

HOUSE BILL NO. 776

INTRODUCED BY CONNELLY

BY REQUEST OF THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION

IN THE HOUSE

MARCH 14, 1989

ON MOTION, RULES SUSPENDED TO
ALLOW INTRODUCTION OF HB 776.

INTRODUCED AND REFERRED TO COMMITTEE
ON APPROPRIATIONS.

FIRST READING.

MARCH 17, 1989

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

MARCH 18, 1989

PRINTING REPORT.

MARCH 22, 1989

SECOND READING, DO PASS.

MARCH 23, 1989

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 93; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 27, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

FIRST READING.

APRIL 10, 1989

COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 11, 1989

SECOND READING, CONCURRED IN.

APRIL 13, 1989

THIRD READING, CONCURRED IN.
AYES, 47; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 15, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 17, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 776
2 INTRODUCED BY Connelly
3 BY REQUEST OF THE DEPARTMENT OF
4 NATURAL RESOURCES AND CONSERVATION
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO
7 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR
8 GRANTS FOR DESIGNATED PROJECTS UNDER THE RECLAMATION AND
9 DEVELOPMENT GRANTS PROGRAM; PRIORITIZING GRANTS AND AMOUNTS;
10 AND ESTABLISHING CONDITIONS FOR GRANTS."
11

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

13 NEW SECTION. Section 1. Appropriations for
14 reclamation and development grants. (1) There is
15 appropriated to the department of natural resources and
16 conservation from the reclamation and development grants
17 special revenue account all funds allocated for
18 appropriation from the interest income of the resource
19 indemnity trust fund set forth in Title 15, chapter 38, with
20 the exception of those allocations made in 15-38-202 and
21 75-1-1101.

22 (2) There is appropriated to the department the
23 balance of the interest income of the resource indemnity
24 trust fund, including any funds remaining unspent and
25 unencumbered at the end of fiscal year 1989.

1 (3) The funds appropriated in this section must be
2 awarded by the department to the entities listed in [section
3 2] for the prescribed purposes and in the prescribed grant
4 amounts, subject to the conditions provided in [sections 3
5 and 4].

6 NEW SECTION. Section 2. Approved grant projects. (1)
7 The legislature approves the grants listed in subsection
8 (2)(a), to be made in the order of priority as indicated
9 within the following list of projects and activities. If
10 conditions in [sections 3 and 4] are met, funds must be
11 awarded up to the amounts approved in this section in order
12 of priority until available funds are expended. Funds not
13 accepted or used by higher ranked projects and activities
14 must be provided for projects and activities lower on the
15 priority list that would otherwise not receive funding.
16 Descriptions of the various projects and activities and
17 specific contingencies established for each project and
18 activity are contained within the department of natural
19 resources and conservation's Montana reclamation and
20 development grants program project evaluations and
21 recommendations report for the 1990-91 biennium.

22 (2) (a) The following are the grant program
23 prioritized projects and activities:

<u>Applicant/Project</u>	<u>Grant Amount</u>
LEWIS AND CLARK COUNTY CONSERVATION	

1	DISTRICT	
2	Blackfoot River Abandoned Mines	\$300,000
3	STATE LANDS, DEPARTMENT OF	
4	Elkhorn Creek Water Quality Improvement	
5	Project	300,000
6	STATE LANDS, DEPARTMENT OF	
7	Wood Chute Creek Basin Water Quality	
8	Improvements	300,000
9	MONTANA STATE UNIVERSITY RECLAMATION	
10	RESEARCH UNIT	
11	The Fate of Cyanide in Soils and	
12	Heap-Leach Pads	140,243
13	MONTANA BUREAU OF MINES AND GEOLOGY	
14	Land Application of Cyanide Leach	
15	Solutions	91,161
16	MONTANA SALINITY CONTROL ASSOCIATION	
17	Salinity Control: A Nonpoint Source	
18	Pollution Management Program	200,000
19	HEALTH AND ENVIRONMENTAL SCIENCES,	
20	DEPARTMENT OF	
21	Pesticide Contamination Cleanup in	
22	Montana	150,000
23	BUTTE-SILVER BOW, GOVERNMENT OF	
24	Public Lands Reclamation Project	120,800
25	TOOLE COUNTY	

