

SENATE BILL NO. 277

1/29 Introduced  
1/30 Referred to Natural Resources  
1/31 Fiscal Note Requested  
2/09 Fiscal Note Received  
2/11 Hearing  
2/23 Committee Report-Bill Pass As Amended  
2/23 Statement of Intent Attached  
2/25 2nd Reading Pass As Amended  
2/27 3rd Reading Pass

Transmitted to House

3/06 Referred to Natural Resources  
3/25 Hearing  
Died in Committee

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SENATE BILL NO. 277  
INTRODUCED BY *Blaylock* *Copp* *Dunn* *Bentley*  
BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES *Boyer*  
AND CONSERVATION *Conover*

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA LEGACY PROGRAM; AMENDING SECTIONS 76-14-112 AND 85-1-603, MCA; REPEALING SECTIONS 90-2-101 THROUGH 90-2-104, 90-2-107 THROUGH 90-2-113, AND 90-2-121 THROUGH 90-2-128, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. Section 1. Short title. [Sections 1 through 10] shall be known as the "Montana Legacy Act".

NEW SECTION. Section 2. Policy and purpose. (1) It is the policy of this state to provide security against loss or damage to our environment from the extraction of nonrenewable natural resources. Recognizing that the total environment consists of our air, water, soil, flora, fauna, and forests and also of those social, economic, and cultural conditions which influence our communities and the lives of our individual citizens, it is necessary that the state of Montana be indemnified for the effects this extraction has on our resources and to assure that these resources be developed in a sound manner. It is also the policy of this

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state to provide for the development of its renewable resources to benefit Montana citizens and to compensate for the loss of its nonrenewable resources.

(2) The purposes of [sections 1 through 10] are to:

(a) establish a program to provide financing to accomplish such objectives as repairing, reclaiming, or mitigating environmental damage from past or future resource extraction;

(b) develop renewable resources such as air, water, soil, flora, fauna, forests, and recreation;

(c) ensure the quality of these public resources;

(d) promote economic development based on natural resources;

(e) protect existing natural resources through conservation; and

(f) protect Montana's quality environment through research assessing environmental damage related to natural resource development.

NEW SECTION. Section 3. Definitions. Unless the context requires otherwise, in [sections 1 through 10] the following definitions apply:

(1) "Activity" means an action or program to repair, reclaim, or mitigate environmental damage from past or future resource extraction or to provide for the protection of Montana's renewable resources through sound conservation



1 or restoration.

2 (2) "Board" means the board of natural resources and  
3 conservation provided for in 2-15-3302.

4 (3) "Department" means the department of natural  
5 resources and conservation provided for in Title 2, chapter  
6 15, part 33.

7 (4) "Financially feasible" means that adequate funds  
8 are available to complete the project as approved.

9 (5) "Legacy program special revenue account" means a  
10 separate account created by [section 4] within the state  
11 special revenue fund of the state treasury for the purposes  
12 of the legacy program set forth in [sections 1 through 10].

13 (6) "Project" means the feasibility study, design, and  
14 construction of physical works.

15 (7) "Public benefits" means those benefits which  
16 accrue to the citizens as a group and enhance the common  
17 well-being of the people of Montana.

18 (8) "Technically feasible" means that a project or  
19 activity can be designed, constructed, operated, or carried  
20 out to accomplish the purpose or purposes for which it was  
21 planned, utilizing accepted engineering and other technical  
22 principles and concepts. The project or activity must be  
23 cost effective and must address an identified problem or  
24 need in order to be considered technically feasible.

25 NEW SECTION. Section 4. Legacy program special

1 revenue account created -- revenues -- allocation --  
2 limitations on appropriations. (1) There is created a  
3 legacy program special revenue account within the state  
4 special revenue fund established in 17-2-102.

5 (2) There must be paid into the legacy program special  
6 revenue account all money available for appropriation from  
7 the resource indemnity trust account set forth in Title 15,  
8 chapter 38, with the exception of those allocations made in  
9 15-38-202.

10 (3) Appropriations may be made from the legacy program  
11 special revenue account for the following purposes:

12 (a) grants for legacy program projects and activities;  
13 and

14 (b) administrative expenses, including but not limited  
15 to the salaries and expenses of personnel, equipment, office  
16 space, and other expenses necessarily incurred in the  
17 administration of the legacy program.

18 NEW SECTION. Section 5. State and local grants.  
19 (1) The department may recommend to the governor that  
20 grants be made from the legacy program special revenue  
21 account established by [section 4] to any department,  
22 agency, board, commission, or other division of state  
23 government or to any city, county, or other political  
24 subdivision or local government body of the state.

25 (2) Grants may be made for the purchase, lease,

1 development, or construction of projects or activities; for  
 2 feasibility and design studies of eligible projects; and for  
 3 monitoring environmental impacts, problem analysis,  
 4 demonstration projects, and research.

5 (3) The department shall solicit and consider in its  
 6 evaluation of proposed projects and activities the views of  
 7 interested and affected departments, boards, agencies, and  
 8 other subdivisions of state and federal government and of  
 9 other interested and affected persons.

10 (4) The governor shall submit the proposals having his  
 11 approval to the legislature by the 20th day of any  
 12 legislative session. The legislature may approve by  
 13 appropriation or other appropriate means those grants it  
 14 finds consistent with the policies and purposes of the  
 15 program. The implementation of approved projects and  
 16 activities must be administered by the department.

17 (5) In addition to implementing the projects approved  
 18 by the legislature, the department may request up to 10% of  
 19 the funds available for grants from the legacy program  
 20 special revenue account in any biennium to be used for  
 21 emergencies that cannot be anticipated by the legislature.  
 22 Emergency projects must be reviewed by the department and  
 23 approved by the governor. Written notification of a project  
 24 approved by the governor must be given to the legislative  
 25 finance committee created in 5-12-201. Emergency projects

1 are defined as those projects which if delayed until  
 2 legislative approval can be obtained will result in  
 3 substantial damages or legal liability to the project  
 4 sponsor.

