].

6 (c) \$18,823,553 of the proceeds from the bonds sold under this section must be deposited in the local
7 infrastructure account provided for in [section 2(2)].

8
9 **NEW SECTION. Section 14. Appropriation for treasure state endowment program grants.** (1)

10 There is appropriated to the department of commerce \$9,645,000 for the biennium beginning July 1, 2019, from
11 the local infrastructure account established in [section 2(2)] to finance treasure state endowment program grants
12 authorized by subsection (2).

13 (2) The following applicants and projects are authorized for grants and listed in the order of their priority:

14 Infrastructure Applicant (project type)	Grant Amount
15 15. Chinook, City of (water)	\$500,000
16 16. Cut Bank, City of (water)	\$750,000
17 17. Roundup, City of (water)	\$750,000
18 18. Darby, Town of (wastewater)	\$500,000
19 19. Scobey, City of (water)	\$500,000
20 20. Circle, Town of (water)	\$500,000
21 21. Seeley Lake Sewer District (wastewater)	\$750,000
22 22. Polson, City of (wastewater)	\$750,000
23 23. Black Eagle-Cascade County Water & Sewer District (water & wastewater)	\$645,000
24 24. Hardin, City of (wastewater)	\$625,000
25 25. Harlowton, City of (wastewater)	\$625,000
26 26. Dillon, City of (water)	\$500,000
27 27. Bigfork County Water & Sewer District (wastewater)	\$500,000
28 28. Vaughn Cascade County Water & Sewer District (water)	\$625,000
29 29. East Helena, City of (water)	\$500,000
30 30. Whitefish, City of (wastewater)	\$625,000

1	31. Red Lodge, City of (storm water)	\$500,000
2	32. Cascade, Town of (water)	\$500,000
3	33. Plentywood, City of (wastewater)	\$750,000
4	34. Sun Prairie Village County Water & Sewer District (wastewater)	\$500,000
5	35. North Havre County Water District (water)	\$430,000
6	36. Conrad, City of (water)	\$398,779
7	37. Sun Prairie County Water District (water)	\$275,000
8	38. Winnett, Town of (wastewater)	\$500,000
9	39. Baker, City of (water)	\$600,000
10	40. White Sulphur Springs, City of (water)	\$200,000

11 (3) Funding for the projects numbered 15 through 40 in subsection (2) will be provided up to the amount
 12 of the appropriation in subsection (1) as projects meet the conditions provided in [section 16(1)].

13 (4) There is appropriated to the department of commerce \$2,956,553 for the biennium beginning July 1,
 14 2019, from the local infrastructure account established in [section 2(2)] to finance treasure state endowment
 15 program grants authorized by subsection (5) as projects meet the conditions provided in [section 16(1)].

16 (5) The following applicants and projects are authorized for grants and listed in the order of their priority:

17	Bridge Applicant	Grant Amount
18	5. Madison County	\$591,768
19	6. Chouteau County	\$279,753
20	7. Fergus County	\$262,839
21	8. Sweet Grass County	\$591,976
22	9. Jefferson County	\$207,903
23	10. Big Horn County	\$272,314
24	11. Gallatin County	\$750,000

25 (6) If sufficient funds are available, this section constitutes a valid obligation of funds to the grant
 26 recipients listed in subsections (2) and (5) for purposes of encumbering local infrastructure account funds for the
 27 biennium beginning July 1, 2019, pursuant to 17-7-302. However, a grant recipient's entitlement to receive funds
 28 is dependent on the grant recipient's compliance with the conditions described in [section 16(1)] and on the
 29 availability of funds.

30 (7) Funding for projects in subsections (2) and (5) will be provided only as long as there are sufficient

1 funds available from the amount that was deposited into the local infrastructure account. Funding for these
2 projects will be made available in the order that the grant recipients satisfy the conditions described in [section
3 16(1)]. However, any of the projects listed in subsections (2) and (5) that have not completed the conditions
4 described in [section 16(1)] by September 30, 2020, must be reviewed by the next regular session of the
5 legislature to determine if the authorized grant should be withdrawn.