1	North Toole County Reclamation Project	299,040
2	MONTANA STATE LIBRARY	
3	Montana Natural Heritage Program	197,607
4	STATE LANDS, DEPARTMENT OF	
5	Middle Fork Warm Springs Creek	
6	Reclamation Project	150,000
7	MONTANA BUREAU OF MINES AND GEOLOGY	
8	The Use of Natural Zeolites in Reducing	
9	Heavy Metal Concentrations at Mining	
10	Operations and Impacted Lands	149,238
11	KALISPELL, CITY OF	
12	Lawrence Park Slope Stabilization and	
13	Reclamation	170,260
14	MONTANA BOARD OF OIL AND GAS CONSERVATION	
15	Broadview Well	65,600
16	DNRC -- CONSERVATION DISTRICTS DIVISION	
17	Nonpoint Source Pollution Control in	
18	Montana	262,573
19	(b) The grants approved for Montana state university	
20	and the Montana bureau of mines and geology do not include	
21	funding for indirect costs.	
22	(3) The following contingencies apply to the grant for	
23	the Montana state library for the natural heritage program:	
24	(a) Beginning October 1, 1989, the Montana state	
25	library shall:	

1 (i) charge a minimum rate of \$25 an hour to private
2 sector users of the natural heritage program services;

3 (ii) charge a subscription fee to private sector users;
4 or

5 (iii) based on the recommendation of the natural
6 resource data system advisory committee, develop a different
7 charging method that results in an equitable cost to private
8 users.

9 (b) Charges developed pursuant to subsection (3)(a) do
10 not apply to government agencies or public users of the
11 natural heritage program.

12 (c) Charges under subsection (3)(a) are limited to
13 charges for services of the natural heritage program and do
14 not establish a precedent for setting charges for other
15 library services.

16 (d) The Montana state library shall develop and use a
17 recordkeeping system to identify the private sector users of
18 the natural heritage program data bases and services. The
19 use data must be provided to appropriate entities of the
20 legislature for use in decisions on the long-term funding of
21 the natural heritage program.

22 (e) If the grant is funded at the approved level,
23 money collected from the charging system developed under
24 subsection (3)(a) must be deposited in the reclamation and
25 development account. If the grant is funded at less than the

1 approved level, money collected from the charging system
2 developed under subsection (3)(a) must be deposited in the
3 Montana state library account to offset the costs of the
4 natural heritage program. These deposits, when combined with
5 the available funding, may not exceed the amount of the
6 approved grant.

7 NEW SECTION. **Section 3.** Coordination of fund sources
8 for grants program projects. A sponsor of a grants program
9 project who has applied for a grant for that project under
10 both the reclamation and development grants program and
11 either the water development program or the renewable
12 resource development program may not receive duplicative
13 funding.

14 NEW SECTION. **Section 4.** Conditions of grants.
15 Disbursement of grant funds under [this act] is subject to
16 the following conditions that must be met by the project
17 sponsor:

18 (1) A scope of work and budget for the project must be
19 approved by the department of natural resources and
20 conservation. Reduction in a scope of work or budget may not
21 affect priority activities or improvements.

22 (2) Other funds required for project completion must
23 have been committed, and the commitment must be documented.

24 (3) The project sponsor shall show satisfactory
25 completion of conditions described in the recommendations

-End-

1 section of the project narrative of the reclamation and
2 development grants program report for the 1990-91 biennium.

3 (4) An agreement between the department and the grant
4 applicant must be executed in a timely manner, taking into
5 consideration any changed conditions or circumstances that
6 govern the administration and disbursement of funds.

