

STATE OF MONTANA
DEPARTMENT OF COMMERCE
MONTANA COAL BOARD

June 7, 2023 1:30 p.m.

LOCATION: Big Horn Resort, 1801 Majestic Lane, Billings, MT

Via Zoom Please Register for Zoom Meeting here:

https://mt-gov.zoom.us/webinar/register/WN_umC2VoIZRrWW8qXrVqf70A

Or an H.323/SIP room system:

H.323: 162.255.37.11 (US West) or 162.255.36.11 (US East)

Meeting ID: 868 4127 9483

Passcode: 196877

SIP: 86841279483@zoomcrc.com

Passcode: 196877

WHEN: 1:30 p.m.

ORIENTATION

Hal Fuglevand, Billings – Impact Area
Pat Lorello, Belgrade – Engineering
Tim Schaff, Roundup – Education
Jon Wells, Hardin – Business

Catherine Laughner, Big Sky – Attorney
Sandra Jones, Roundup – Public Administration
Sandy Tutvedt, Kalispell -- Education

Notice of Public Meeting

The Board will be meeting for an orientation for all board members. ***No applications will be reviewed or considered at this meeting.*** For more information or to request reasonable accommodations for a disability, please contact CDD staff at (406) 841-2770 or at DOCCDD@mt.gov before the meeting.

Agenda:

1. Call to order
2. Roll call
3. Opportunity for public comment
4. Introductions
5. Orientation Binder Review:
 - Overview of Coal Board
 - Open Meeting Laws
 - Pertinent Montana Code Annotated Statutes
 - Coal Board Impact Area
 - Coal Board Funding by Biennia
 - Environmental Review for Grant Projects
 - Robert's Rules of Order and Motions
 - Application
 - Travel Expense Information
 - Historical Record of Coal Board Grants
 - Department of Commerce Contacts
6. Other Comments/Questions
7. Adjournment

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Montana Coal Board

Contact & Biographical Information

Pat Lorello
120 Antelope Ridge Road
Belgrade, MT 59714
(406) 539-7459

Jon Wells
Route 1, Box 1201
Hardin, MT 59034
(406) 749-3357

Tim Schaff
924 5th Street W
Roundup, MT 59072
(406) 323-2402 – business

Sandra Jones
PO Box 156
Roundup, MT 59072
(406) 855-1574

Hal Fuglevand
4242 Huckleberry Ln. S.
Billings, MT 59106
(406) 208-3696

Sandy Tutvedt
1333 Church Drive
Kalispell, MT 59901
(406) 212-1607

Catherine Laughner
PO Box 161501
Big Sky, MT 59716
(406) 431-9078

Pat Lorello

Pat is a retired mining professional and native Montanan. After graduating from Montana Tech in the early 1980's, he spent the next thirty plus years involved with different mining operations across the U.S. where he gained operational experience with coal mining operations in Montana, Wyoming and Colorado.

Jon Wells

Jon is currently the Director of Equipment Asset Management at Westmorland Mining, LLC. His career spans the coal mining and heavy equipment industries for 25 years. Jon's board experience includes Hardin School Board, BHC Tax Appeal Board, BHC Planning Board, BHC Museum Board and Oracle Advisory Board. He lives in Hardin with his wife and four children.

Hal Fuglevand

Hal is a Montana native born in Havre, MT. He has lived his entire life in the state with the exception of one year in Casper, WY. He attended Montana State and graduated with a BS in Construction Engineering Technology in 1980.

His professional career experiences have been exclusively in the heavy and highway construction industry. He has worked for two companies since college, Oftedal Construction and Knife River. Hal and his family resided in Miles City for 19 years while he was with Oftedal and he and his wife have been in Billings for the past 11 years. He is currently the general manager of Knife River's Yellowstone division.

Hal is currently serving on the Montana Contractor's Association board of directors. In addition, he is involved with Build Montana, a partnership with the Billings public school system to attract high school juniors and seniors into the construction trades workforce.

One of Hal's passions is promoting mobile technology to construction supervisors and managers. During the past five winter seasons, he has traveled to multiple Knife River locations across the western U.S., educating employees to utilize current technology in estimating and project management.

Along with his wonderful wife Kathy, he has two equally wonderful daughters, Britta and Lauren. As of this writing, no grandchildren. Hal enjoys woodworking as a hobby as well as being an avid fan of the MSU Bobcats. There is a special place in the Bear Paw mountains where his mother's grandfather homesteaded. His father built a cabin for his wife and 9 children there in 1960. It is where he goes to recharge and reflect on what is most important in his life.

Catherine Laughner

Ms. Laughner is originally from Wolf Point, raised in Wyoming and returned to Montana after earning her Juris Doctorate from the Oklahoma City University School of Law. She recently retired after practicing business law in Montana and Wyoming for many years. Ms. Laughner holds a Bachelor of Science in Chemistry from the University of Utah, where she competed on the University ski team.

Ms. Laughner is admitted to practice law in Montana, Wyoming, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

Catherine is married to Rob, and they love hiking, skiing, and keeping up with their large extended family. She is active in music ministry at St. Joseph's Catholic Mission in Big Sky.

Sandra Jones

After being widowed twice, Sandra learned that broken lives can be healed and restored. She has been happily married to her husband, David, since November of 1995. She is a mother of two sons with five grandchildren and eight great grandchildren.

Sandra loves music and has written and recorded several worship and praise songs. She is also a licensed, ordained minister and together with her husband, they were part of the Roundup Ministerial Association. Together they served as local pastors of a church in the City of Roundup for 18 years. She was also a dispatcher for her husband's towing service business that served this community for over 33 years.

Sandra wrote and published her first book, an autobiography entitled "A Journey Beyond My Dreams". It was released in January of 2022 and can be found on most of the marketing sites such as Amazon, Barnes and Noble and Walmart.

Sandra is serving in her third term as the Mayor of the City of Roundup, MT and has previously served on the Governor's Board for Community Service. She currently resides on several executive boards within the state, some of which include Montana League of Cities and Towns, District 6 Human Resource Development Council (HRDC), the HIV Prevention Group (HPG) advisory board with the Montana Department of Health and Human Services and the Snowy Mountain Economic Development Board. She has also served as the Chairperson for the Salvation Army Service Unit. Sandra has been an active board member of the Signal Peak Community Foundation since the board was created in September of 2011.

Sandra is honored to be appointed to serve on the Montana Coal Board. She enjoys what she does and hopes to continue to serve in her community as long as she has the health to do so.

Tim Schaff

Tim Schaff was born and raised on a farm and ranch ten miles outside of Lavina, Montana. Tim has worked as a ranch hand, a field reporter for ASCS, a bartender, a construction worker and for the past 40 years as a teacher in Roundup, Montana.

Tim and his wife Natalie celebrated their 36th anniversary in July, 2021. Tim says marrying Natalie is the smartest thing he ever did. Their son Kristopher is mining engineer at Signal Peak Mine south of Roundup.

Tim graduated from Lavina High School in 1976 and then attended Northwest Community College in Powell, WY. After one semester, Tim decided that he “knew everything” that they could teach him at college and decided to discontinue his education at NWCC. The winter of 1977-78 showed him he didn’t know half of what he thought he did, so he went back to school at Eastern Montana College, graduating from there in 1982. He earned his Master’s Degree in Education from Boise State University in 2005.

Tim took a year off to “find himself” again and entered the field of teaching in the fall of 1983 at Roundup High School where he has worked ever since. As a teacher in the Roundup School District, Tim has taught English, Journalism, U.S. History, Montana History and United States Government World History, co-taught Spanish and been Junior High Dean. Roundup Education Association serving several terms as local president.

During his time in Roundup, he served two terms on the Roundup City Council. In his capacity as a councilman, he also served on the Musselshell County Weed Board. During his tenure there, he took over the county weed board supervisor’s position for two summers and was instrumental in helping area landowners create weed districts and seek funding of state weed grants. Tim has served on the Coal Board since 2015.