6 (8) The funds appropriated in this section must be used by the department to make grants to the
7 governmental entities listed in subsections (2) and (5) for the described purposes and in amounts not to exceed
8 the amounts set out in subsections (2) and (5). The grants authorized in this section are subject to the conditions
9 set forth in [section 16(1)] and described in the treasure state endowment program 2021 biennium report to the
10 66th legislature. The legislature, pursuant to 90-6-710, authorizes the grants for the projects listed in subsections
11 (2) and (5). The department shall commit funds to projects listed in subsections (2) and (5), up to the amounts
12 authorized, based on the manner of disbursement set forth in [section 16] until the funds deposited into the local
13 infrastructure account during the biennium beginning July 1, 2019, are expended.

14 (9) Grant recipients shall complete all of the conditions described in [section 16(1)] by September 30,
15 2022, or any obligation to the grant recipient will cease.

16
17 **NEW SECTION. Section 15. Approval of grants -- completion of biennial appropriation.** (1) The
18 legislature, pursuant to 90-6-701, authorizes grants for the projects identified in [sections 14(2) and 14(5)].

19 (2) The authorization of these grants completes a biennial appropriation from the local infrastructure
20 account established in [section 2(2)].

21
22 **NEW SECTION. Section 16. Condition of grants -- disbursements of funds.** (1) The disbursement
23 of grant funds for the projects specified in [sections 14(2) and 14(5)] is subject to completion of the following
24 conditions:

25 (a) The grant recipient shall document that other matching funds required for completion of the project
26 are firmly committed.

27 (b) The grant recipient must have a project management plan that is approved by the department of
28 commerce.

29 (c) The grant recipient must be in compliance with the auditing and reporting requirements provided for
30 in 2-7-503 and have established a financial accounting system that the department can reasonably ensure

1 conforms to generally accepted accounting principles. Tribal governments shall comply with auditing and
2 reporting requirements provided for in 2 CFR part 200.

3 (d) The grant recipient shall satisfactorily comply with any conditions described in the application (project)
4 summaries section of the treasure state endowment program 2021 biennium report to the 66th legislature.

5 (e) The grant recipient shall satisfy other specific requirements considered necessary by the department
6 of commerce to accomplish the purpose of the project as evidenced by the application to the department.

7 (f) The grant recipient shall execute a grant agreement with the department of commerce.

8 (2) With the exception of bridges, all projects must adhere to the design standards required by the
9 department of environmental quality. Recipients of treasure state endowment program funds that are not subject
10 to the department of environmental quality design standards must adhere to generally accepted industry
11 standards, such as Recommended Standards for Wastewater Facilities or Recommended Standards for Water
12 Works, published by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and
13 Environmental Managers, latest edition.

14 (3) Recipients of treasure state endowment program funds are subject to the requirements of the
15 department of commerce as described in the most recent edition of the Treasure State Endowment Program
16 Project Administration Manual adopted by the department through the administrative rulemaking process.

17
18 NEW SECTION. **Section 17. Other powers and duties of department.** (1) The department of
19 commerce shall disburse grant funds on a reimbursement basis as grant recipients incur eligible project
20 expenses.

21 (2) If actual project expenses are lower than the projected expense of the project, the department may,
22 at its discretion:

23 (a) reduce the amount of grant funds to be provided to grant recipients in proportion to all other project
24 funding sources;

25 (b) authorize the amount of grant funds to be provided so that the grant recipient's projected average
26 residential user rates do not become lower than their target rate as determined by the department; or

27 (c) reduce the amount of grant funds to be provided so that the grant recipient's projected average
28 residential user rates do not become lower than their target rate as determined by the department.

29 (3) If the grant recipient obtains a greater amount of grant funds than was contained in the treasure state
30 endowment program application, the department may reduce the amount of the treasure state endowment

1 program grant funds to be provided to ensure that the grant recipient continues to meet the threshold
2 requirements contained in program guidelines for receiving the larger treasure state endowment program grant.

3
4 **NEW SECTION. Section 18. Appropriation from treasure state endowment special revenue**
5 **account for administrative expenses.** There is appropriated to the department of commerce \$200,000 for the
6 biennium beginning July 1, 2019, from the treasure state endowment special revenue account for administrative
7 expenses.

