

HOUSE BILL NO. 6

INTRODUCED BY J. FITZPATRICK

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR GRANTS UNDER THE RENEWABLE RESOURCE GRANT AND LOAN PROGRAM; PRIORITIZING PROJECT GRANTS AND AMOUNTS; REQUIRING A LOCAL GOVERNMENT TO ESTABLISH AND FUND A CAPITAL RESERVE ACCOUNT BEFORE RECEIVING GRANT FUNDING; ESTABLISHING CONDITIONS FOR GRANTS; PROVIDING FOR THE COORDINATION OF FUNDING; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Appropriations.** (1) There is appropriated from the natural resources projects state special revenue account established in 15-38-302 to the department of natural resources and conservation for the biennium beginning July1, 2025, up to:

- (a) \$500,000 for emergency projects grants to be awarded by the department over the biennium;
- (b) ~~\$2 million~~ \$1 million for planning grants to be awarded by the department over the biennium;
- (c) \$500,000 for irrigation development grants to be awarded by the department over the biennium;
- (d) \$150,000 for private grants to be awarded by the department over the biennium; and
- (e) ~~\$4 million~~ \$500,000 for nonpoint source pollution reduction grants to be awarded by the department over the biennium.

(2) There is appropriated ~~\$5.25 million~~ \$2.5 million from the natural resources projects state special revenue account established in 15-38-302 to the department of natural resources and conservation for the biennium beginning July 1, 2025. The funds in this subsection (2) must be awarded by the department to the named entities for the described purposes and in the grant amounts listed in subsection (4), subject to the

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0006.001.005

conditions set forth in [sections 2 and 3] and the contingencies described in the renewable resource grant and loan program's January 2025 report to the 69th legislature titled: "Governor's Executive Budget Fiscal Years 2026–2027 Volume 6".

(3) Funds must be awarded up to the amounts approved in subsection (4) in the order of priority listed until the available funds are expended. Funds not accepted or used by higher-ranked projects must be provided for projects farther down the priority list that would not otherwise receive funding. If at any time a grant recipient determines that a project will not begin before June 30, 2027, the grant recipient shall notify the department of natural resources and conservation. After all eligible projects are funded, any remaining funds may be used for any renewable resource project authorized under this section.

(4) The prioritized infrastructure grant projects are as follows:

RENEWABLE RESOURCE INFRASTRUCTURE GRANT PROJECTS

Rank	Applicant/Project	Amount
1	Arlee Lake County Water and Sewer District	
	Arlee Lake County Water and Sewer District Wastewater System Upgrades	\$125,000
2	Whitehall, Town of	
	Whitehall Drinking Water System Improvements	\$125,000
3	Deer Lodge, City of	
	Deer Lodge Wastewater Collection System Improvements	\$125,000
4	Missoula, City of	
	Missoula Public Library Living Roof Stormwater Control	\$125,000
54	Harrison Water and Sewer District	
	Harrison Wastewater System Improvements	\$125,000
65	Madison County	
	Madison County Pennington Bridge Big Hole River Restoration	\$125,000
76	South Wind County Water and Sewer District	
	South Wind Drinking Water and Wastewater Improvements, Phase 4	\$125,000
87	Willow Creek Sewer District	
	Willow Creek Sewer District Wastewater System Improvements	\$125,000

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0006.001.005

1	98 Roundup, City of	
2	Roundup Wastewater Lagoon System Upgrades	\$125,000
3	409 Judith Basin County	
4	Judith Basin County Geyser Wastewater Treatment System Improvements	\$125,000
5	4410 Martinsdale Water and Sewer District	
6	Martinsdale Water and Sewer District Water System Improvements	\$125,000
7	4211 Alder Water and Sewer District	
8	Alder Water and Sewer District Wastewater System Improvements	\$125,000
9	4312 Fairfield, Town of	
10	Fairfield Drinking Water System Improvements	\$125,000
11	4413 Dutton, Town of	
12	Dutton Drinking Water System Improvements, Phase 2	\$125,000
13	4514 Circle, Town of	
14	Circle Water System Improvements, Phase 5	\$125,000
15	4615 Malta, City of	
16	Malta Drinking Water System Improvements	\$125,000
17	4716 Red Lodge, City of	
18	Red Lodge Wastewater System Improvements, Phases 2 and 3	\$125,000
19	4817 Hysham, Town of	
20	Hysham Drinking Water System Improvements, Phase 2	\$125,000
21	4918 Darby, Town of	
22	Darby Wastewater System Improvements	\$125,000
23	2019 Sheridan, Town of	
24	Sheridan Drinking Water System Improvements	\$125,000
25	2420 Richey, Town of	
26	Richey Drinking Water System Improvements, Phase 3	\$125,000
27	2221 Ennis, Town of	
28	Ennis Drinking Water System Improvements	\$125,000