Sandy Tutvedt

Sandy is a versatile professional with experience in entrepreneurship, consulting, politics, education and actuarial work. She created and sold Hidden Key Escape Games, served as a self-employed consultant preparing federal grant application, was a Republican candidate for several political positions, worked as a Mathematics Teacher and Building Administrator and started her career as a pension specialist.

Sandy is married and enjoys golfing.

MONTANA COAL BOARD OVERVIEW

Background

The Coal Board was created in 1975 along with Montana’s Coal Severance Tax through the passage of Senate Bill 87. The Board’s purpose is to assist local governmental units which have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes. The Coal Board provides grant funding to assist communities in meeting the increasing costs of providing adequate governmental services and facilities as a direct consequence of coal development. The Board’s purpose statement was amended by the Legislature in 1997 to make clear that the Coal Board’s function is also to assist local governments impacted by a major decline in coal mining or in the operation of coal–using energy complexes.

The Coal Board is attached to the Montana Department of Commerce for administrative purposes only.

Montana Coal Board Grant Program

The Coal Board provides grants to assist local governmental units experiencing impacts from coal development or decline in planning for and meeting the needs for a variety of public facilities or services.

Eligibility Requirements

Eligible applicants for Coal Board grants include:

- local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.)
- state agencies, and
- governing bodies of federally recognized Indian tribes.

Under state law, the total amount of grants to state agencies or Indian tribes may not exceed seven percent of the annual allocation to the Coal Board. Under 90-6-209 MCA, a grant to an Indian tribe may not be approved by the Coal Board unless:

- (a) the governing body of the tribe has agreed:

(i) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and

(ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the State of Montana; and

(b) approval of the transaction has been obtained from the Secretary of the United States Department of the Interior whenever approval is necessary.

Application Procedures

Prospective applicants are required to submit an application to the Coal Board administrative staff 45 days prior to any of the four quarterly Coal Board meetings held throughout the year. (The application form is available on the Coal Board's website <http://comdev.mt.gov/Boards/Coal>)

The application must include:

1. Complete description of the proposed project,
2. project budget including a breakdown of all major project costs, and a description of the proposed sources and uses of all funds,
3. implementation schedule,
4. documentation of the need for the project relative to the severity of the impact of coal development or decline,
5. documentation of the local effort including millage rates, local financial contribution to the extent possible, or fund-raising efforts,
6. documentation of the applicant's legal and financial ability to undertake and manage the proposed service or facility,
7. documentation of how the requested project is consistent with, and supports existing planning documents and documents the community's ability to respond to coal-related impacts and for anticipated contemplated growth or decline problems; and,
8. a preliminary engineering report or preliminary architectural report (if applicable).

Commerce staff prepares a staff report which provides an analysis of the application according to the statutory criteria to assist the board members with their independent review of the application. The applications are reviewed by the Coal Board members prior to the Quarterly Meeting. The applicant is invited to make a formal presentation to the board at the Quarterly Meeting.

The Board takes official action on each item of the agenda including proposed funding requests presented by the Board. The Board may request an applicant provide additional information to be submitted prior to the Board acting and can postpone an action until a future meeting.

Technical and procedural assistance regarding application requirements is available from Department of Commerce personnel. The Coal Board has access to Community Development Division expertise including experienced grant managers, certified planners, a land use attorney, and licensed engineers.

Approval Process

Coal Board is required to consider the following statutory criteria to determine awards as established in 90-6-206, MCA:

Need – How has the applicant demonstrated that proposed project enables the applicant to provide governmental services and facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex?

Degree of Severity of Impact – What demographic and economic changes have directly resulted from coal development or decline? To what extent have the community residents been directly affected by the coal development or decline? What documentation was provided to document that the level of assistance is necessary to eliminate or reduce the severity of a problem affecting the public’s health, safety, or welfare?

Availability of Funds – Are there sufficient Coal Board funds available to grant the total amount requested, in list of the other total requests submitted? How much has been awarded to state agencies or Indian Tribes to ensure the 7% per fiscal year limitation has not been exceeded?

Degree of Local Effort in Meeting These Needs – Is the applicant making a reasonable effort to meet the identified needs with local resources, based on its financial capacity? Given the limited amount of Coal Board funds, has the applicant made reasonable efforts to sources funding from other appropriate sources to assist in funding the proposed project? What documentation has been presented to document financial need according to local Mill information?

Community Planning - Has the community recently experienced, or will it experience a significant impact from coal development that would require it to develop or update its existing long range planning documents? How will the project support the community’s ability to respond to coal-related impacts? Is the proposed planning project consistent with the existing Growth Policy and related planning documents (capital improvements plans, transportation plans, etc.)?

After the Coal Board has evaluated the final application proposal and its relationship to the five award guidelines, the Board acts on the final application by designating the amount of assistance and any contract stipulations.

Selection of Board Members

The Coal Board is a seven-member citizen board appointed by the Governor of Montana. The members of the Board are selected as follows: two from coal impact areas; two with expertise in education; and at least two but not more than four from each district provided for in 5-1-102, MCA. Furthermore, in making these appointments, the Governor considers people from the fields of business, engineering, public administration, and planning.

Board Composition (as of April 2023):

PAT LORELLO 120 ANTELOPE RIDGE ROAD BELGRADE, MT 59714	CATEGORY: ENGINEERING DISTRICT: 1 TERM EXPIRES: 1-5-2025
SANDY TUTVEDT 1333 CHURCH DRIVE KALISPELL, MT 59901	CATEGORY: EDUCATION DISTRICT: 1 TERM EXPIRES: 1-1-2027
TIM SCHAFF 925 5TH STREET WEST ROUNDUP, MT 59072	CATEGORY: EDUCATION DISTRICT: 2 TERM EXPIRES: 1-1-2027
SANDRA JONES PO BOX 156 ROUNDUP, MT 59072	CATEGORY: PUBLIC ADMINISTRATION DISTRICT: 2 TERM EXPIRES: 1-1-2027
JON WELLS ROUTE 1, BOX 1201 HARDIN, MT 59034	CATEGORY: BUSINESS DISTRICT: 2 TERM EXPIRES: 1-5-2025
HAL FUGLEVAND 4242 HUCKLEBERRY LANE S. BILLINGS, MT 59034	CATEGORY: IMPACT AREA DISTRICT: 2 TERM EXPIRES: 1-5-2025
CATHERINE LAUGHNER PO BOX 161501 BIG SKY, MT 59716	CATEGORY: ATTORNEY DISTRICT: 1 TERM EXPIRES: 1-5-2025

Board Meetings

The Coal Board meets once every quarter to administer the functions of its enabling statute. All meetings are open to the public and announced on the State's e-calendar.

MONTANA HAS FIVE EXISTING COAL MINES WITH TOTAL PRODUCTION FOR 2021 AT 28.4 MILLION TONS, WHICH INCLUDES DECKER'S 61.688 TONS (INFORMATION TAKEN FROM THE MONTANA COAL COUNCIL)

MINES	#employees	estimated payroll
Spring Creek Coal Company	246	\$22,800,000
Signal Peak Energy	271	\$26,100,000
Westmorland Rosebud	290	\$26,900,000
Westmoreland Absaloka	67	\$5,500,000
Westmoreland Savage	7	\$660,000

Montana Coal Board Roles and Responsibilities

Applications:

**Prior to an application:*

Staff will provide technical assistance to applicants/potential applicants.

Staff will post application due date to the website.

**When an application is received:*

Staff will provide a review for each application which will be provided to the Board and the applicant.

Board will review applications.

Board awards/determines if statutory criteria is met.

Grants:

**When an application is awarded funding:*

Staff will provide assistance to grantees in processing a contract.

Staff will provide grant management and disbursement of funds.

Board reviews and approves requests for extensions, scope of work changes and budget changes.

Staff processes contract amendments when approved by Board.