8
9 **NEW SECTION. Section 19. Appropriations for renewable resource grants.** (1) There is
10 appropriated from the local infrastructure account established in [section 2(2)] to the department of natural
11 resources and conservation up to \$4,975,000 for grants to political subdivisions and local governments on the
12 biennium beginning July 1, 2019. The funds referred to in this subsection must be awarded by the department
13 to the named entities for the described purposes and in the grant amounts listed in subsection (3), subject to the
14 conditions set forth in [sections 21 and 22] and the contingencies described in the renewable resource grant and
15 loan program January 2019 report to the 66th legislature.

16 (2) Funds must be awarded up to the amounts approved in subsection (3) in the following listed order
17 of priority until available funds are expended. Funds not accepted or used by higher-ranked projects must be
18 provided for projects farther down the priority list that would not otherwise receive funding. If at any time a grant
19 sponsor determines that a project will not begin before June 30, 2021, the sponsor shall notify the department
20 of natural resources and conservation. After all eligible projects are funded, remaining funds may be used for any
21 renewable resource project authorized under this section.

22 (3) The following are the prioritized grant projects:

23 RENEWABLE RESOURCE GRANT AND LOAN PROGRAM

Applicant/Project	Amount
Buffalo Rapids Irrigation Project District 1	
(Buffalo Rapids Irrigation Project 1 - Lateral 1.7 Pipeline Conversion)	\$125,000
Hardin, City of	
(Hardin Wastewater Treatment Plant Improvements)	\$125,000
Dillon, City of	
(Dillon Water Transmission and Distribution Main Replacement)	\$125,000

1	Helena Valley Irrigation District	
2	(Helena Valley Irrigation District Lateral 14.8 Headgate Rehabilitation, Phase 2)	\$125,000
3	Polson, City of	
4	(Polson Wastewater System Improvement, Phase 2)	\$125,000
5	Carbon County Conservation District	
6	(Golden Ditch Company Clark Fork Diversion Rehabilitation)	\$125,000
7	Savage Irrigation District	
8	(Savage Irrigation District Infrastructure Rehabilitation)	\$125,000
9	Petroleum County Conservation District	
10	(Horse Creek Coulee Water Storage)	\$125,000
11	Wibaux, Town of	
12	(Wibaux Wastewater Treatment System Improvements)	\$125,000
13	Alberton, Town of	
14	(Alberton Water System Improvements)	\$125,000
15	Geraldine, Town of	
16	(Geraldine Wastewater System Improvements)	\$125,000
17	Missoula, City of	
18	(Caras Park Outfall Storm Water Treatment Retrofit, Phase 2)	\$125,000
19	Black Eagle-Cascade County Water & Sewer District	
20	(Black Eagle-Cascade County Water & Sewer District Water & Sewer	
21	System Improvements)	\$125,000
22	East Helena, City of	
23	(East Helena Water System Improvements)	\$125,000
24	Plentywood, City of	
25	(Plentywood Wastewater Collection Improvement, Phase 2)	\$125,000
26	Missoula County	
27	(Lewis & Clark Subdivision Wastewater Improvements)	\$125,000
28	Wilsall Water District	
29	(Wilsall Water District Water System Improvements)	\$125,000
30	Lower Yellowstone Irrigation Project	

1	(Lower Yellowstone Irrigation Project Crane Wasteway & Pump Station Rehabilitation)	\$125,000
2	Missoula County Conservation District	
3	(Grass Valley French Ditch Clark Fork Diversion Rehabilitation)	\$125,000
4	Montana Bureau of Mines and Geology	
5	(Reducing Mobilization of Oil-Brine Salt to Streams)	\$125,000
6	Winifred, Town of	
7	(Winifred Water System Improvements)	\$125,000
8	Hysham, Town of	
9	(Hysham Wastewater System Rehabilitation, Phase 1)	\$125,000
10	Vaughn Cascade County Water and Sewer District	
11	(Vaughn Cascade County Water and Sewer District Water Improvements)	\$125,000
12	Stillwater Conservation District	
13	(Yanzick/Brey, Riddle Ditch Irrigation System Improvements, Phase 2)	\$125,000
14	Lockwood Water and Sewer District	
15	(Lockwood WSD Drinking Water System Improvements)	\$125,000
16	Circle, Town of	
17	(Circle Water System Improvements)	\$125,000
18	Yellowstone County DES	
19	(Billings Bench Water Users Association Main Canal Rehabilitation, Phase 1)	\$125,000
20	Hysham Irrigation District	
21	(Re-Lift Canal Improvement)	\$125,000
22	Clyde Park, Town of	
23	(Clyde Park Water System Improvements)	\$125,000
24	Libby, City of	
25	(Libby Water System Improvements)	\$125,000
26	Chinook, City of	
27	(Chinook Water System Improvements)	\$125,000
28	Cut Bank, City of	
29	(Cut Bank Water System Improvements)	\$125,000
30	North Havre County Water District	