5 NEW SECTION. Section 6. Eligibility requirements.

6 (1) To be eligible for funding under the legacy program,  
 7 the proposed project must provide benefits in one or more of  
 8 the following categories:

9 (a) provide mined land reclamation when no party is  
 10 liable for reclamation of the land and money from the  
 11 federal abandoned mine reclamation fund, established in the  
 12 Surface Mining Control and Reclamation Act of 1977, is not  
 13 available;

14 (b) provide reclamation for past oil and gas  
 15 extraction, exploration, and processing when no liable party  
 16 can be identified;

17 (c) provide for reforestation of areas damaged by  
 18 mining or smelting activities for which a liable party  
 19 cannot be identified;

20 (d) provide recreational areas or natural areas to  
 21 compensate for loss or anticipated loss of recreation or  
 22 natural areas because of resource extraction;

23 (e) provide for mitigation of social and economic  
 24 impacts of natural resource development that is consistent  
 25 with but not covered by other statutes;

1 (f) provide for research demonstration and technical  
2 assistance to promote the wise use of Montana's natural  
3 resources and to make processing more environmentally  
4 compatible;

5 (g) protect the state's renewable resources through  
6 sound soil and water conservation, weed control, and other  
7 restoration programs;

8 (h) provide for research to assess past or potential  
9 environmental damage resulting from natural resource  
10 development;

11 (i) provide investigation and remediation of sites  
12 when hazardous and toxic wastes threaten the environment and  
13 when funding either from responsible parties or the  
14 Comprehensive Environmental Response, Compensation, and  
15 Liability Act of 1980 is unavailable.

16 (2) In order to be eligible for funding under the  
17 legacy program the proposed projects must:

18 (a) be technically and financially feasible;

19 (b) be the best cost-effective alternative to address  
20 an identified problem;

21 (c) comply with statutory and regulatory standards  
22 protecting the quality of resources such as air, water,  
23 soil, flora, fauna, forests, and recreational opportunities;  
24 and

25 (d) be from an applicant who is able and willing to

1 enter into a contract with the department for the  
2 construction or development of the proposed project or  
3 activity.

4 NEW SECTION. Section 7. Evaluation criteria. (1) The  
5 department shall consider the following criteria in  
6 evaluating eligible applications and in selecting those  
7 projects or activities to be recommended for funding:

8 (a) the degree to which the proposed project or  
9 activity will provide benefits in its eligibility category  
10 or categories;

11 (b) the degree to which the proposed project or  
12 activity will provide public benefits;

13 (c) the degree to which the proposed project or  
14 activity will promote, enhance, or advance the purpose,  
15 policies, and objectives of the legacy program;

16 (d) the degree to which the proposed project or  
17 activity will be an efficient use of natural resources,  
18 including energy, air, water, soil, flora, fauna, and  
19 forests, and therefore provide for conservation of these  
20 resources (as used in this subsection (1)(d), an efficient  
21 use is one that minimizes waste);

22 (e) the degree of need and urgency for the project;

23 (f) the extent to which the project sponsor or local  
24 entity is contributing to the costs of the project; and

25 (g) such other criteria as the department considers

1 necessary to carry out the policies and objectives of  
2 [sections 1 through 10].

3 (2) In applying these evaluation criteria, reclamation  
4 projects and activities that directly relate to mitigation  
5 of resource extraction must be given special consideration.

6 NEW SECTION. Section 8. Adoption of rules. The board  
7 may adopt rules implementing the provisions of [sections 1  
8 through 10], including but not limited to:

9 (1) rules prescribing the form and content of  
10 applications for grants;

11 (2) rules describing the terms and conditions for  
12 making grants;

13 (3) rules prescribing a monitoring program to evaluate  
14 the effectiveness of funded projects and activities; and

15 (4) any other rules the board considers necessary to  
16 accomplish the purposes and objectives of [sections 1  
17 through 10].

18 NEW SECTION. Section 9. Advisory council. (1) The  
19 department shall appoint an advisory council to advise the  
20 department in carrying out the policies and purposes of  
21 [sections 1 through 10].

22 (2) The advisory council must be created as provided  
23 in 2-15-122.

24 NEW SECTION. Section 10. Penalty. No member, officer,  
25 attorney, or other employee of the board or the department

1 may, directly or indirectly, be the beneficiary of or  
2 receive any fee, commission, gift, or other consideration in  
3 connection with any transaction or business under [sections  
4 1 through 10] other than the salary, fee, or other  
5 compensation that he may receive as a member, officer,  
6 attorney, or employee. A person convicted of violating any  
7 provision of this section shall be punished by a fine not to  
8 exceed \$2,000 or imprisonment for a term not to exceed 2  
9 years, or both.

10 Section 11. Section 76-14-112, MCA, is amended to  
11 read:

12 "76-14-112. Rangeland improvement loan special revenue  
13 account. (1) There is created a rangeland improvement loan  
14 special revenue account within the state special revenue  
15 fund established in 17-2-102.

16 (2) There must be allocated to the rangeland  
17 improvement loan earmarked special revenue account ~~±5%~~  
18 ~~of the total amount of renewable resource development grants~~  
19 ~~and loans as provided by 90-2-113, 0.1875% of all money from~~  
20 time to time received from the coal severance tax collected  
21 under Title 15, chapter 35, and remaining after allocation  
22 of such tax to the trust fund established under Article IX,  
23 section 5, of the Constitution of the State of Montana for  
24 use under the rangeland loan improvement program through the  
25 biennium ending June 30, 1989; any principal and accrued

1 interest received in repayment of a loan made under the  
2 rangeland improvement loan program; and any fees or charges  
3 collected by the department pursuant to 76-14-116 for the  
4 servicing of loans, including arrangements for obtaining  
5 security interests."

6 Section 12. Section 85-1-603, MCA, is amended to read:

7 "85-1-603. Water development debt service fund created  
8 -- coal severance tax allocated. (1) There is created a  
9 water development debt service fund within the debt service  
10 fund type established in 17-2-102.

11 (2) The state pledges and allocates and directs to be  
12 credited to the water development debt service fund, as  
13 received, ~~1-1/4%~~ 2.3125% through the biennium ending June  
14 30, 1989, and then 2.5% of all money from time to time  
15 received from the coal severance tax collected under Title  
16 15, chapter 35, and remaining after allocation of such tax  
17 to the trust fund established under Article IX, section 5,  
18 of The Constitution of the State of Montana."

19 NEW SECTION. Section 13. Repealer. Sections 90-2-101  
20 through 90-2-104, 90-2-107 through 90-2-113, and 90-2-121  
21 through 90-2-128, MCA, are repealed.

22 NEW SECTION. Section 14. Severability. If a part of  
23 this act is invalid, all valid parts that are severable from  
24 the invalid part remain in effect. If a part of this act is  
25 invalid in one or more of its applications, the part remains

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

3 NEW SECTION. Section 15. Saving clause. This act does  
4 not affect rights and duties that matured, penalties that  
5 were incurred, or proceedings that were begun before the  
6 effective date of this act.