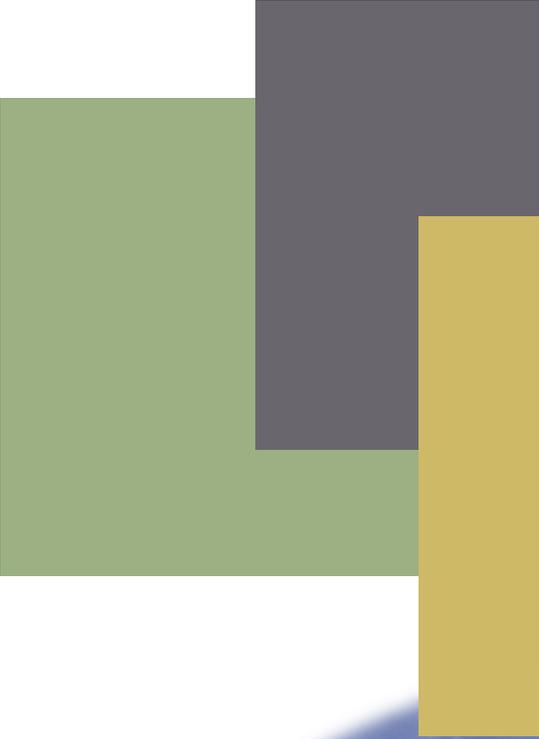
Meetings:

Staff will monitor budgets.

Staff will make travel arrangements.

Staff will provide meeting prep.

Staff will maintain the website and update content.



Orientation Handbook



Montana's Boards, Councils and Commissions
October 2018

Photo Credits: Montana Office of Tourism and the Montana Tourism Advisory Council

Boards, Councils and Commissions - Every board is unique in its purpose, authority, membership and mission. Becoming familiar with your board type and mission will help you be successful. Staff with your board, council and commission should provide specific orientation materials, background and any applicable forms or documents you might need. You can always contact staff with your board or the Governor's office for additional information.

Montana State Government - Every board, council or commission is attached to one branch of government, Executive, Legislative or Judicial. In the Executive Branch, there are agencies and every board is attached to an agency for management and administration.

Quasi-Judicial Boards - These boards make independent decisions and have unique governing structures. While many of them are allowed to make their own decisions, in most cases agency attorneys will still advise and direct quasi-judicial boards on their jurisdiction.

Advisory Councils - Advisory Councils are simply that, advisory in nature. They exist to advise their agency, department, elected official, etc. They typically do not direct staff, make binding decisions or set policy.

Authority to Act - Authority, when given, is always given to a board as a whole, not to an individual member. A board's majority must agree on a course of action, and individual members may not act without prior approval of the board as a whole.

Confidentiality - The Montana Constitution balances the public's right to know with an individual's right to privacy. As a board member it is important to understand what issues are required to be reviewed in public and which issues require confidentiality. Staff and attorney's with your board can assist with any questions you might have.

PUBLIC SERVICE

Public service is something we are all committed to and requires a unique set of skills and communication. In order to participate effectively, the following set of skills can be most useful: serve the public's interest first; perform your duties openly with the public; attend meetings regularly; come prepared; communicate; and have respect for others. Life, family, career and other obstacles can arise. If you feel you can no longer serve your board effectively, please contact the Governor's Office to make alternative arrangements.

Right of Participation - The Montana Constitution allows the public the right to access and participate in government.

Right to Know - The Constitution also allows the public to review documents and the deliberations of public bodies, except in cases where the demand of individual privacy clearly exceeds the merits of disclosure.

Open Government - Under Montana law, all meetings are open to the public regardless of the nature of the issues being discussed.

Closing Meetings - There are some boards that deal with cases or information where the right to individual privacy outweighs the public's right to know. Some examples include personnel reviews, medical case files or accusations of misconduct. In all such cases, staff with your agency will work with the board Chair to determine which portions of a meeting are conducted in closed session.

Communication - Meetings are required to be public anytime a quorum is present, and in small groups this can occur by any method, email, social media or phone calls. Make sure to respect the public's right to participate and know that email, text or social medial communication can potentially be subject to public review and scrutiny.

Ethics - As a public officer, you are required to follow the state of Montana's code of ethics and conduct. When a personal or professional conflict arises in your work, it may be necessary to withdraw your vote or disclose the conflict. Substantial gifts are not allowed, and that includes anything valued over \$50. Confidential information may not be used for personal economic gain. Public property of the state may not be used in the benefit of private business. Proof of an ethics violation may be grounds for removal.

Safety and Threats - While extremely rare, sometimes the public may become incensed over an action or comment made by a board member. The public has the right to voice their disagreement, but you have the right to feel safe. If you ever encounter a scenario where you no longer feel safe or have received threats of harm against yourself or others, please notify both your local law enforcement as well as the staff at your board, council or commission immediately.

BOARD BUSINESS AND LEADERSHIP

Quorum - Typically a majority of membership constitutes a quorum, which is the minimum number of members who are required to be present in order to do any business. Check with your staff to determine if any special rules dictate your boards' quorum requirements, as some boards differ.

Meetings - While no two meetings are the same, all public meetings tend to follow similar protocol, most following **Roberts Rule of Order**. Many start with a call to order, a roll call/attendance, approval of past minutes, reports from officers, staff, standing committees, new business, public comment, announcements and adjournment.

Presiding Officer or Chair - All boards have a presiding officer or Chair. In some cases, the Governor selects this person, in others the board votes to select this person. Regardless of how they are chosen, they share the same responsibilities. Chairs work with staff to prepare agendas and schedules, and they run the meeting. Chairs must balance their role to guide the meeting with that of a board member to remain engaged in the meeting. Between meetings Chairs may do additional work to prepare the board and staff for future meetings or on projects as necessary.

Tips for Chairs

- Time Management** - Keep members and the public on schedule.
- Agenda** - Keep comments to the approved agenda items and topics.
- Respectful** - Keep comments, meetings and all discussions respectful.
- Staffing** - Provide services or other assistance to staff as they help your board by taking meeting minutes or other services.
- Open Meetings** - Ensure the public has the right to participate and that they introduce themselves when presenting or commenting.
- Motions** - Advise members when they need to clarify or adjust motions.
- Rules** - Ensure the meeting and board follows all applicable rules.
- Voting** - Keep discussion on the motion at hand, and follow general procedures which typically include a motion, a second, discussion and then a vote by members.
- Recusal** - When a Chair needs to leave early or has a conflict of interest, they may recuse themselves and the position by assigning it to their Vice Chair or another member, as guided by their rules.

LEGISLATIVE COMMUNICATIONS

Every legislative session, board members get involved in the legislative process. The most important distinction is to know whether you are participating as a private citizen or in your capacity as a board member. In order to participate and introduce yourself as representing your board, you must follow specific approval steps, including board, agency and then Gubernatorial approval.

Governor's Role – The Governor is the Chief Executive of the Executive Branch and is responsible for formulating and administering all of the policies of the Executive Branch and this includes all budgets, policies and priorities. This responsibility extends to boards connected to the Executive Branch. He and his office work diligently to coordinate these efforts both within and across all state agencies. Boards must work with their agency structure to coordinate all legislation and lobbying efforts.

Boards' Role – The most common role boards play is to advocate for bills correcting program defects, fixing statutory problems, resolving conflicts or supporting improvements in their area of expertise. Less frequently, they may become involved in controversial bills. In cases where conflict exists between boards, agencies or other policies, the Governor is empowered to resolve the conflict and make the final decision prior to legislative lobbying. This may mean that your board is not authorized to support legislation you previously voted to support.

Approval – Boards must work through public meeting rules to allow public input on bills of interest. Also a vote of approval must take place for a board to move forward in the approval process. A majority of members must support a bill or a general concept when flexibility is required during the legislative process. Then the board must seek agency approval. Again, agencies and the Executive Branch work to coordinate all efforts, to ensure there are not any duplicative or conflicting efforts.

