

1 SENATE BILL NO. 88
2 INTRODUCED BY BECK
3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ANNUAL FUNDING CYCLE FOR THE
6 TREASURE STATE ENDOWMENT PROGRAM; TRANSFERRING PROJECT APPROVAL AUTHORITY FROM
7 THE LEGISLATURE TO THE GOVERNOR; REVISING THE CRITERIA AND PRIORITIES FOR AWARDING
8 FUNDING; AMENDING SECTION 90-6-710, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 90-6-710, MCA, is amended to read:
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14 **"90-6-710. Priorities for projects -- procedure -- rulemaking.** (1) ~~The department of commerce must~~
15 ~~receive proposals~~ Proposals for projects from local governments, as defined in 90-6-701(3)(b), ~~must be~~
16 ~~accepted each year by the department of commerce~~. The department shall work with a local government
17 in preparing cost estimates for a project. In reviewing project proposals, the department may consult with
18 other state agencies with expertise pertinent to the proposal. The department shall annually prepare and
19 submit a list ~~containing the~~ of recommended projects ~~and to the~~ and shall inform the legislative
20 ~~finance committee of the~~ department's recommendations. The list must contain the recommended form
21 ~~and amount~~ of financial assistance for each project, ~~to the~~ and governor. In recommending financial assistance,
22 the department shall consider whether the applicant's proposed level of financial participation in the project
23 is the maximum amount that can be reasonably expected. The list of recommended projects must be
24 prioritized pursuant to subsection (2). The governor shall review the projects recommended by the
25 department and shall submit a list of recommended projects and the recommended financial assistance to
26 the legislature ~~shall either approve the~~ department's recommendations or, based on the criteria contained
in this section, approve the recommendations with modifications.

27 (2) In preparing recommendations under subsection (1), the department shall give preference must
28 ~~be given to~~ infrastructure projects based on the following order of priority:
29 (a) projects that solve urgent and serious public health or safety problems; or
30 (b) projects that enable local governments to meet state or federal health or safety standards;

1 (b) projects that reflect greater need for financial assistance than other projects;

2 (c) projects that incorporate appropriate, cost-effective technical design and that provide thorough,

3 long-term solutions to community public facility needs;

4 (d) projects that ~~result in a benefit to the public commensurate with the amount of financial~~
5 ~~assistance. However, the benefit to the public may not be measured by population alone. reflect substantial~~
6 ~~past efforts to ensure sound, effective, long-term planning and management of the facility and attempt to~~
7 ~~resolve the infrastructure problem with local resources;~~

8 (e) projects that reflect greater need for financial assistance than other projects;

9 (f)(e) projects that enable local governments to obtain funds from sources other than the funds
10 provided under this part;

11 (f) projects that would result in the construction of housing for low- or moderate-income families
12 and that are sponsored by nonprofit or local government entities;

13 (g) projects that provide long-term, full-time job opportunities for Montanans;

14 (h) projects that provide public facilities necessary for the expansion of a business that has a high
15 potential for financial success; or

16 (i) projects that maintain the tax base or that ~~do not discourage~~ encourage expansion of the tax
17 base; and

18 (j) projects that are high local priorities and have strong community support.

19 (3) After the review required by subsection (1), the projects must be approved by the legislature.

20 (4) The department shall adopt rules necessary to implement the treasure state endowment
21 program."

22

23 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 1998.

24 -END-

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20 (3) ~~After the review required by subsection (1), the projects must be approved by the legislature.~~
21 (4)(3) The department shall adopt rules necessary to implement the treasure state endowment
22 program."

24 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 1998.

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25 **NEW SECTION. SECTION 2. COORDINATION INSTRUCTION -- CONTINGENT VOIDNESS. IF**
26 **SENATE BILL NO. 75 IS PASSED AND APPROVED AND IF MONTANA CITIZENS VOTE IN FAVOR OF**
27 **ANNUAL LEGISLATIVE SESSIONS IN THE SUBSEQUENT ELECTION, THEN [THIS ACT] IS VOID ON THE**
28 **DATE THAT SENATE BILL NO. 75 BECOMES EFFECTIVE.**
29
30 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 1998.

-END-