7 (5) Any other specific requirements considered
8 necessary by the department must be met to accomplish the
9 purpose of the grant as evidenced from the application to
10 the department or as defined by the legislature.

11 NEW SECTION. **Section 5. Appropriations established.**
12 For any entity of state government that receives a grant
13 under [this act], an appropriation is established for the
14 amount of the grant upon award of the grant by the
15 department of natural resources and conservation.

16 NEW SECTION. **Section 6. Reversion of funds.** All funds
17 allocated to the grants reclamation and development special
18 revenue account under [this act] that are unspent and
19 unencumbered on June 30, 1991, revert to that account.

20 NEW SECTION. **Section 7. Severability.** If a part of
21 [this act] is invalid, all valid parts that are severable
22 from the invalid part remain in effect. If a part of [this
23 act] is invalid in one or more of its applications, the part
24 remains in effect in all valid applications that are
25 severable from the invalid applications.

APPROVED BY COMMITTEE
ON APPROPRIATIONS

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(d) The Montana state library shall develop and use a recordkeeping system to identify the private sector users of the natural heritage program data bases and services. The use data must be provided to appropriate entities of the legislature for use in decisions on the long-term funding of the natural heritage program.

(e) If the grant is funded at the approved level, money collected from the charging system developed under subsection (3)(a) must be deposited in the reclamation and development account. If the grant is funded at less than the

approved level, money collected from the charging system developed under subsection (3)(a) must be deposited in the Montana state library account to offset the costs of the natural heritage program. These deposits, when combined with the available funding, may not exceed the amount of the approved grant.

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LC 1785/01

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(e) If the grant is funded at the approved level, money collected from the charging system developed under subsection (3)(a) must be deposited in the reclamation and development account. If the grant is funded at less than the

approved level, money collected from the charging system developed under subsection (3)(a) must be deposited in the Montana state library account to offset the costs of the natural heritage program. These deposits, when combined with the available funding, may not exceed the amount of the approved grant.

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NEW SECTION. **Section 4.** Conditions of grants. Disbursement of grant funds under [this act] is subject to the following conditions that must be met by the project sponsor:

(1) A scope of work and budget for the project must be approved by the department of natural resources and conservation. Reduction in a scope of work or budget may not affect priority activities or improvements.

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SENATE STANDING COMMITTEE REPORT

April 8, 1989

MR. PRESIDENT:

We, your committee on Finance and Claims, having had under consideration HB 776 (third reading copy -- blue), respectfully report that HB 776 be amended and as so amended be concurred in:

Sponsor: Connelly (Hims1)

1. Page 6, line 4.

Following: "program"

Insert: "and such deposits are hereby appropriated"

AND AS AMENDED BE CONCURRED IN

Signed: _____


Pete Story, Chairman

SENATE
HB 776

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11	The Fate of Cyanide in Soils and	
12	Heap-Leach Pads	140,243
13	MONTANA BUREAU OF MINES AND GEOLOGY	
14	Land Application of Cyanide Leach	
15	Solutions	91,161
16	MONTANA SALINITY CONTROL ASSOCIATION	
17	Salinity Control: A Nonpoint Source	
18	Pollution Management Program	200,000
19	HEALTH AND ENVIRONMENTAL SCIENCES,	
20	DEPARTMENT OF	
21	Pesticide Contamination Cleanup in	
22	Montana	150,000
23	BUTTE-SILVER BOW, GOVERNMENT OF	
24	Public Lands Reclamation Project	120,800
25	TOOLE COUNTY	