Testimony – All board members should only give testimony that is factual, relevant and informative, and approved by their board. This information should be well understood and presented in a way that does not create conflict, confusion or surprise. They should introduce themselves as representing their board. There are times when a board member may disagree with the approved position of a majority of their board. Should they choose, these board members may appear and testify on their own behalf, but must state definitively that their views are not shared by their board and they are not eligible for any official support or reimbursements for doing so.

Advisory Councils – Advisory Council members are rarely approved to testify at the Legislature. As their service is advisory in nature, if their policy direction is adopted, an agency will pursue the legislation with that recommendation. Some may be asked to participate and with agency approval may do so. If approved, this testimony should also be simply advisory and a summary of what the Council may have advised their agency.

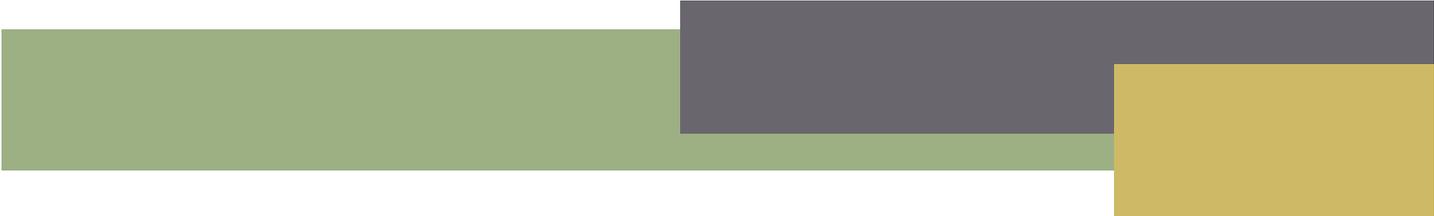
MEDIA COMMUNICATIONS

Media can attend meetings and report on statements, debates and actions taken by you and your board, council and commission. These members of the media may also contact you directly about your appointment, decisions and statements made. Public officials are expected to treat members of the media with respect and honesty.

As a board member you have the support of staff at your board, council or commission. You are encouraged to let them know if media contact you outside of a meeting either for assistance. This staff can help you with a response or keep other board members, the agency and the Governor's office informed of current and potential news stories.

Some quick tips to consider:

- Always ensure your interactions with the media are respectful.
- You have the right to not comment and/or request to have another person complete the conversation (staff or another board member).
- Your staff is available and wants to help you and the board be represented well in the media.
- You must follow all confidentiality rules as they apply to your work.
- If you are speaking on behalf of your board, please ensure you have the approval and support of your board along with an approved response.



Additional Resources

Governor's Office: www.governor.mt.gov

Boards and Appointments: www.boards.mt.gov

State Government: www.mt.gov

Montana State University's Burton K. Wheeler
Center: www.wheelercenter.org

Montana State Legislature and Montana Code:
www.leg.mt.gov

Commissioner of Political Practices:
www.politicalpractices.mt.gov

Administrative Rules: www.mtrules.org

Secretary of State: www.sosmt.gov

State of Montana Ethics Guidelines: www.hr.mt.gov



MONTANA COAL BOARD

COAL IMPACTED LOCAL GOVERNMENTAL UNITS DESIGNATION REPORT AS REQUIRED BY MCA 90-6-207

2023 BIENNIUM
(JULY 1, 2021 – JUNE 30, 2023)

JANUARY 2023

We make every effort to ensure that our documents are fully accessible to persons with disabilities. Alternative, accessible formats of this document will be provided upon request.

For an alternate format please contact:

Montana Department of Commerce
(406) 841-2770

Renee Lemon, Division Administrator
Community Development Division
Montana Department of Commerce
301 S. Park Ave
Helena, MT 59620

Analysis & Report Prepared by:
Benjamin Gill, Economist

Research & Information Services Bureau
Office of Tourism & Business Development
Montana Department of Commerce

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INTRODUCTION

The Montana Department of Commerce (referred to as “Commerce”, hereafter) is required by statute (MCA 90-6-207) to biennially designate each county, incorporated city and town, school district or other governmental unit impacted by coal development. The specific criteria for designation are defined in detail within the statute and summarized below. This designation guides the use of funds and directs the Montana Coal Board (referred to as “Coal Board”, hereafter) to award at least 50% of appropriated funds to designated local government units, except as it pertains to 90-6-205(4)(b). This report is provided to the Coal Board for the purpose of awarding grants from available funds during the biennium.

In preparation of this report, Commerce collected relevant information from the Montana Department of Environmental Quality (DEQ), the Montana Department of Revenue (DOR), the Montana Department of Transportation (MDT), the Montana Local Government Services Bureau, the Montana Census and Economic Information Bureau (CEIC), and the Montana Department of Labor & Industry (DLI). These entities provided information, data and other assistance allowing Commerce to accurately review statutory priorities and finalize the biennial designations.

A complete list of local governmental units designated by Commerce can be found in Appendix B at the end of this report. The list also identifies which section of the statute was used to qualify the governmental unit as a designated entity by coal mine or coal-burning facility that had an event triggering eligibility. While the list only shows the designated entities, Commerce’s analysis included all local governmental units to determine if the entity met the statutory criteria for designation (more detail located in the “Analysis Methodology” later in this report).

DESIGNATION OF LOCAL GOVERNMENTAL UNITS

To qualify under the statute, local governmental unit designation is established by reviewing the governmental units that meet the statutory guidelines explained in more detail below. It is noteworthy to mention that governmental units may have met the designation under one or more subsection; the specifics on how a local governmental unit was designated is included in the complete list of designees at the end of this report (Appendix B).

POPULATION INCREASE OR DECREASE

MCA 90-6-207(1)(a)

Each county, incorporated city or town, school district, and other governmental unit shall be designated that has had or expects to have – as a result of coal development – a net increase or decrease in the estimated population of at least 10% over one of the 3-year periods defined in the statute. A detailed explanation of the specific 3-year time periods can be found in the “Analysis Methodology” section of this report.

NEW COAL DEVELOPMENT

MCA 90-6-207(1)(b)(i)

Each county and all local governmental units within each county in which a mining permit has been granted by DEQ establishing a new coal mine to produce at least 300,000 tons a year and that Commerce determines will commence production within two years shall be designated.

INCREASED OR DECREASED COAL PRODUCTION

MCA 90-6-207(1)(b)(ii)

Each county and all local governmental units within each county in which Commerce has determined the production of an existing coal mine will increase or decrease by at least 1 million tons per year and that the new, expanded, or reduced production will commence within 2 years of the designation shall be designated.

NEW RAILROAD SERVICE

MCA 90-6-207(1)(b)(iii)

Each county and all local governmental units within each county in which a newly constructed railroad serves a new, existing, or expanding coal mine shall be designated.

AIR QUALITY PERMIT FOR A NEW COAL-BURNING FACILITY

MCA 90-6-207(1)(b)(iv)

Each county and all local governmental units within each county in which DEQ has issued an air quality permit for a new steam-generating or other new coal-burning facility that would consume at least 1 million tons of Montana-mined coal a year and Commerce has determined construction or operation of the new facility will commence within 2 years shall be designated.

PROXIMITY TO A QUALIFYING COAL MINE OR COAL-BURNING FACILITY

MCA 90-6-207(1)(c)

Each local government unit located within 100 miles, measured over the shortest all-weather public road, of a mine or facility qualifying under subsection (1)(b)(i), (1)(b)(ii), or (1)(b)(iv) explained above shall be designated.

Due to the expected increase in coal production at the Signal Peak Mine and Spring Creek Mine, these two mines were used to designate local governmental units per this subsection. Additionally, due to the decrease in production at the Rosebud Mine, this mine was used to designate local governmental units per this subsection.