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0006.001.005

1	23 <u>22</u>	Basin Water and/or Sewer District	
2		Basin Water and/or Sewer District Drinking Water System Improvements	\$125,000
3	24 <u>23</u>	Manhattan, Town of	
4		Manhattan Water System Improvements	\$125,000
5	25 <u>24</u>	Cooke City Water District	
6		Cooke City Drinking Water Infrastructure Improvements	\$125,000
7	26 <u>25</u>	Treasure State Acres Water and Sewer District	
8		Treasure State Acres Wastewater Treatment System Improvements	\$125,000
9	27 <u>26</u>	St. Ignatius, Town of	
10		St. Ignatius Wastewater Collection Main Replacement	\$125,000
11	28 <u>27</u>	Twin Bridges, Town of	
12		Twin Bridges Drinking Water System Improvements	\$125,000
13	29 <u>28</u>	Libby, City of	
14		Libby Wastewater System Improvements	\$125,000
15	30 <u>29</u>	Sun Prairie Village County Water and Sewer District	
16		Sun Prairie Village Drinking Water System Upgrades	\$125,000
17	31 <u>30</u>	Plentywood, City of	
18		Plentywood Drinking Water System Improvements	\$125,000
19	32 <u>31</u>	White Sulphur Springs, City of	
20		White Sulphur Springs Drinking Water System Improvements	\$125,000
21	33 <u>32</u>	Big Timber, City of	
22		Big Timber Drinking Water Storage Improvements	\$125,000
23	34 <u>33</u>	Wolf Point, City of	
24		Wolf Point Wastewater System Improvements, Phase 3	\$125,000
25	35 <u>34</u>	Bigfork County Water and Sewer District	
26		Bigfork Drinking Water System Improvements	\$125,000
27	36 <u>35</u>	Shelby, City of	
28		Shelby Wastewater System Improvements	\$125,000

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0006.001.005

1	<u>3736</u>	Ronan, City Of	
2		Ronan Wastewater System Improvements	\$125,000
3	<u>3827</u>	Bearcreek, Town of	
4		Bearcreek Drinking Water System Improvements, Phase 1	\$125,000
5	<u>3938</u>	Conrad, City of	
6		Conrad Wastewater System Improvements	\$125,000
7	<u>4039</u>	Pinesdale, Town of	
8		Pinesdale Drinking Water System Improvements	\$125,000
9	<u>4140</u>	Hinsdale County Water and Sewer District	
10		Hinsdale County Water and Sewer District Water System Upgrades	\$125,000
11	<u>4241</u>	Joliet, Town of	
12		Joliet Wastewater System Improvements	\$125,000
13	(5)	There is appropriated \$3,474,500 <u>\$2,520,000</u> from the natural resources projects state special	
14		revenue account established in 15-38-302 to the department of natural resources and conservation for the	
15		biennium beginning July 1, 2025. The funds in this subsection (5) must be awarded by the department to the	
16		named entities for the described purposes and in the grant amounts listed in subsection (7), subject to the	
17		conditions set forth in [sections 2 and 3] and the contingencies described in the renewable resource grant and	
18		loan program's January 2025 report to the 68th legislature titled: "Governor's Executive Budget Fiscal Years	
19		2026–2027 Volume 6".	
20	(6)	Funds must be awarded up to the amounts approved in subsection (7) in the order of priority	
21		listed until the available funds are expended. Funds not accepted or used by higher-ranked projects must be	
22		provided for projects farther down the priority list that would not otherwise receive funding. If at any time a grant	
23		recipient determines that a project will not begin before June 30, 2027, the grant recipient shall notify the	
24		department of natural resources and conservation. After all eligible projects are funded, any remaining funds	
25		may be used for any renewable resource project authorized under this section.	
26	(7)	The prioritized irrigation grant projects are as follows:	
27		RENEWABLE RESOURCE IRRIGATION GRANT PROJECTS	
28	Rank	Applicant/Project	Amount