1	(North Havre County Water District Water System Improvements)	\$125,000
2	Plains, Town of	
3	(Plains Wastewater System Protection)	\$125,000
4	Montana Bureau of Mines and Geology	
5	(Measuring Groundwater Recharge in Flood to Pivot Irrigation Conversions)	\$125,000
6	Cascade, Town of	
7	(Cascade Water System Improvements)	\$125,000
8	Fallon County	
9	(Baker Lake Restoration)	\$100,000
10	Pondera County Conservation District	
11	(Kingsbury Turnout Automation)	\$125,000
12	Tin Cup County Water and Sewer District	
13	(Tin Cup County Water and Sewer District Water Conservation)	\$125,000
14	Clancy Water and Sewer District	
15	(Clancy Water and Sewer District Water Improvements)	\$125,000

16

17 **NEW SECTION. Section 20. Appropriations for reclamation and development grants.** (1) The

18 amount of \$1,247,000 is appropriated to the department of natural resources and conservation from the local

19 infrastructure account established in [section 2(2)] for grants to political subdivisions and local governments

20 during the biennium ending June 30, 2021. The funds in this subsection must be awarded by the department to

21 the named entities for the described purposes and in the grant amounts set out in subsection (3) subject to the

22 conditions set forth in [sections 21 and 22] and the contingencies described in the reclamation and development

23 grant program January 2019 report to the 66th legislature.

24 (2) Funds must be awarded up to the amounts approved in this section in the order of priority listed in

25 subsection (3) until available funds are expended. Funds not accepted or used by higher-ranked projects must

26 be provided for projects farther down the priority list that would not otherwise receive funding. After all eligible

27 projects are funded, remaining funds may be used for any reclamation and development project authorized under

28 this section.

29 (3) The following are the prioritized grant projects:

30 Applicant/Project	Amount
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1	Montana Department of Environmental Quality	
2	(Cottonwood #2 Acid Mine Drainage Diversion Project)	\$300,000
3	Deer Lodge, City of	
4	(Milwaukee Roundhouse CECRA Site Passenger Refueling	
5	Area VCRA Program Remediation)	\$297,000
6	Montana Department of Environmental Quality	
7	(Basin Creek Mine - Phase 2 Site Stability Project)	\$300,000
8	Ryegate, Town of	
9	(Former Ryegate Conoco Groundwater Remediation)	\$50,000
10	Montana Department of Environmental Quality	
11	(Upper Blackfoot Mining Complex Water Treatment Plant Bridge	
12	and Infrastructure Protection)	\$300,000

13
14 **NEW SECTION. Section 21. Coordination of fund sources for grants to political subdivisions and**

15 **local governments.** (1) A project sponsor listed under [section 20] may not receive funds from both the
16 reclamation and development grants program and the renewable resource grant and loan program for the same
17 project during the same biennium.

18 (2) If a project listed in [this act] receives an appropriation in House Bill Nos. 6, 7, or 11 that fully funds
19 the project as proposed in that bill, the project sponsor is not eligible to receive a grant under [this act].

20 (3) If the amount of funding in the natural resources projects state special revenue account established
21 in 15-38-302 is insufficient to fund appropriation levels authorized in House Bill No. 6, a project in House Bill No.
22 6 that does not receive funding from the natural resources projects state special revenue account established
23 in 15-38-302 may be funded with the appropriation in [section 19(1)].

24 (4) If the amount of funding in the natural resources projects state special revenue account established
25 in 15-38-302 is insufficient to fund appropriation levels authorized in House Bill No. 7, a project in House Bill No.
26 7 that does not receive funding from the natural resources projects state special revenue account established
27 in 15-38-302 may be funded with the appropriation in [section 20(1)].