CESSATION OR SCHEDULED CESSATION OF MINING

MCA 90-6-207(1)(d)(i)

Each local government in which a mine that has produced 300,000 tons or more of coal a year has ceased all significant mining or is scheduled to cease within 1 year shall be designated.

The West Decker Mine located in Big Horn County did not produce any coal from calendar years 2019 through 2021. From 2000 through 2008, this mine produced an average of 7.5 million tons of coal per year. Therefore, West Decker Mine is considered to meet the qualifications of this subsection in “ceasing all significant mining”.

CLOSURE OR SCHEDULED CLOSURE OF A COAL-BURNING FACILITY

MCA 90-6-207(1)(d)(ii)

Each local government in which a steam-generating or other coal-burning facility that has operated under an air quality permit issued by DEQ and that has consumed at least 1 million tons of Montana-mined coal a year has closed or is scheduled to close within 1 year shall be designated.

On June 11th, 2019 Talen Energy published a press release – “Talen Montana, the operator of the Colstrip Steam Electric Station (“Colstrip”), announced that, effective December 31, [2019], the owners of Colstrip Units 1 and 2 (Talen Montana and Puget Sound Energy) will permanently retire the units, which have a total 614 megawatt capacity rating”. This closure of Units 1 and 2 meet the qualifications for designation under this subsection.

Recently, Montana Dakota Utility announced its intentions of closing the Lewis & Clark coal-fired power plant in Richland County. However, according to the DEQ that facility has never consumed at least 1 million tons of coal per year over the life of the plant. Therefore, the pending closure of this coal-burning facility does not meet the qualifications of this subsection.

Designation under subsection (1) of any local governmental unit extends to and includes the county in which it is located.

Designation of a county under subsection (1) extends to and includes as a designated unit any local governmental unit in the county that contains at least 10% of the county's total population.

Designation under subsection (1) refers to the criteria explained above in:

- Population Increase or Decrease
- New Coal Development
- Increased or Decreased Coal Production
- New Railroad Service
- Air Quality Permit for a New Coal-Burning Facility
- Proximity to a Qualifying Coal Mine or Coal-Burning Facility
- Cessation or Scheduled Cessation of Mining
- Closure or Scheduled Closure of a Coal-Burning Facility

LENGTH OF DESIGNATION*MCA 90-6-207(7)*

All designations based on an increase in coal development or in the consumption of coal by a coal-using energy complex made under subsection (1)(a), (1)(b), or (1)(c) must be for 1 year. A designation may not continue after the Department of Commerce determines the mine, railroad, or facility that provided the basis for a designation is contributing sufficient tax revenue to the designated governmental unit to meet the increased costs of providing the services necessitated by the development of the mine, railroad, or facility.

ANALYSIS METHODOLOGY

Designation of local governmental units due to the impacts of coal development can occur by means of a few different scenarios described in the earlier "Designation of Local Governmental Units" section of this report. Below is an explanation of the methodological process and some of the data used to fulfill the statutory guidelines for designation.

POPULATION CHANGE ANALYSIS

If a governmental unit has experienced or expects to have – as a result of coal development – a net increase or decrease in population of at least 10% over a 3-year period, they may be designated as "impacted". MCA 90-6-207(1)(a) defines the time periods for which population change should be considered. Those 3-year time periods are:

- One consecutive 3-year period ending 2 calendar years prior to the current calendar year (2018-2020);
- One consecutive 3-year period ending 1 calendar years prior to the current calendar year (2019-2021);
- One consecutive 3-year period ending with the current calendar year (2020-2022);
- One consecutive 3-year period ending 1 calendar years after to the current calendar year (2021-2023); and
- One consecutive 3-year period ending 2 calendar years after to the current calendar year (2022-2024).

Available population estimates for Montana's local governmental units were used as the basis for this analysis. Estimates for all Montana counties and incorporated cities and towns from 2018 – 2020 were the most current data available. For elementary, high school, and unified school district data from 2018 – 2020 was the most

current available. Population estimates for Native American Reservations were not available on an annual basis; therefore, population change analysis could not be performed for Tribal areas.

For the purposes of this report, the “current calendar year” is defined to be calendar year 2022. For each governmental unit, the annual average change in prior year’s population was used to forecast future year populations in order to have a consistent time series of population data from which to perform analysis.

COAL PRODUCTION ANALYSIS

The last three available calendar years (2019 – 2022) of coal production data for each Montana coal mine was analyzed to infer future coal development at each mine. If a coal mine had a one-year change of more than 1 million tons of coal production – either increase or decrease – Commerce extrapolated that observation and determined that mine met the qualifications in subsection 90-6-207(1)(b)(ii). Please refer to Appendix A for historic coal production data broken out by Montana mine.

GEOSPATIAL ANALYSIS

All governmental units located within 100 miles – measured over the shortest all-weather public road – of a new coal mine, a new coal-burning facility, or a mine with an expected production increase or decrease of at least 1 million tons per year are designated as “impacted” (see “Proximity to a Qualifying Mine or Coal-Burning Facility” above).

Montana Code Annotated (15-70-101) defines all-weather roads as those open to public travel and considered all mileage (excluding the National Highway System (NHS) and Primary roadways) available for public use (except during periods of extreme weather or emergency conditions), passable by a two-wheel drive passenger car, and open to the general public without restrictive gates, prohibitive signs, or regulations other than restrictions based on the size and weight of the vehicle. Private ranch, farm, and residential driveways, primitive trails, and field approaches are not considered part of the mileage.

Using GIS software, geospatial analysis was performed utilizing the most current data available for the State’s road network (by road type), mine locations, and local governmental unit boundaries. State road network and local governmental unit boundary data was obtained from the Montana State Library. Mine locations were determined using aerial imagery to identify all weather access roads connecting mine buildings to the State’s road network. The closest point from the access road to the all-weather road network was used as a starting point for determining the 100-mile distance from the mine. Where multiple mine access roads were identified, the most direct route from the State road network to the mines’ buildings was used.

RESULTS

The governmental units that met statutory priorities discussed in this report were designated based on an increase in mining production at two mines, a decrease in mining production at one mine, a cessation of coal production at another mine, and the closure of coal-burning facilities in Montana. The specifics of the triggering events and subsequent local governmental unit designations are detailed below.

DESIGNATION DUE TO INCREASED COAL PRODUCTION

MCA 90-6-207(1)(b)(ii)

Based on the last couple years of data (See Appendix A), the Signal Peak Mine and Spring Creek Mine are both expected to see coal production increase by more than 1 million tons per year. Subsequently, all governmental units located within 100 miles from these mines are designated as “coal impacted”.

Because the designation of these governmental units is due to an *increase* in coal development, the designation is only guaranteed for 1 year. A designation may not continue after Commerce determines the mine, railroad, or facility that provided the basis for a designation is contributing sufficient tax revenue to the designated governmental unit to meet the increased costs of providing the services necessitated by the development of the mine, railroad, or facility. If the designated local governmental units can show they are not receiving “sufficient tax revenue... to meet the increased costs” then a designation continuance may be issued by Commerce for the remainder of the biennium.

A complete list of the local governmental units that were designated subject to these terms can be found in Appendix B of this report.

DESIGNATION DUE TO CESSATION OF COAL PRODUCTION

MCA 90-6-207(1)(d)(i)

From 2016 through 2022 the West Decker Coal Mine in Big Horn County has produced zero tons of coal. Historically, this coal mine has produced more than 300,000 tons a year. Therefore, each governmental unit in which the West Decker Mine is located is designated (for the biennium) as “coal impacted”. Per MCA 90-6-207(2)(b), all local governmental units located within Big Horn County that contain at least 10% of the county’s total population are also designated for the biennium.

A complete list of the local governmental units that are designated subject to these terms can be found in Appendix B of this report.

