

HB 681 INTRODUCED BY DAILY
TRANSFERRING SUPERFUND PROGRAM AND RESOURCE INDEMNITY
TRUST GRANT PROGRAM FROM DEPARTMENT OF HEALTH
& ENVIRONMENTAL SCIENCES/DEPARTMENT OF NATURAL
RESOURCES & CONSERVATION TO DEPARTMENT OF
STATE LANDS

2/10 INTRODUCED
2/10 REFERRED TO STATE ADMINISTRATION
2/12 HEARING
2/12 COMMITTEE REPORT--BILL NOT PASSED
2/13 ADVERSE COMMITTEE REPORT ADOPTED

79 17

1 House BILL NO. 681
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE
5 ADMINISTRATION OF STATE PARTICIPATION IN THE FEDERAL
6 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND
7 LIABILITY ACT OF 1980 FROM THE DEPARTMENT OF HEALTH AND
8 ENVIRONMENTAL SCIENCES TO THE DEPARTMENT OF STATE LANDS;
9 TRANSFERRING ADMINISTRATION OF THE RESOURCE INDEMNITY TRUST
10 GRANTS PROGRAM FROM THE DEPARTMENT OF NATURAL RESOURCES AND
11 CONSERVATION TO THE DEPARTMENT OF STATE LANDS; AMENDING
12 SECTIONS 75-1-1101, 75-1-1102, AND 75-1-1112, MCA; AND
13 PROVIDING AN EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. CERCLA functions of
17 department of health and environmental sciences transferred
18 to department of state lands. (1) The administration of
19 Title 75, chapter 10, part 6, relating to state
20 participation in the federal Comprehensive Environmental
21 Response, Compensation, and Liability Act of 1980 (CERCLA),
22 is transferred from the department of health and
23 environmental sciences to the department of state lands.

24 (2) Any reference to "department of health and
25 environmental sciences" or "department" meaning the

1 department of health and environmental sciences in Title 75,
2 chapter 10, part 6, is changed to "department of state
3 lands".

4 (3) The code commissioner shall conform internal
5 references and grammar to these changes.

6 Section 2. Section 75-1-1101, MCA, is amended to read:
7 "75-1-1101. Environmental contingency account
8 objectives. (1) There is created an environmental
9 contingency account within the state special revenue fund
10 established in 17-2-102. The environmental contingency
11 account is controlled by the governor.

12 (2) Except as provided in subsection (5), at the
13 beginning of each fiscal year, 5% of the funds appropriated
14 to the department of ~~natural--resources--and--conservation~~
15 state lands from the resource indemnity trust interest
16 account, not to exceed \$175,000 in fiscal year 1987, must be
17 allocated to the environmental contingency account.

18 (3) Funds are statutorily appropriated, as provided in
19 17-7-502, from the environmental contingency account upon
20 the authorization of the governor to meet unanticipated
21 public needs consistent with the following objectives:

22 (a) to support water development projects in
23 communities that face an emergency or imminent need for such
24 services or to prevent the physical failure of a water
25 project;



1 (b) to preserve vegetation, water, soil, fish,
2 wildlife, or other renewable resources from an imminent
3 physical threat or during an emergency, not including:

4 (i) natural disasters adequately covered by other
5 funding sources; or

6 (ii) fire;

7 (c) to respond to an emergency or imminent threat to
8 persons, property, or the environment caused by mineral
9 development; and

10 (d) to fund the environmental quality protection fund
11 provided for in 75-10-704 or to take other necessary
12 actions, including the construction of facilities, to
13 respond to actual or potential threats to persons, property,
14 or the environment caused by hazardous wastes or other
15 hazardous materials.

16 (4) The environmental contingency account may receive
17 no additional allocation for any fiscal year in which the
18 balance in the account exceeds \$1,000,000 at the beginning
19 of that fiscal year.

20 (5) Interest from funds in the environmental
21 contingency account accrues to the resource indemnity trust
22 interest account.

23 (6) The governor shall submit to the legislature at
24 the beginning of each regular session a complete financial
25 report on the environmental contingency account, including a

1 description of all expenditures made since the preceding
2 report."

3 Section 3. Section 75-1-1102, MCA, is amended to read:

4 "75-1-1102. Grant program special revenue account
5 created -- revenues -- allocation -- limitations on
6 appropriations. (1) There is created a grant program special
7 revenue account within the state special revenue fund
8 established in 17-2-102.

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

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

16 (a) grants for designated projects and activities; and

17 (b) administrative expenses, including but not limited
18 to the salaries and expenses of personnel, equipment, office
19 space, and other expenses necessarily incurred in the
20 administration of the grant program. These expenses may be
21 funded prior to funding of projects.

22 (4) The grant program is administered by the
23 department of state lands."

24 Section 4. Section 75-1-1112, MCA, is amended to read:

25 "75-1-1112. Conditions of grants. Disbursement of

1 grant funds under this part is subject to the following
2 conditions which must be met by project sponsors:

3 (1) A scope of work and budget for the project must be
4 approved by the department of ~~natural---resources---and~~
5 conservation state lands. Reduction in a scope of work or
6 budget may not affect priority activities or improvements.

7 (2) Other funds required for project completion must
8 have been committed and the commitment must be documented.

9 (3) An agreement between the department of ~~natural~~
10 ~~resources--and--conservation~~ state lands and the grant
11 applicant must be executed in a timely manner, taking into
12 consideration any changed conditions or circumstances that
13 govern the administration and disbursement of funds.

14 (4) Any other specific requirements must be
15 accomplished as considered necessary by the department of
16 ~~natural-resources-and-conservation~~ state lands to accomplish
17 the purpose of the grant as evidenced from the application
18 to the department of ~~natural--resources--and--conservation~~
19 state lands or the proposal to the legislature."

20 NEW SECTION. Section 5. Transition. The provisions of
21 2-15-131 through 2-15-137 apply to the transfer of functions
22 under this act.

23 NEW SECTION. Section 6. Extension of authority. Any
24 existing authority of the department of state lands or the
25 board of land commissioners to make rules on the various

1 functions transferred by the provisions of this act is
2 extended to the provisions of this act. Any existing
3 authority of the department of health and environmental
4 sciences and the department of natural resources and
5 conservation to make rules on the various functions
6 transferred by the provisions of this act is extended to the
7 provisions of this act.

8 NEW SECTION. Section 7. Effective date. This act is
9 effective July 1, 1987.

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