7 NEW SECTION. Section 16. Effective dates. (1) This  
8 act, except for sections 11, 12, and 13, is effective on  
9 passage and approval.

10 (2) Sections 11, 12, and 13 are effective July 1,  
11 1987.

-End-

## STATE OF MONTANA

## FISCAL NOTE

REQUEST NO. FNN 297-85

Form BD-15

In compliance with a written request received January 31, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 277 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

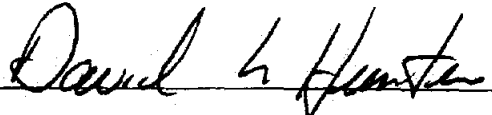
Senate Bill 277 establishes the Montana Legacy Program utilizing 64% of the interest income from the Resource Indemnity Trust Fund.

ASSUMPTIONS:

1. Interest earnings from the Resource Indemnity Trust account are estimated to be \$3.983 million in FY86 and \$4.4 million in FY87.
2. The Governor has proposed that full implementation of the Legacy Program be delayed one year, therefore, \$3.483 million of the interest earnings will be deposited in the General Fund during FY 86.
3. Enabling legislation for the Legacy Program is enacted prior to the Legacy Appropriation Bill.
4. 10% of the available funds will be earmarked for the emergency fund.

FISCAL IMPACT:

	<u>FY 86</u>	<u>FY 87</u>
<u>Revenues:</u>		
To Legacy Program	\$ 500,000	\$4,400,000
To General Fund	3,483,000	-0-
	<u>\$3,983,000</u>	<u>\$4,400,000</u>
<u>Expenditures:</u>		
Grants	\$345,000	\$3,788,000
Emergency Fund	50,000	\$ 440,000
Administration	<u>\$105,000</u>	<u>\$ 172,000</u>
Total Expenditures	<u>\$500,000</u>	<u>\$4,400,000</u>

  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning

Date: Feb 9, 1985

S B 277



LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

As of July 1, 1987, a portion of the Coal Severance Tax revenue currently allocated to the Renewable Resource Development Program will go to the Water Development Program.

As of July 1, 1989, Coal Severance Tax revenue currently allocated to the Rangeland Improvement Loan Program will also go to the Water Development Program.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

1. Sections 11 & 12 of S.B. 277 appears to be in conflict with current law. The following underlined language would amend Section 15-35-108, MCA, and be consistent with S.B. 277.
  - (3)(g) 1-1/4% to the credit of the renewable resource development bond fund, until July 1, 1987;
  - (k) 1-1/4% until July 1, 1987; and 2.3125% thereafter until July 1, 1989; and thereafter 2.5% to the credit of the water development debt service fund;
  - (l) for the fiscal years following June 30, 1987, until July 1, 1989, .1875% to the rangeland improvement loan special revenue account;
  - (m) all other revenues from severance taxes collected under the provisions of this chapter to the credit of the general fund of the state."

Due to the technical conflicts, the impact to the general fund cannot be computed at this time.

1 STATEMENT OF INTENT

2 SENATE BILL 277

3 Senate Natural Resources Committee

4

5 A statement of intent is required for this bill because  
6 it delegates rulemaking authority in section 9 to the board  
7 of natural resources and conservation for the establishment  
8 and administration of the Montana legacy program.

9 The intent is to provide the board with the authority  
10 to adopt those rules necessary to administer the Montana  
11 legacy program. The authority as described in section 9  
12 includes establishing rules:

13 (1) prescribing the form and content of applications  
14 for grants;

15 (2) describing the terms and conditions for making  
16 grants;

17 (3) prescribing a monitoring program to evaluate the  
18 effectiveness of funded projects and activities; and

19 (4) any other rules the board considers necessary to  
20 accomplish the purposes and objectives of this act.



SECOND READING

ATTACH TO SB 277

APPROVED BY COMM. ON  
NATURAL RESOURCES

SENATE BILL NO. 277

INTRODUCED BY BLAYLOCK, CRIPPEN, NEUMAN,

BENGTSON, BOYLAN, CONOVER

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES

AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA LEGACY PROGRAM; AMENDING SECTIONS 15-15-108, 76-14-112, AND 85-1-603, MCA; REPEALING SECTIONS 90-2-101 THROUGH 90-2-104, 90-2-107 THROUGH 90-2-113, AND 90-2-121 THROUGH 90-2-128, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. Section 1. Short title. [Sections 1 through 10] shall be known as the "Montana Legacy Act".

NEW SECTION. Section 2. Policy and purpose. (1) It is the policy of this state to provide security against loss or damage to our environment from the extraction of nonrenewable natural resources. Recognizing that the total environment consists of our air, water, soil, flora, fauna, and forests and also of those social, economic, and cultural conditions which influence our communities and the lives of our individual citizens, it is necessary that the state of Montana be indemnified for the effects this extraction has on our resources and to assure that these resources be

developed in a sound manner. It is also the policy of this state to provide for the development of its renewable resources to benefit Montana citizens and to compensate for the loss of its nonrenewable resources. IT IS NOT THE INTENT OF THIS STATE, HOWEVER, TO COMPENSATE FOR THE LOSS OR DAMAGE TO THE ENVIRONMENT FROM THE EXTRACTION OF NONRENEWABLE RESOURCES IF REMEDIAL FUNDING FROM OTHER SOURCES EXISTS.

(2) The purposes of [sections 1 through 10] are to:

(a) establish a program to provide financing to accomplish such objectives as repairing, reclaiming, or mitigating environmental damage from past or future resource extraction;

(b) develop renewable resources such as air, water, soil, flora, fauna, forests, and recreation;

(c) ensure the quality of these public resources;

~~(d) promote economic development based on natural resources;~~

~~(e)(D)~~ protect existing natural resources through conservation; and

~~(f)(E)~~ protect Montana's quality environment through research assessing environmental damage related to natural resource development.

NEW SECTION. Section 3. Definitions. Unless the context requires otherwise, in [sections 1 through 10] the following definitions apply:

1 (1) "Activity" means an action or program to repair,  
2 reclaim, or mitigate environmental damage from past or  
3 future resource extraction or to provide for the protection  
4 of Montana's renewable resources through sound conservation  
5 or restoration.

6 (2) "Board" means the board of natural resources and  
7 conservation provided for in 2-15-3302.