DESIGNATION DUE TO THE SCHEDULED CLOSURE OF A COAL-BURNING FACILITY

MCA 90-6-207(1)(d)(ii)

On June 11th, 2019 Talen Energy announced the coal-burning power plants Units 1 and 2 in Colstrip, MT (Rosebud County) were permanently retired effective December 31st, 2019. These plants began commercial operation in 1975 and 1976 annually consuming an average of more than 1 million tons of coal mined from the Rosebud Mine in Montana.

DESIGNATION DUE TO DECREASED COAL PRODUCTION

MCA 90-6-207(1)(b)(ii)

On average from 2016 – 2018, the Rosebud Mine located in Rosebud County produced 8.4 million tons of coal per year. The majority (85 percent) of coal produced at the Rosebud Mine is consumed by the four coal-fired power plants in Colstrip (Units 1 – 4). Due to the closure of Colstrip Units 1 and 2 along with the bankruptcy proceedings of the mine’s owner, Westmorland Rosebud Mine LLC, coal production at the Rosebud Mine decreased by more than 1 million tons per year within the next 3 years.

CONCLUSIONS

Designation of local governmental units under MCA 90-6-207 has changed pretty significantly compared to the 2021 biennial designations. Please refer to Appendix B of this report for a complete list of designated local governmental units for all or possibly a portion of the 2023 Biennium.

Commerce is available to further discuss details with any governmental unit that is or is not on the list in Appendix B to provide information about the analysis and how governmental units met the statutory qualifications detailed in this report.

STATE AGENCIES CONTACTED & SOURCES USED

Multiple State agencies and bureaus were contacted for information that may be material to the designation of coal impacted local governmental units. Data used in the analysis completed for this report was sourced from various entities. All contacted agencies and data sources used for the creation of this report are listed below.

STATE AGENCIES & ENTITIES CONTACTED FOR INFORMATION

Montana Department of Environmental Quality
Montana Department of Revenue
Montana Department of Transportation
Montana Local Government Services Bureau
Montana Department of Commerce, Census and Economic Information Bureau
Montana Department of Labor & Industry

DATA SOURCES USED IN THE ANALYSIS FOR THIS REPORT

Montana Department of Labor & Industry (DLI), Employment Relations Division, Safety and Health Bureau, Mining Section. Montana mine coal production data (through calendar year 2022).

Montana Legislative Services Division. Report to the Environmental Quality Council, *SJ 5: Coal in Montana Changing Times Challenging Times*. September 2018.

Montana State Library. State road network spatial files; local governmental unit spatial files.

Talen Energy. Public News Release June 11, 2019. *Colstrip Steam Electric Station Units 1 and 2 to Retire*.

US Census Bureau, Population Estimates Division. Midyear population estimates for states, counties, and incorporated cities and towns (2018 vintage). Released May 2019

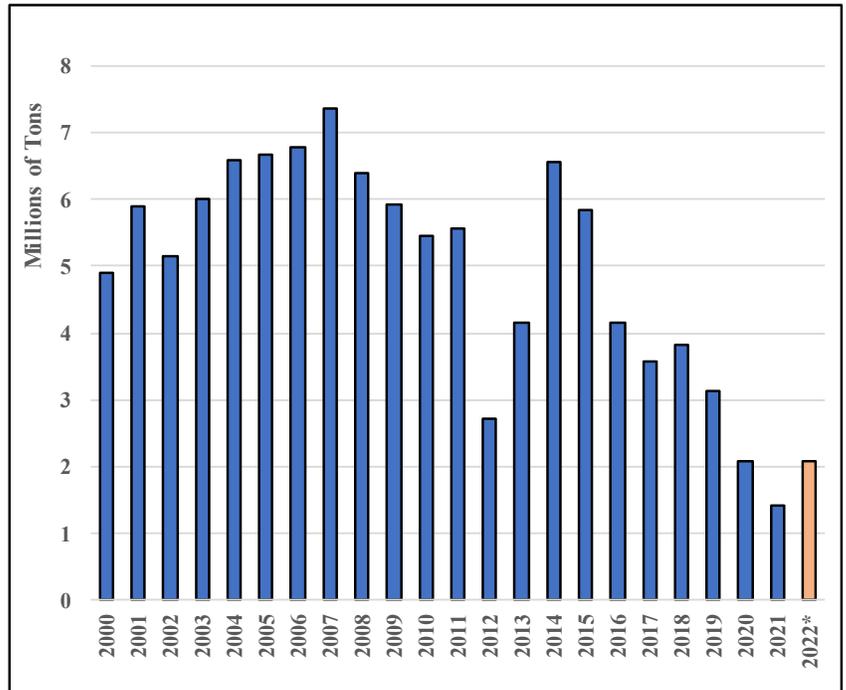
US Census Bureau, Small Area Income & Poverty Estimates. Population estimates for school districts (2016 vintage).

APPENDIX A. HISTORIC COAL PRODUCTION BY MINE

Absaloka Mine - Big Horn County

Annual Coal Production (tons)

Year	Annual Production	Annual Change	Annual Change (%)
2000	4,910,907	--	--
2001	5,904,724	993,817	20.2%
2002	5,160,921	(743,803)	-12.6%
2003	6,016,678	855,757	16.6%
2004	6,588,633	571,955	9.5%
2005	6,663,499	74,866	1.1%
2006	6,782,935	119,436	--
2007	7,347,794	564,859	--
2008	6,391,000	(956,794)	--
2009	5,911,688	(479,312)	-7.5%
2010	5,467,954	(443,734)	-7.5%
2011	5,557,604	89,650	1.6%
2012	2,714,063	(2,843,541)	-51.2%
2013	4,168,749	1,454,686	53.6%
2014	6,557,844	2,389,095	57.3%
2015	5,844,619	(713,225)	-10.9%
2016	4,157,548	(1,687,071)	-28.9%
2017	3,573,756	(583,792)	-14.0%
2018	3,827,634	253,878	7.1%
2019	3,129,243	(698,391)	-18.2%
2020	2,082,589	(1,046,654)	-33.4%
2021	1,434,771	(647,818)	-31.1%
2022*	2,086,533	651,762	45.4%



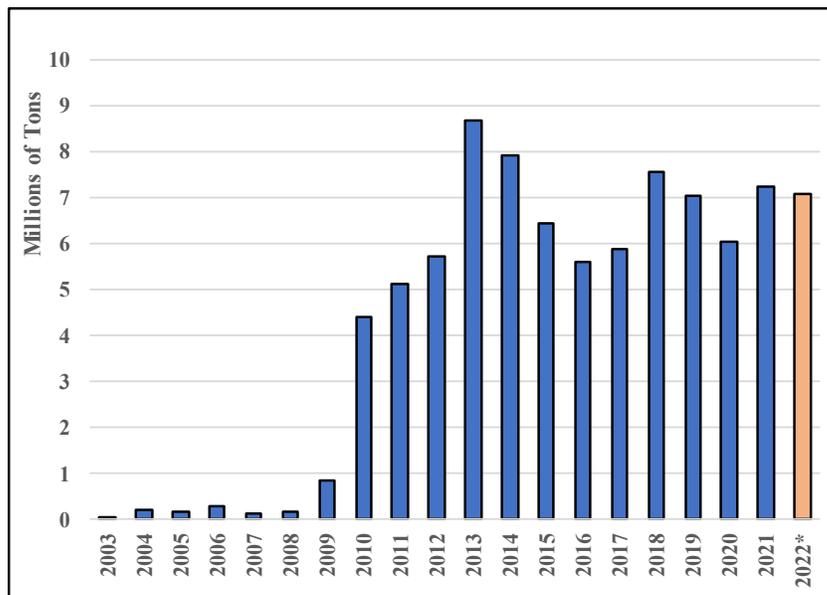
Source: Montana Department of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

* 2022 only contains 11 months of data (January through November) due to data availability as of 1/27/2023.