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0006.001.005

1	1 Granite County Conservation District	
2	Granite County Flint Creek Dam Improvements	\$125,000
3	21 Pondera County Conservation District	
4	Pondera County Conservation District S-Canal Pipeline Conversion	\$125,000
5	32 Yellowstone County	
6	Yellowstone County Billings Bench Water Association Rattlesnake Reservoir Water Management	
7	Improvements	\$125,000
8	43 Yellowstone Irrigation District	
9	Yellowstone Irrigation District Canal Rehabilitation	\$125,000
10	54 Lower Yellowstone Irrigation District #1	
11	Lower Yellowstone Irrigation District Thomas Point Pump Station Rehabilitation, Phase 2	
12		\$125,000
13	65 Savage Irrigation District	
14	Savage Irrigation District Pumping Plant Rehabilitation, Phase 2	\$125,000
15	76 Clinton Irrigation District	
16	Clinton Irrigation District Schoolhouse Lateral Pipeline Conversion, Phase 4	\$125,000
17	87 Helena Valley Irrigation District	
18	Helena Valley Irrigation District Lateral 26.6 and Lateral 20.7-3.3 Seepage Mitigation	
19		\$125,000
20	98 Helena Valley Irrigation District	
21	Helena Valley Irrigation District Pumping Plant Automation	\$125,000
22	109 Greenfields Irrigation District	
23	Greenfields Irrigation District Check Replacement, Phase 2	\$125,000
24	110 Tongue and Yellowstone River Irrigation District	
25	Tongue and Yellowstone River Irrigation District Cowles Creek Flume Replacement	
26		\$125,000
27	121 Tongue and Yellowstone River Irrigation District	
28	Tongue and Yellowstone River Irrigation District Jones Creek Flume and Canal Conversion	

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0006.001.005

1		\$125,000
2	4312 Bitterroot Conservation District	
3	Bitterroot Conservation District Union Diversion Resource Improvements	\$125,000
4	4413 Fort Belknap Irrigation District	
5	Fort Belknap Irrigation District Main Canal Lining Project	\$125,000
6	4514 Petroleum County Conservation District	
7	Petroleum County Conservation District McDonald Creek Diversion Structures Replacement	
8		\$125,000
9	4615 Malta Irrigation District	
10	Malta Irrigation District Black Coulee Siphon Replacement	\$125,000
11	4716 Yellowstone Irrigation District	
12	Yellowstone Irrigation District Lateral 17.6 Rehabilitation, Phase 1	\$125,000
13	4817 Sweet Grass Conservation District	
14	Sweet Grass Conservation District Crest Ditch Headgate Rehabilitation	\$125,000
15	4918 Petrolia Irrigation District	
16	Petrolia Irrigation District Main Canal Pipeline Conversion	\$125,000
17	2019 Glen Lake Irrigation District	
18	Glen Lake Irrigation District Doxie Slough Seepage Mitigation Project	\$125,000
19	21 Granite Conservation District	
20	Granite Conservation District Allendale Ditch Rehabilitation	\$125,000
21	2220 Hammond Irrigation District	
22	Hammond Irrigation District Big Porcupine Siphon Rehabilitation	\$125,000
23	2321 <u>Sunset Irrigation District</u>	
24	<u>Headgate Repair</u>	<u>\$20,000</u>
25	2322 Greenfields Irrigation District	
26	Greenfields Irrigation District J-Wasteway Modernization	\$125,000
27	2423 Bitter Root Irrigation District	
28	Bitter Root Irrigation District Diversion Control Modernization	\$99,500

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0006.001.005

1	2524 Zurich Irrigation District	
2	Zurich Irrigation District Brown Creek Siphon Rehabilitation	\$125,000
3	2625 Kinsey Irrigation District	
4	Kinsey Irrigation District Harris Creek Spill Structure Rehabilitation	\$125,000
5	2726 Kinsey Irrigation District	
6	Kinsey Irrigation District Hammerbacker Lateral to Pipeline Conversion	\$125,000
7	2827 Fort Shaw Irrigation District	
8	Fort Shaw Irrigation District Simms Creek Siphon Replacement	\$125,000

NEW SECTION. **Section 2. Coordination of fund sources for grants to political subdivisions**

and local governments. A grant recipient listed under [section 1(4) and (7)] may not receive funds from both the reclamation and development grants program and the renewable resource grant and loan program for the same project during the same biennium.