8 (3) "Department" means the department of natural  
9 resources and conservation provided for in Title 2, chapter  
10 15, part 33.

11 (4) "Financially feasible" means that adequate funds  
12 are available to complete the project as approved.

13 (5) "Legacy program special revenue account" means a  
14 separate account created by [section 4] within the state  
15 special revenue fund of the state treasury for the purposes  
16 of the legacy program set forth in [sections 1 through 10].

17 (6) "Project" means the feasibility study, design, and  
18 construction of physical works.

19 (7) "Public benefits" means those benefits which  
20 accrue to the citizens as a group and enhance the common  
21 well-being of the people of Montana.

22 (8) "Technically feasible" means that a project or  
23 activity can be designed, constructed, operated, or carried  
24 out to accomplish the purpose or purposes for which it was  
25 planned, utilizing accepted engineering and other technical

1 principles and concepts. The project or activity must be  
2 cost effective and must address an identified problem or  
3 need in order to be considered technically feasible.

4 NEW SECTION. Section 4. Legacy program special  
5 revenue account created -- revenues -- allocation --  
6 limitations on appropriations. (1) There is created a  
7 legacy program special revenue account within the state  
8 special revenue fund established in 17-2-102.

9 (2) There must be paid into the legacy program special  
10 revenue account all money ~~available~~ ALLOCATED for  
11 appropriation from the resource indemnity trust INTEREST  
12 account set forth in Title 15, chapter 38, with the  
13 exception of those allocations made in 15-38-202.

14 (3) Appropriations may be made from the legacy program  
15 special revenue account for the following purposes:

16 (a) grants for legacy program projects and activities;  
17 and

18 (b) administrative expenses, including but not limited  
19 to the salaries and expenses of personnel, equipment, office  
20 space, and other expenses necessarily incurred in the  
21 administration of the legacy program.

22 NEW SECTION. Section 5. State and local grants.  
23 (1) The department may recommend to the governor that  
24 grants be made from the legacy program special revenue  
25 account established by [section 4] to any department,

1 agency, board, commission, or other division of state  
2 government or to any city, county, or other political  
3 subdivision or local government body of the state.

4 (2) Grants may be made for the purchase, lease,  
5 development, or construction of projects or activities; for  
6 feasibility and design studies of eligible projects; and for  
7 monitoring environmental impacts, problem analysis,  
8 demonstration projects, and research.

9 (3) The department shall solicit and consider in its  
10 evaluation of proposed projects and activities the views of  
11 interested and affected departments, boards, agencies, and  
12 other subdivisions of state and federal government and of  
13 other interested and affected persons.

14 (4) The governor shall submit ~~the proposals having his~~  
15 ~~approval~~ ALL PROPOSALS WITH HIS RECOMMENDED PRIORITIES to  
16 the legislature by the 20th day of any REGULAR legislative  
17 session. The legislature may approve by appropriation or  
18 other appropriate means those grants it finds consistent  
19 with the policies and purposes of the program. The  
20 implementation of approved projects and activities must be  
21 administered by the department.

22 (5) In addition to implementing the projects approved  
23 by the legislature, the department may request up to 10% of  
24 the funds available for grants from the legacy program  
25 special revenue account in any biennium to be used for

1 emergencies that cannot be anticipated by the legislature.  
2 Emergency projects must be reviewed by the department and  
3 approved by the governor. Written notification of a project  
4 approved by the governor must be given to the legislative  
5 finance committee created in 5-12-201. Emergency projects  
6 are defined as those projects which if delayed until  
7 legislative approval can be obtained will result in  
8 substantial damages or legal liability to the project  
9 sponsor. EMERGENCY PROJECTS FUNDED UNDER THIS PROVISION  
10 MUST ALSO BE CONSISTENT WITH THE POLICY AND PURPOSES STATED  
11 IN [SECTION 2].

12 (6) AN ALLOCATION OF 3 1/2% OF THE FUNDS AVAILABLE FOR  
13 GRANTS IN THE LEGACY PROGRAM SPECIAL REVENUE ACCOUNT IS  
14 DESIGNATED FOR RESEARCH AND DATA MANAGEMENT BY THE MONTANA  
15 WATER RESOURCES RESEARCH CENTER AND THE MONTANA GROUND WATER  
16 INFORMATION CENTER. THIS MONEY MUST BE APPORTIONED BY THE  
17 DEPARTMENT ACCORDING TO THE CRITERIA IN [SECTION 7].

18 NEW SECTION. Section 6. Eligibility requirements.  
19 (1) To be eligible for funding under the legacy program,  
20 the proposed project must provide benefits in one or more of  
21 the following categories:

22 (a) provide mined land reclamation; ~~when no party is~~  
23 ~~liable for reclamation of the land and money from the~~  
24 ~~federal abandoned mine reclamation fund, established in the~~  
25 ~~Surface Mining Control and Reclamation Act of 1977, is not~~

1 available;

2 (b) provide reclamation for past oil and gas  
3 extraction, exploration, and processing ~~when-no-liable-party~~  
4 ~~can-be-identified~~;

5 (c) provide for reforestation of areas damaged by  
6 mining or smelting activities ~~for--which--a--liable--party~~  
7 ~~cannot-be-identified~~;

8 (d) provide recreational areas or natural areas to  
9 compensate for loss or anticipated loss of recreation or  
10 natural areas because of resource extraction;

11 (e) provide for mitigation of social and economic  
12 impacts of natural resource development ~~that--is--consistent~~  
13 ~~with-but~~ not covered by other statutes;

14 (f) provide for research demonstration and technical  
15 assistance to promote the wise use of Montana's natural  
16 resources and to make processing more environmentally  
17 compatible;

18 (g) protect the state's renewable resources through  
19 sound soil and water conservation, weed control, and other  
20 restoration programs;

21 (h) provide for research to assess past or potential  
22 environmental damage resulting from natural resource  
23 development;

24 (i) provide investigation and remediation of sites  
25 when hazardous and toxic wastes threaten the environment and

1 when funding either from responsible parties or the  
2 Comprehensive Environmental Response, Compensation, and  
3 Liability Act of 1980 is unavailable.

4 (2) In order to be eligible for funding under the  
5 legacy program the proposed projects must:

- 6 (a) be technically and financially feasible;
- 7 (b) be the best cost-effective alternative to address  
8 an identified problem;
- 9 (c) comply with statutory and regulatory standards  
10 protecting the quality of resources such as air, water,  
11 soil, flora, fauna, forests, and recreational opportunities;  
12 and
- 13 (d) be from an applicant who is able and willing to  
14 enter into a contract with the department for the  
15 construction or development of the proposed project or  
16 activity.