Bull Mountain Mine (formerly Signal Peak Mine) - Musselshell County

Annual Coal Production (tons)

Year	Annual Production	Annual Change	Annual Change (%)
2003	13,446	--	--
2004	208,755	195,309	1452.5%
2005	168,063	(40,692)	-19.5%
2006	286,712	118,649	--
2007	137,300	(149,412)	--
2008	186,750	49,450	--
2009	866,772	680,022	364.1%
2010	4,388,851	3,522,079	406.3%
2011	5,135,571	746,720	17.0%
2012	5,707,623	572,052	11.1%
2013	8,682,884	2,975,261	52.1%
2014	7,915,478	(767,406)	-8.8%
2015	6,419,640	(1,495,838)	-18.9%
2016	5,609,036	(810,604)	-12.6%
2017	5,883,956	274,920	4.9%
2018	7,566,483	1,682,527	28.6%
2019	7,019,128	(547,355)	-7.2%
2020	6,022,919	(996,209)	-14.2%
2021	7,246,556	1,223,637	20.3%
2022*	7,073,572	(172,984)	-2.4%



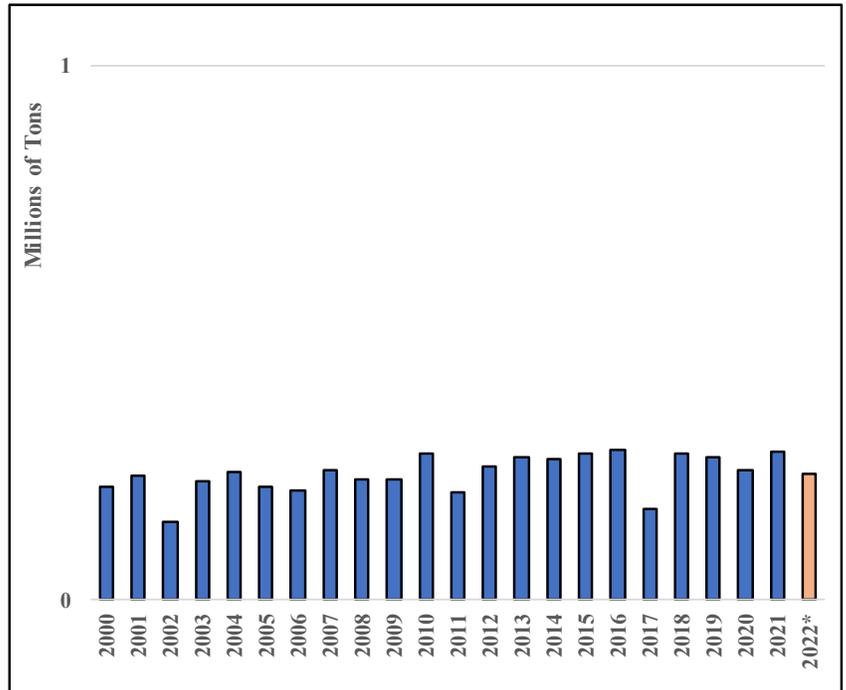
Source: Montana Department of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

* 2022 only contains 11 months of data (January through November) due to data availability as of 1/27/2023.

Celp Plant - Rosebud County

Annual Coal Production (tons)

Year	Annual Production	Annual Change	Annual Change (%)
2000	213,576	--	--
2001	231,829	18,253	8.5%
2002	148,439	(83,390)	-36.0%
2003	223,028	74,589	50.2%
2004	241,283	18,255	8.2%
2005	211,524	(29,759)	-12.3%
2006	203,914	(7,610)	--
2007	244,884	40,970	--
2008	226,070	(18,814)	--
2009	226,646	576	0.3%
2010	273,006	46,360	20.5%
2011	203,121	(69,885)	-25.6%
2012	248,691	45,570	22.4%
2013	267,282	18,591	7.5%
2014	264,055	(3,227)	-1.2%
2015	275,790	11,735	4.4%
2016	280,213	4,423	1.6%
2017	169,278	(110,935)	-39.6%
2018	273,477	104,199	61.6%
2019	269,236	(4,241)	-1.6%
2020	242,212	(27,024)	-10.0%
2021	278,537	36,325	15.0%
2022*	235,873	(42,664)	-15.3%



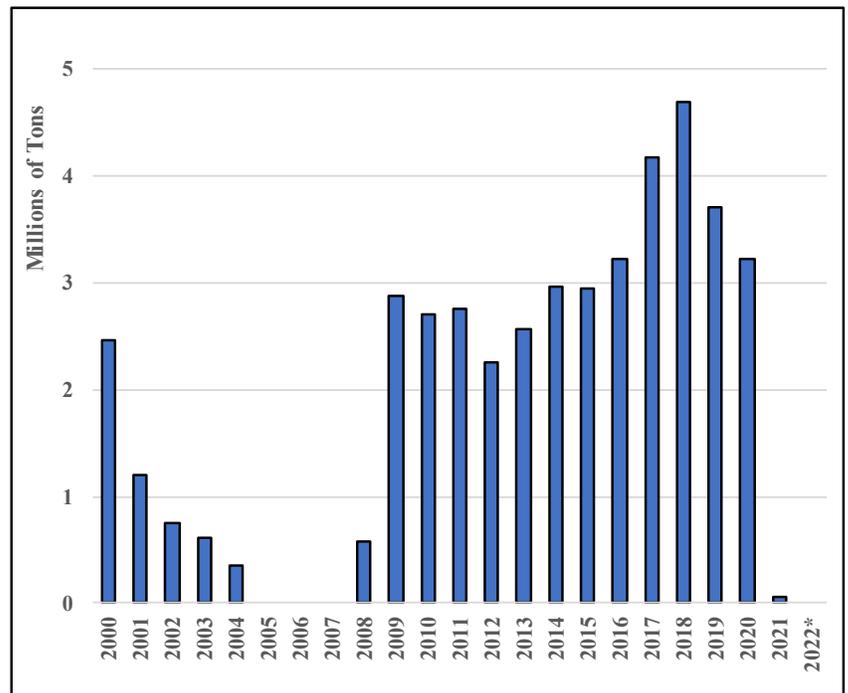
Source: Montana Department of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

* 2022 only contains 11 months of data (January through November) due to data availability as of 1/27/2023.

East Decker Mine - Big Horn County

Annual Coal Production (tons)

Year	Annual Production	Annual Change	Annual Change (%)
2000	2,465,352	--	--
2001	1,207,580	(1,257,772)	-51.0%
2002	746,967	(460,613)	-38.1%
2003	611,984	(134,983)	-18.1%
2004	355,142	(256,842)	-42.0%
2005	0	(355,142)	-100.0%
2006	0	0	--
2007	0	0	--
2008	581,306	581,306	--
2009	2,866,162	2,284,856	393.1%
2010	2,699,951	(166,211)	-5.8%
2011	2,749,367	49,416	1.8%
2012	2,247,873	(501,494)	-18.2%
2013	2,562,326	314,453	14.0%
2014	2,964,445	402,119	15.7%
2015	2,942,574	(21,871)	-0.7%
2016	3,225,895	283,321	9.6%
2017	4,175,084	949,189	29.4%
2018	4,688,914	513,830	12.3%
2019	3,701,222	(987,692)	-21.1%
2020	3,211,942	(489,280)	-13.2%
2021	61,688	(3,150,254)	-98.1%
2022*	0	(61,688)	-100.0%