28 (5) If the amount of funding in the treasure state endowment special revenue account established in
29 17-5-703(3)(a), is insufficient to fund appropriation levels authorized in House Bill No. 11, a project in House Bill
30 No. 11 that does not receive funding from the treasure state endowment special revenue account established

1 in 17-5-703(3)(a) may be funded with the appropriation in [section 14(1)].

2

3 **NEW SECTION. Section 22. Condition of grants.** Disbursement of funds under [sections 19 and 20]
4 is subject to the following conditions that must be met by the project sponsor:

5 (1) A scope of work and budget for the project must be approved by the department of natural resources
6 and conservation. Any changes in scope of work or budget subsequent to legislative approval may not change
7 project goals and objectives. Changes in activities that would reduce the public or natural resource benefits as
8 presented in department of natural resources and conservation reports and applicant testimony to the 66th
9 legislature may result in a proportional reduction in the grant amount.

10 (2) The project sponsor shall show satisfactory completion of conditions described in the
11 recommendation section of the project narrative of the program report to the legislature for the biennium ending
12 June 30, 2021, or, in the case of planning grants issued under [sections 19 and 20], completion of conditions
13 specified at the time of written notification of approved grant authority.

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

15 (4) Any other specific requirements considered necessary by the department must be met to accomplish
16 the purpose of the grant as evidenced from the application to the department or from the proposal as presented
17 to the legislature.

18

19 **NEW SECTION. Section 23. Approval of grants -- completion of biennial appropriation.** The
20 legislature, pursuant to 90-2-1111, approves the reclamation and development grants listed in [section 20]. The
21 legislature, pursuant to 85-1-605, approves the renewable resource program grants listed in [section 19]. The
22 authorization of these grants completes a biennial appropriation from the local infrastructure account established
23 in [section 2(2)].

24

25 **Section 24.** Section 90-6-701, MCA, is amended to read:

26 **"90-6-701. Treasure state endowment program created -- definitions.** (1) (a) There is a treasure
27 state endowment program that consists of:

28 (i) the treasure state endowment fund established in 17-5-703;

29 (ii) the infrastructure portion of the coal severance tax bond program provided for in 17-5-701(2).

30 (b) The treasure state endowment program may borrow from the board of investments to provide

1 additional financial assistance for local government infrastructure projects under this part, provided that no part
2 of the loan may be made from retirement funds.

3 (2) Interest from the treasure state endowment fund and from proceeds of the sale of bonds under
4 17-5-701(2) may be used to provide financial assistance for local government infrastructure projects under this
5 part, to provide funding to the department of commerce for the administrative costs of the treasure state
6 endowment program and the delivering local assistance grant program, and to repay loans from the board of
7 investments.

8 (3) As used in this part, the following definitions apply:

9 (a) "Infrastructure projects" means:

10 (i) drinking water systems;

11 (ii) wastewater treatment;

12 (iii) sanitary sewer or storm sewer systems;

13 (iv) solid waste disposal and separation systems, including site acquisition, preparation, or monitoring;

14 or

15 (v) bridges.

16 (b) "Local government" means an incorporated city or town, a county, a consolidated local government,
17 a tribal government, a county or multicounty water, sewer, or solid waste district, or an authority as defined in
18 75-6-304.

19 (c) "Treasure state endowment fund" means the coal severance tax infrastructure endowment fund
20 established in 17-5-703(1)(b).

21 (d) "Treasure state endowment program" means the local government infrastructure investment program
22 established in subsection (1).

23 (e) "Tribal government" means a federally recognized Indian tribe within the state of Montana."
24

25 **NEW SECTION. Section 25. Notification to tribal governments.** The secretary of state shall send
26 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
27 Chippewa tribe.
28

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

1 the part remains in effect in all valid applications that are severable from the invalid applications.

2

3 NEW SECTION. **Section 27. Creation of state debt -- two-thirds vote required.** Because [section
4 13] authorizes the creation of state debt, Article VIII, section 8, of the Montana constitution requires a vote of
5 two-thirds of the members of each house of the legislature for passage.

6

7 NEW SECTION. **Section 28. Effective date.** [This act] is effective on passage and approval.

8

9 NEW SECTION. **Section 29. Termination.** [Section 24] terminates June 30, 2021.

10

- END -