17 (3) PROPOSED PROJECTS ARE NOT ELIGIBLE FOR FUNDING  
18 UNDER THE LEGACY PROGRAM IF THE PROJECTS ARE ELIGIBLE FOR  
19 FUNDING FROM OTHER STATE OR FEDERAL RECLAMATION PROGRAMS OR  
20 ANY OTHER PROGRAM OR ACT THAT PROVIDES FUNDING TO REMEDIATE  
21 ENVIRONMENTAL DAMAGE, OR IF THE PROJECTS ARE PERMITTED UNDER  
22 TITLE 82, CHAPTERS 4 OR 11. HOWEVER, PROJECTS THAT FULFILL  
23 FEDERAL MATCHING FUND REQUIREMENTS ARE ELIGIBLE FOR LEGACY  
24 PROGRAM FUNDING.

25 NEW SECTION. Section 7. Evaluation criteria. (1) The

1 department shall consider the following criteria in  
 2 evaluating eligible applications and in selecting those  
 3 projects or activities to be recommended for funding:

4 (a) the degree to which the proposed project or  
 5 activity will provide benefits in its eligibility category  
 6 or categories;

7 (b) the degree to which the proposed project or  
 8 activity will provide public benefits;

9 (c) the degree to which the proposed project or  
 10 activity will promote, enhance, or advance the purpose,  
 11 policies, and objectives of the legacy program;

12 (d) the degree to which the proposed project or  
 13 activity will ~~be-an-efficient-use~~ MINIMIZE MISUSE of natural  
 14 resources, including energy, air, water, soil, flora, fauna,  
 15 and forests, and therefore provide for conservation of these  
 16 resources ~~{as-used-in-this-subsection-(d)}~~ --an--efficient  
 17 use-is-one-that-minimizes-waste;

18 (e) the degree of need and urgency for the project;

19 (f) the extent to which the project sponsor or local  
 20 entity is contributing to the costs of the project OR IS  
 21 GENERATING ADDITIONAL NONSTATE FUNDS; and

22 (G) THE DEGREE TO WHICH JOBS ARE CREATED FOR PERSONS  
 23 WHO NEED JOB TRAINING, RECEIVE PUBLIC ASSISTANCE, OR ARE  
 24 CHRONICALLY UNEMPLOYED; AND

25 ~~(g)~~ (H) such other criteria as the department considers

1 necessary to carry out the policies and objectives of  
 2 [sections 1 through 10].

3 (2) In applying these evaluation criteria, reclamation  
 4 projects and activities that directly relate to mitigation  
 5 of resource extraction must be given special consideration.

6 NEW SECTION. Section 8. Adoption of rules. The board  
 7 may adopt rules implementing the provisions of [sections 1  
 8 through 10], including but not limited to:

9 (1) rules prescribing the form and content of  
 10 applications for grants;

11 (2) rules describing the terms and conditions for  
 12 making grants;

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 14 the effectiveness of funded projects and activities; and

15 (4) any other rules the board considers necessary to  
 16 accomplish the purposes and objectives of [sections 1  
 17 through 10].

18 NEW SECTION. Section 9. Advisory council. (1) The  
 19 department shall appoint an advisory council to advise the  
 20 department in carrying out the policies and purposes of  
 21 [sections 1 through 10].

22 (2) The advisory council must be created as provided  
 23 in 2-15-122.

24 NEW SECTION. Section 10. Penalty. No member, officer,  
 25 attorney, or other employee of the board or the department

1 may, directly or indirectly, be the beneficiary of or  
 2 receive any fee, commission, gift, or other consideration in  
 3 connection with any transaction or business under [sections  
 4 1 through 10] other than the salary, fee, or other  
 5 compensation that he may receive as a member, officer,  
 6 attorney, or employee. A person convicted of violating any  
 7 provision of this section shall be punished by a fine not to  
 8 exceed \$2,000 or imprisonment for a term not to exceed 2  
 9 years, or both.

10 SECTION 11. SECTION 15-35-108, MCA, IS AMENDED TO  
 11 READ:

12 "15-35-108. Disposal of severance taxes. Severance  
 13 taxes collected under the provisions of this chapter are  
 14 allocated as follows:

15 (1) To the trust fund created by Article IX, section  
 16 5, of the Montana constitution, 25% of total collections a  
 17 year. After December 31, 1979, 50% of coal severance tax  
 18 collections are allocated to this trust fund. The trust fund  
 19 moneys shall be deposited in the fund established under  
 20 17-6-203(5) and invested by the board of investments as  
 21 provided by law.

22 (2) Starting July 1, 1986, and ending June 30, 1987,  
 23 6% of coal severance tax collections are allocated to the  
 24 highway reconstruction trust fund account in the state  
 25 special revenue fund. Starting July 1, 1987, and ending June

1 30, 1993, 12% of coal severance tax collections are  
 2 allocated to the highway reconstruction trust fund account  
 3 in the state special revenue fund.

4 (3) Coal severance tax collections remaining after the  
 5 allocations provided by subsections (1) and (2) are  
 6 allocated in the following percentages of the remaining  
 7 balance:

8 (a) to the county in which coal is mined, 2% of the  
 9 severance tax paid on the coal mined in that county until  
 10 January 1, 1980, for such purposes as the governing body of  
 11 the county may determine;

12 (b) 2 1/2% until December 31, 1979, and thereafter  
 13 4 1/2% to the state special revenue fund to the credit of  
 14 the alternative energy research development and  
 15 demonstration account;

16 (c) 26 1/2% until July 1, 1979, and thereafter 37 1/2%  
 17 to the state special revenue fund to the credit of the local  
 18 impact and education trust fund account;

19 (d) for each of the 2 fiscal years following June 30,  
 20 1977, 13% to the state special revenue fund to the credit of  
 21 the coal area highway improvement account;

22 (e) 10% to the state special revenue fund for state  
 23 equalization aid to public schools of the state;

24 (f) 1% to the state special revenue fund to the credit  
 25 of the county land planning account;



1 (g) 1 1/4% to the credit of the renewable resource  
2 development bond fund until July 1, 1987;

3 (h) 5% to a nonexpendable trust fund for the purpose  
4 of parks acquisition or management, protection of works of  
5 art in the state capitol, and other cultural and aesthetic  
6 projects. Income from this trust fund shall be appropriated  
7 as follows:

8 (i) 1/3 for protection of works of art in the state  
9 capitol and other cultural and aesthetic projects; and

10 (ii) 2/3 for the acquisition of sites and areas  
11 described in 23-1-102 and the operation and maintenance of  
12 sites so acquired;

13 (i) 1% to the state special revenue fund to the credit  
14 of the state library commission for the purposes of  
15 providing basic library services for the residents of all  
16 counties through library federations and for payment of the  
17 costs of participating in regional and national networking;

18 (j) 1/2 of 1% to the state special revenue fund for  
19 conservation districts;

20 (k) 1 1/4% ~~to the debt service fund type~~ until July 1,  
21 1987; and 2.3125% thereafter until July 1, 1989; and  
22 thereafter 2.5% to the credit of the water development debt  
23 service fund;

24 (l) for the fiscal years following June 30, 1987,  
25 until July 1, 1989, 0.1875% to the rangeland improvement

1 loan special revenue account;

2 ~~(i)~~ (m) all other revenues from severance taxes  
3 collected under the provisions of this chapter to the credit  
4 of the general fund of the state."

5 Section 12. Section 76-14-112, MCA, is amended to  
6 read:

7 "76-14-112. Rangeland improvement loan special revenue  
8 account. (1) There is created a rangeland improvement loan  
9 special revenue account within the state special revenue  
10 fund established in 17-2-102.

11 (2) There must be allocated to the rangeland  
12 improvement loan earmarked special revenue account ~~15%~~  
13 ~~the total amount of renewable resource development grants~~  
14 ~~and loans as provided by 96-2-333, 0.1875% of all money from~~  
15 time to time received from the coal severance tax collected  
16 under Title 15, chapter 35, and remaining after allocation  
17 of such tax to the trust fund established under Article IX,  
18 section 5, of the Constitution of the State of Montana for  
19 use under the rangeland loan improvement program through the  
20 biennium ending June 30, 1989; any principal and accrued  
21 interest received in repayment of a loan made under the  
22 rangeland improvement loan program; and any fees or charges  
23 collected by the department pursuant to 76-14-116 for the  
24 servicing of loans, including arrangements for obtaining  
25 security interests."

1 Section 13. Section 85-1-603, MCA, is amended to read:

2 \*85-1-603. Water development debt service fund created  
3 -- coal severance tax allocated. (1) There is created a  
4 water development debt service fund within the debt service  
5 fund type established in 17-2-102.

6 (2) The state pledges and allocates and directs to be  
7 credited to the water development debt service fund, as  
8 received, ~~1-2/4%~~ 2.3125% through the biennium ending June  
9 30, 1989, and then 2.5% of all money from time to time  
10 received from the coal severance tax collected under Title  
11 15, chapter 35, and remaining after allocation of such tax  
12 to the trust fund established under Article IX, section 5,  
13 of The Constitution of the State of Montana."

14 NEW SECTION. Section 14. Repealer. Sections 90-2-101  
15 through 90-2-104, 90-2-107 through 90-2-113, and 90-2-121  
16 through 90-2-128, MCA, are repealed.

17 NEW SECTION. Section 15. Severability. If a part of  
18 this act is invalid, all valid parts that are severable from  
19 the invalid part remain in effect. If a part of this act is  
20 invalid in one or more of its applications, the part remains  
21 in effect in all valid applications that are severable from  
22 the invalid applications.

23 NEW SECTION. Section 16. Saving clause. This act does  
24 not affect rights and duties that matured, penalties that  
25 were incurred, or proceedings that were begun before the

1 effective date of this act.

2 NEW SECTION. Section 17. Effective dates. (1) This  
3 act, except for sections 11, 12, and 13, is effective on  
4 passage and approval.

5 (2) Sections 11, 12, and 13 are effective July 1,  
6 1987.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 277

3 Senate Natural Resources Committee

4  
5 A statement of intent is required for this bill because  
6 it delegates rulemaking authority in section 9 to the board  
7 of natural resources and conservation for the establishment  
8 and administration of the Montana legacy program.

9 The intent is to provide the board with the authority  
10 to adopt those rules necessary to administer the Montana  
11 legacy program. The authority as described in section 9  
12 includes establishing rules:

13 (1) prescribing the form and content of applications  
14 for grants;

15 (2) describing the terms and conditions for making  
16 grants;

17 (3) prescribing a monitoring program to evaluate the  
18 effectiveness of funded projects and activities; and

19 (4) any other rules the board considers necessary to  
20 accomplish the purposes and objectives of this act.

SENATE BILL NO. 277

INTRODUCED BY BLAYLOCK, CRIPPEN, NEUMAN,

BENGTSON, BOYLAN, CONOVER

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES

AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA LEGACY PROGRAM; AMENDING SECTIONS 15-35-108, 76-14-112, AND 85-1-603, MCA; REPEALING SECTIONS 90-2-101 THROUGH 90-2-104, 90-2-107 THROUGH 90-2-113, AND 90-2-121 THROUGH 90-2-128, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. Section 1. Short title. [Sections 1 through 10] shall be known as the "Montana Legacy Act".

NEW SECTION. Section 2. Policy and purpose. (1) It is the policy of this state to provide security against loss or damage to our environment from the extraction of nonrenewable natural resources. Recognizing that the total environment consists of our air, water, soil, flora, fauna, and forests and also of those social, economic, and cultural conditions which influence our communities and the lives of our individual citizens, it is necessary that the state of Montana be indemnified for the effects this extraction has on our resources and to assure that these resources be

developed in a sound manner. It is also the policy of this state to provide for the development of its renewable resources to benefit Montana citizens and to compensate for the loss of its nonrenewable resources. IT IS NOT THE INTENT OF THIS STATE, HOWEVER, TO COMPENSATE FOR THE LOSS OR DAMAGE TO THE ENVIRONMENT FROM THE EXTRACTION OF NONRENEWABLE RESOURCES IF REMEDIAL FUNDING FROM OTHER SOURCES EXISTS.

(2) The purposes of [sections 1 through 10] are to:

(a) establish a program to provide financing to accomplish such objectives as repairing, reclaiming, or mitigating environmental damage from past or future resource extraction;

(b) develop renewable resources such as air, water, soil, flora, fauna, forests, and recreation;

(c) ensure the quality of these public resources;

~~(d) promote economic development based on natural resources;~~

~~(e)(D)~~ protect existing natural resources through conservation; and

~~(f)(E)~~ protect Montana's quality environment through research assessing environmental damage related to natural resource development.