NEW SECTION. **Section 3. Condition of grants.** The disbursement of funds under [section 1] is subject to the following conditions that must be met by the grant recipient:

(1) The grant recipient must have a scope of work, schedule, and budget for the project that is approved by the department of natural resources and conservation. Any changes in scope of work or budget after legislative approval may not alter project goals and objectives. Changes in activities that would reduce the public or natural resource benefits as presented in department of natural resources and conservation reports and applicant testimony to the 69th legislature may result in a proportional reduction in the grant amount.

(2) The grant recipient must document that other matching funds required for completion of the project are firmly committed.

(3) The grant recipient must have a project management plan that is approved by the department of natural resources and conservation.

(4) The grant recipient shall comply with the auditing and reporting requirements provided for in 2-7-503 and establish a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles. Tribal governments shall comply with the auditing and reporting

requirements provided for in 2 CFR 200.

(5) The grant recipient shall satisfactorily complete the conditions described in the recommendation section of the project narrative of the program report to the legislature for the biennium ending June 30, 2027, or, in the case of planning grants issued under [section 1(1)], complete the conditions specified at the time of written notification of the approved grant authority.

(6) The grant recipient shall execute a grant agreement with the department of natural resources and conservation.

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

NEW SECTION. Section 4. Local government requirements before funds are released. (1) To be eligible to receive funding under [this act], a local government shall establish and continually fund a capital reserve account meeting the requirements of subsection (3) for necessary infrastructure improvements, including but not limited to improvements to water supply systems, wastewater systems, irrigation systems, and water storage dams with water storage capacity in excess of 3,000 acre feet and that are not part of a public water system.

(2) The capital reserve account must be established prior to the receipt of grant funds under [this act].

(3) The local government shall deposit into the capital reserve account:

(a) an amount equal to 10% of the revenues received by the local government from water supply fees, wastewater system usage fees, or water delivery fees assessed by the local government; or

(b) for the owners of water storage dams described in subsection (1), an amount equal to \$5 per acre foot of water storage capacity. Revenues or royalties from the production and sale of electricity, general fund revenues used for the maintenance of water storage dams and other structures owned by the local government, and fees levied on all members of a conservation district as the conservation district existed on January 1, 2025, where the dam is located may be used to meet the requirement of this subsection (3)(b).

(c) A local government may not create any form of special or improvement district to fund the

capital reserve account provided for in this section.

(4) A local government may only expend funds from the capital reserve account to fund projects with a total estimated cost of at least \$50,000.

(5) As used in this section, "local government" means a county, city, town, consolidated city-county, irrigation district, drainage district, conservation district, or water users' association or ditch company organized and incorporated pursuant to Title 35, chapter 14, or Title 85, chapter 6, part 1.

NEW SECTION. Section 5. Appropriations established. There is appropriated to any entity of state government that receives a grant under [section 1] the amount of the grant upon award of the grant by the department of natural resources and conservation. Grants to entities from prior biennia are reauthorized for the completion of contract work.

NEW SECTION. Section 6. Approval of grants -- completion of biennial appropriation. The legislature, pursuant to 85-1-605, approves the renewable resource grant and loan program grants listed in [section 1]. The authorization of these grants constitutes a biennial appropriation from the natural resources projects state special revenue account established in 15-38-302.

NEW SECTION. Section 7. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

COORDINATION SECTION. Section 9. Coordination instruction. (1) If both [this act] and an act that provides additional funding for renewable resource grant and loan program grants from a source other than the natural resources projects state special revenue account established in 15-38-302 are passed and approved, the projects listed in [section 1(4) and (7) of this act] that do not receive funding from the