1	North Toole County Reclamation Project	299,040
2	MONTANA STATE LIBRARY	
3	Montana Natural Heritage Program	197,607
4	STATE LANDS, DEPARTMENT OF	
5	Middle Fork Warm Springs Creek	
6	Reclamation Project	150,000
7	MONTANA BUREAU OF MINES AND GEOLOGY	
8	The Use of Natural Zeolites in Reducing	
9	Heavy Metal Concentrations at Mining	
10	Operations and Impacted Lands	149,238
11	KALISPELL, CITY OF	
12	Lawrence Park Slope Stabilization and	
13	Reclamation	170,260
14	MONTANA BOARD OF OIL AND GAS CONSERVATION	
15	Broadview Well	65,600
16	DNRC -- CONSERVATION DISTRICTS DIVISION	
17	Nonpoint Source Pollution Control in	
18	Montana	262,573
19	(b) The grants approved for Montana state university	
20	and the Montana bureau of mines and geology do not include	
21	funding for indirect costs.	
22	(3) The following contingencies apply to the grant for	
23	the Montana state library for the natural heritage program:	
24	(a) Beginning October 1, 1989, the Montana state	
25	library shall:	

1 (i) charge a minimum rate of \$25 an hour to private
2 sector users of the natural heritage program services;

3 (ii) charge a subscription fee to private sector users;
4 or

5 (iii) based on the recommendation of the natural
6 resource data system advisory committee, develop a different
7 charging method that results in an equitable cost to private
8 users.

9 (b) Charges developed pursuant to subsection (3)(a) do
10 not apply to government agencies or public users of the
11 natural heritage program.

12 (c) Charges under subsection (3)(a) are limited to
13 charges for services of the natural heritage program and do
14 not establish a precedent for setting charges for other
15 library services.

16 (d) The Montana state library shall develop and use a
17 recordkeeping system to identify the private sector users of
18 the natural heritage program data bases and services. The
19 use data must be provided to appropriate entities of the
20 legislature for use in decisions on the long-term funding of
21 the natural heritage program.

22 (e) If the grant is funded at the approved level,
23 money collected from the charging system developed under
24 subsection (3)(a) must be deposited in the reclamation and
25 development account. If the grant is funded at less than the

1 approved level, money collected from the charging system
2 developed under subsection (3)(a) must be deposited in the
3 Montana state library account to offset the costs of the
4 natural heritage program, AND SUCH DEPOSITS ARE HEREBY
5 APPROPRIATED. These deposits, when combined with the
6 available funding, may not exceed the amount of the approved
7 grant.

8 NEW SECTION. **Section 3. Coordination of fund sources**
9 for grants program projects. A sponsor of a grants program
10 project who has applied for a grant for that project under
11 both the reclamation and development grants program and
12 either the water development program or the renewable
13 resource development program may not receive duplicative
14 funding.

15 NEW SECTION. **Section 4. Conditions of grants.**
16 Disbursement of grant funds under [this act] is subject to
17 the following conditions that must be met by the project
18 sponsor:

19 (1) A scope of work and budget for the project must be
20 approved by the department of natural resources and
21 conservation. Reduction in a scope of work or budget may not
22 affect priority activities or improvements.

23 (2) Other funds required for project completion must
24 have been committed, and the commitment must be documented.

25 (3) The project sponsor shall show satisfactory

1 completion of conditions described in the recommendations
2 section of the project narrative of the reclamation and
3 development grants program report for the 1990-91 biennium.

4 (4) An agreement between the department and the grant
5 applicant must be executed in a timely manner, taking into
6 consideration any changed conditions or circumstances that
7 govern the administration and disbursement of funds.

8 (5) Any other specific requirements considered
9 necessary by the department must be met to accomplish the
10 purpose of the grant as evidenced from the application to
11 the department or as defined by the legislature.

12 NEW SECTION. Section 5. Appropriations established.

13 For any entity of state government that receives a grant
14 under [this act], an appropriation is established for the
15 amount of the grant upon award of the grant by the
16 department of natural resources and conservation.

17 NEW SECTION. Section 6. Reversion of funds. All funds

18 allocated to the grants reclamation and development special
19 revenue account under [this act] that are unspent and
20 unencumbered on June 30, 1991, revert to that account.

21 NEW SECTION. Section 7. Severability. If a part of

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

1 severable from the invalid applications.

-End-