NEW SECTION. Section 3. Definitions. Unless the context requires otherwise, in [sections 1 through 10] the following definitions apply:



1 (1) "Activity" means an action or program to repair,  
2 reclaim, or mitigate environmental damage from past or  
3 future resource extraction or to provide for the protection  
4 of Montana's renewable resources through sound conservation  
5 or restoration.

6 (2) "Board" means the board of natural resources and  
7 conservation provided for in 2-15-3302.

8 (3) "Department" means the department of natural  
9 resources and conservation provided for in Title 2, chapter  
10 15, part 33.

11 (4) "Financially feasible" means that adequate funds  
12 are available to complete the project as approved.

13 (5) "Legacy program special revenue account" means a  
14 separate account created by [section 4] within the state  
15 special revenue fund of the state treasury for the purposes  
16 of the legacy program set forth in [sections 1 through 10].

17 (6) "Project" means the feasibility study, design, and  
18 construction of physical works.

19 (7) "Public benefits" means those benefits which  
20 accrue to the citizens as a group and enhance the common  
21 well-being of the people of Montana.

22 (8) "Technically feasible" means that a project or  
23 activity can be designed, constructed, operated, or carried  
24 out to accomplish the purpose or purposes for which it was  
25 planned, utilizing accepted engineering and other technical

1 principles and concepts. The project or activity must be  
2 cost effective and must address an identified problem or  
3 need in order to be considered technically feasible.

4 NEW SECTION. Section 4. Legacy program special  
5 revenue account created -- revenues -- allocation --  
6 limitations on appropriations. (1) There is created a  
7 legacy program special revenue account within the state  
8 special revenue fund established in 17-2-102.

9 (2) There must be paid into the legacy program special  
10 revenue account all money available ALLOCATED for  
11 appropriation from the resource indemnity trust INTEREST  
12 account set forth in Title 15, chapter 38, with the  
13 exception of those allocations made in 15-38-202.

14 (3) Appropriations may be made from the legacy program  
15 special revenue account for the following purposes:

16 (a) grants for legacy program projects and activities;  
17 and

18 (b) administrative expenses, including but not limited  
19 to the salaries and expenses of personnel, equipment, office  
20 space, and other expenses necessarily incurred in the  
21 administration of the legacy program.

22 NEW SECTION. Section 5. State and local grants.

23 (1) The department may recommend to the governor that  
24 grants be made from the legacy program special revenue  
25 account established by [section 4] to any department,

1 agency, board, commission, or other division of state  
2 government or to any city, county, or other political  
3 subdivision or local government body of the state.

4 (2) Grants may be made for the purchase, lease,  
5 development, or construction of projects or activities; for  
6 feasibility and design studies of eligible projects; and for  
7 monitoring environmental impacts, problem analysis,  
8 demonstration projects, and research.

9 (3) The department shall solicit and consider in its  
10 evaluation of proposed projects and activities the views of  
11 interested and affected departments, boards, agencies, and  
12 other subdivisions of state and federal government and of  
13 other interested and affected persons.

14 (4) The governor shall submit the proposals having his  
15 approval ALL PROPOSALS WITH HIS RECOMMENDED PRIORITIES to  
16 the legislature by the 20th day of any REGULAR legislative  
17 session. The legislature may approve by appropriation or  
18 other appropriate means those grants it finds consistent  
19 with the policies and purposes of the program. The  
20 implementation of approved projects and activities must be  
21 administered by the department.

22 (5) In addition to implementing the projects approved  
23 by the legislature, the department may request up to 10% of  
24 the funds available for grants from the legacy program  
25 special revenue account in any biennium to be used for

1 emergencies that cannot be anticipated by the legislature.  
2 Emergency projects must be reviewed by the department and  
3 approved by the governor. Written notification of a project  
4 approved by the governor must be given to the legislative  
5 finance committee created in 5-12-201. Emergency projects  
6 are defined as those projects which if delayed until  
7 legislative approval can be obtained will result in  
8 substantial damages or legal liability to the project  
9 sponsor. EMERGENCY PROJECTS FUNDED UNDER THIS PROVISION  
10 MUST ALSO BE CONSISTENT WITH THE POLICY AND PURPOSES STATED  
11 IN [SECTION 2].

12 ~~(6) AN ALLOCATION OF 3 1/2% OF THE FUNDS AVAILABLE FOR~~  
13 ~~GRANTS IN THE LEGACY PROGRAM SPECIAL REVENUE ACCOUNT IS~~  
14 ~~DESIGNATED FOR RESEARCH AND DATA MANAGEMENT BY THE MONTANA~~  
15 ~~WATER RESOURCES RESEARCH CENTER AND THE MONTANA GROUND WATER~~  
16 ~~INFORMATION CENTER. THIS MONEY MUST BE APPORTIONED BY THE~~  
17 ~~DEPARTMENT ACCORDING TO THE CRITERIA IN [SECTION 7].~~

18 NEW SECTION. Section 6. Eligibility requirements.  
19 (1) To be eligible for funding under the legacy program,  
20 the proposed project must provide benefits in one or more of  
21 the following categories:

22 (a) provide mined land reclamation; when no party is  
23 liable for reclamation of the land and money from the  
24 federal abandoned mine reclamation fund; established in the  
25 Surface Mining Control and Reclamation Act of 1977, is not

1 available;

2 (b) provide reclamation for past oil and gas  
3 extraction, exploration, and processing when no liable party  
4 can be identified;

5 (c) provide for reforestation of areas damaged by  
6 mining or smelting activities for which a liable party  
7 cannot be identified;

8 (d) provide recreational areas or natural areas to  
9 compensate for loss or anticipated loss of recreation or  
10 natural areas because of resource extraction;

11 (e) provide for mitigation of social and economic  
12 impacts of natural resource development that is consistent  
13 with but not covered by other statutes;

14 (f) provide for research demonstration and technical  
15 assistance to promote the wise use of Montana's natural  
16 resources and to make processing more environmentally  
17 compatible;

18 (g) protect the state's renewable resources through  
19 sound soil and water conservation, weed control, and other  
20 restoration programs;

21 (h) provide for research to assess past or potential  
22 environmental damage resulting from natural resource  
23 development;

24 (i) provide investigation and remediation of sites  
25 when hazardous and toxic wastes threaten the environment and

1 when funding either from responsible parties or the  
2 Comprehensive Environmental Response, Compensation, and  
3 Liability Act of 1980 is unavailable.

4 (2) In order to be eligible for funding under the  
5 legacy program the proposed projects must:

6 (a) be technically and financially feasible;

7 (b) be the best cost-effective alternative to address  
8 an identified problem;

9 (c) comply with statutory and regulatory standards  
10 protecting the quality of resources such as air, water,  
11 soil, flora, fauna, forests, and recreational opportunities;  
12 and

13 (d) be from an applicant who is able and willing to  
14 enter into a contract with the department for the  
15 construction or development of the proposed project or  
16 activity.

17 (3) PROPOSED PROJECTS ARE NOT ELIGIBLE FOR FUNDING  
18 UNDER THE LEGACY PROGRAM IF THE PROJECTS ARE ELIGIBLE FOR  
19 FUNDING FROM OTHER STATE OR FEDERAL RECLAMATION PROGRAMS OR  
20 ANY OTHER PROGRAM OR ACT THAT PROVIDES FUNDING TO REMEDIATE  
21 ENVIRONMENTAL DAMAGE, OR IF THE PROJECTS ARE PERMITTED UNDER  
22 TITLE 82, CHAPTERS 4 OR 11. HOWEVER, PROJECTS THAT FULFILL  
23 FEDERAL MATCHING FUND REQUIREMENTS ARE ELIGIBLE FOR LEGACY  
24 PROGRAM FUNDING.

25 NEW SECTION. Section 7. Evaluation criteria. (1) The

1 department shall consider the following criteria in  
 2 evaluating eligible applications and in selecting those  
 3 projects or activities to be recommended for funding:

4 (a) the degree to which the proposed project or  
 5 activity will provide benefits in its eligibility category  
 6 or categories;

7 (b) the degree to which the proposed project or  
 8 activity will provide public benefits;

9 (c) the degree to which the proposed project or  
 10 activity will promote, enhance, or advance the purpose,  
 11 policies, and objectives of the legacy program;

12 (d) the degree to which the proposed project or  
 13 activity will ~~be-an-efficient-use~~ MINIMIZE MISUSE of natural  
 14 resources, including energy, air, water, soil, flora, fauna,  
 15 and forests, and therefore provide for conservation of these  
 16 resources ~~(as-used-in-this-subsection-(d))~~ --an-efficient  
 17 use-is-one-that-minimizes-waste;

18 (e) the degree of need and urgency for the project;

19 (f) the extent to which the project sponsor or local  
 20 entity is contributing to the costs of the project OR IS  
 21 GENERATING ADDITIONAL NONSTATE FUNDS; and

22 (G) THE DEGREE TO WHICH JOBS ARE CREATED FOR PERSONS  
 23 WHO NEED JOB TRAINING, RECEIVE PUBLIC ASSISTANCE, OR ARE  
 24 CHRONICALLY UNEMPLOYED; AND

25 ~~(g)~~ (H) such other criteria as the department considers

1 necessary to carry out the policies and objectives of  
 2 [sections 1 through 10].

3 (2) In applying these evaluation criteria, reclamation  
 4 projects and activities that directly relate to mitigation  
 5 of resource extraction must be given special consideration.

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 10 applications for grants;

11 (2) rules describing the terms and conditions for  
 12 making grants;

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 14 the effectiveness of funded projects and activities; and

15 (4) any other rules the board considers necessary to  
 16 accomplish the purposes and objectives of [sections 1  
 17 through 10].

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 19 department shall appoint an advisory council to advise the  
 20 department in carrying out the policies and purposes of  
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22 (2) The advisory council must be created as provided  
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 25 attorney, or other employee of the board or the department



1 may, directly or indirectly, be the beneficiary of or  
 2 receive any fee, commission, gift, or other consideration in  
 3 connection with any transaction or business under [sections  
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 5 compensation that he may receive as a member, officer,  
 6 attorney, or employee. A person convicted of violating any  
 7 provision of this section shall be punished by a fine not to  
 8 exceed \$2,000 or imprisonment for a term not to exceed 2  
 9 years, or both.

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11 READ:

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 13 taxes collected under the provisions of this chapter are  
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 16 5, of the Montana constitution, 25% of total collections a  
 17 year. After December 31, 1979, 50% of coal severance tax  
 18 collections are allocated to this trust fund. The trust fund  
 19 moneys shall be deposited in the fund established under  
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22 (2) Starting July 1, 1986, and ending June 30, 1987,  
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 24 highway reconstruction trust fund account in the state  
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1 30, 1993, 12% of coal severance tax collections are  
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 5 allocations provided by subsections (1) and (2) are  
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 13 4 1/2% to the state special revenue fund to the credit of  
 14 the alternative energy research development and  
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19 (d) for each of the 2 fiscal years following June 30,  
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 23 equalization aid to public schools of the state;

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 25 of the county land planning account;

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6 projects. Income from this trust fund shall be appropriated  
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10 (ii) 2/3 for the acquisition of sites and areas  
11 described in 23-1-102 and the operation and maintenance of  
12 sites so acquired;

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14 of the state library commission for the purposes of  
15 providing basic library services for the residents of all  
16 counties through library federations and for payment of the  
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19 conservation districts;

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9 special revenue account within the state special revenue  
10 fund established in 17-2-102.

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12 improvement loan earmarked special revenue account 15%--of  
13 the--total--amount--of--renewable--resource--development--grants  
14 and--loans--as--provided--by--90-2-113, 0.1875% of all money from  
15 time to time received from the coal severance tax collected  
16 under Title 15, chapter 35, and remaining after allocation  
17 of such tax to the trust fund established under Article IX,  
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 9 30, 1989, and then 2.5% of all money from time to time  
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 18 this act is invalid, all valid parts that are severable from  
 19 the invalid part remain in effect. If a part of this act is  
 20 invalid in one or more of its applications, the part remains  
 21 in effect in all valid applications that are severable from  
 22 the invalid applications.

23 NEW SECTION. Section 16. Saving clause. This act does  
 24 not affect rights and duties that matured, penalties that  
 25 were incurred, or proceedings that were begun before the

1 effective date of this act.

2 NEW SECTION. Section 17. Effective dates. (1) This  
 3 act, except for sections 11, 12, and 13, is effective on  
 4 passage and approval.

5 (2) Sections 11, 12, and 13 are effective July 1,  
 6 1987.

-End-