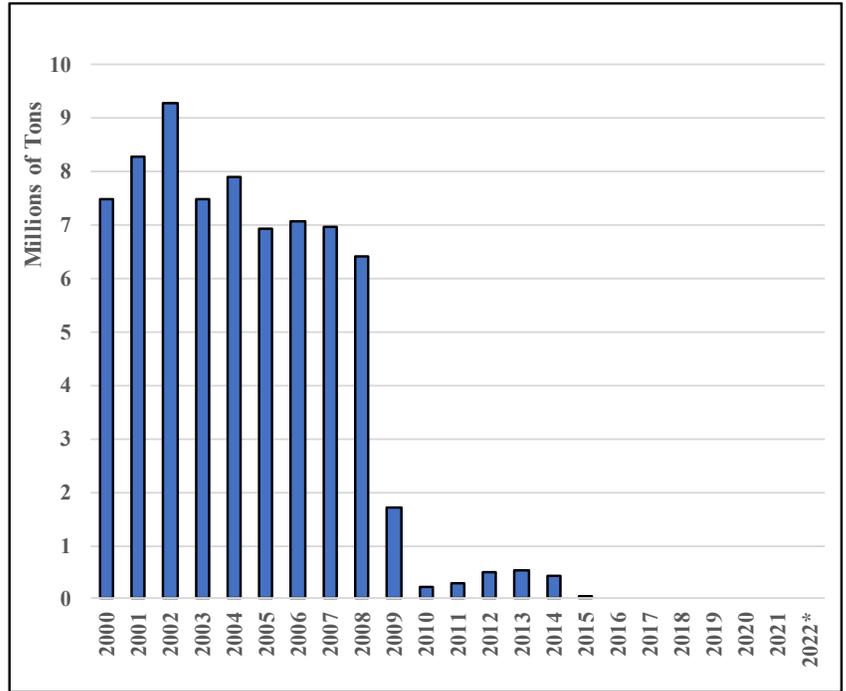
Source: Montana Department of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

* 2022 only contains 11 months of data (January through November) due to data availability as of 1/27/2023.

West Decker Mine - Big Horn County

Annual Coal Production (tons)

Year	Annual Production	Annual Change	Annual Change (%)
2000	7,466,814	--	--
2001	8,254,718	787,904	10.6%
2002	9,281,431	1,026,713	12.4%
2003	7,480,364	(1,801,067)	-19.4%
2004	7,886,137	405,773	5.4%
2005	6,915,690	(970,447)	-12.3%
2006	7,044,226	128,536	--
2007	6,972,909	(71,317)	--
2008	6,411,896	(561,013)	--
2009	1,720,374	(4,691,522)	-73.2%
2010	228,006	(1,492,368)	-86.7%
2011	295,575	67,569	29.6%
2012	484,570	188,995	63.9%
2013	545,037	60,467	12.5%
2014	419,092	(125,945)	-23.1%
2015	21,496	(397,596)	-94.9%
2016	0	(21,496)	-100.0%
2017	0	0	--
2018	0	0	--
2019	0	0	--
2020	0	0	--
2021	--	--	--
2022*	--	--	--



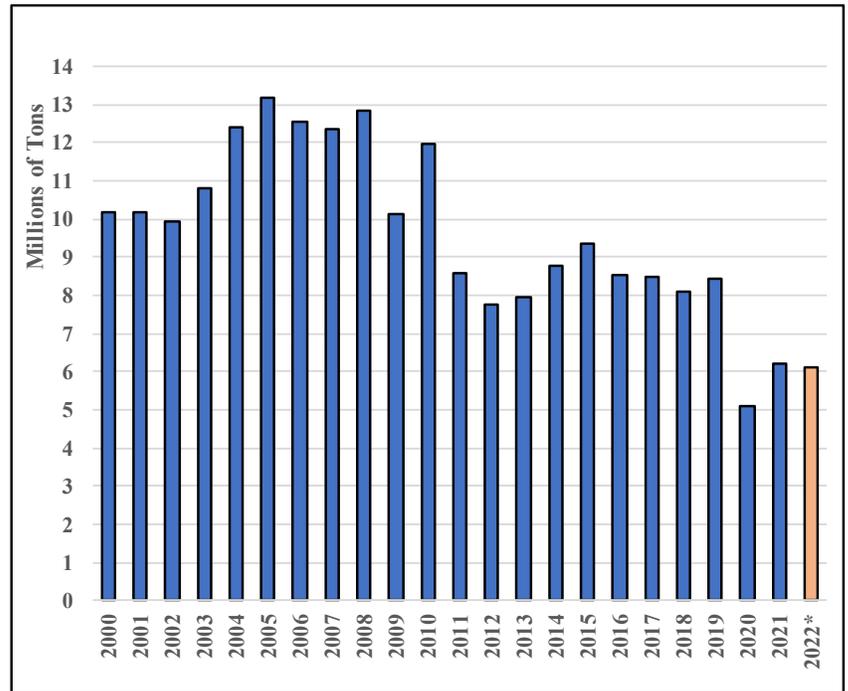
Source: Montana Department of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

* 2022 only contains 11 months of data (January through November) due to data availability as of 1/27/2023.

Rosebud Mine - Rosebud County

Annual Coal Production (tons)

Year	Annual Production	Annual Change	Annual Change (%)
2000	10,173,297	--	--
2001	10,151,692	(21,605)	-0.2%
2002	9,913,417	(238,275)	-2.3%
2003	10,779,695	866,278	8.7%
2004	12,413,482	1,633,787	15.2%
2005	13,164,977	751,495	6.1%
2006	12,527,789	(637,188)	--
2007	12,337,901	(189,888)	--
2008	12,826,742	488,841	--
2009	10,105,036	(2,721,706)	-21.2%
2010	11,957,340	1,852,304	18.3%
2011	8,581,708	(3,375,632)	-28.2%
2012	7,761,804	(819,904)	-9.6%
2013	7,966,848	205,044	2.6%
2014	8,754,406	787,558	9.9%
2015	9,350,194	595,788	6.8%
2016	8,532,276	(817,918)	-8.7%
2017	8,461,252	(71,024)	-0.8%
2018	8,119,283	(341,969)	-4.0%
2019	8,428,924	309,641	3.8%
2020	5,103,444	(3,325,480)	-39.5%
2021	6,218,742	1,115,298	21.9%
2022*	6,136,600	(82,142)	-1.3%



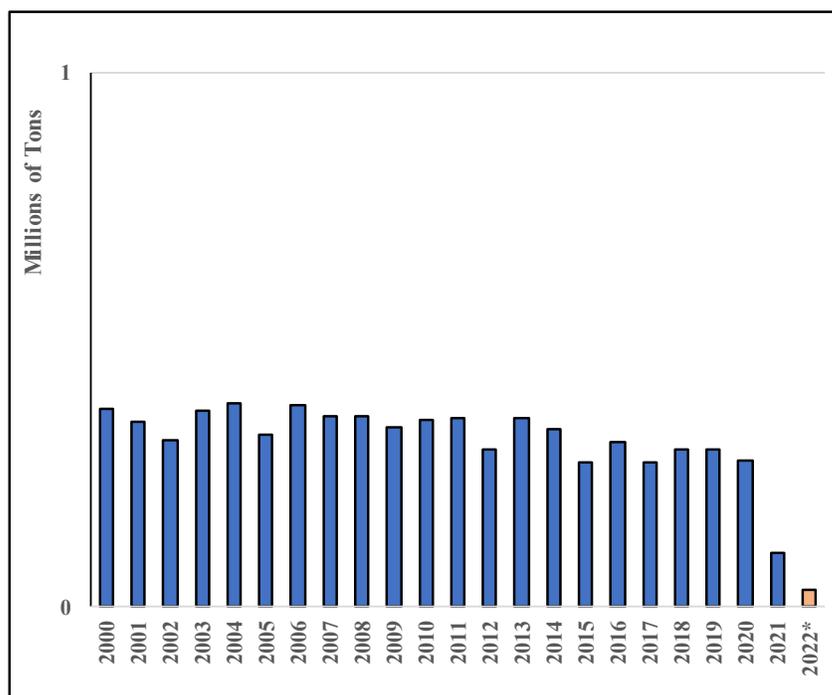
Source: Montana Department of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

* 2022 only contains 11 months of data (January through November) due to data availability as of 1/27/2023.

Savage Mine - Richland County

Annual Coal Production (tons)

Year	Annual Production	Annual Change	Annual Change (%)
2000	371,971	--	--
2001	346,355	(25,616)	-6.9%
2002	312,037	(34,318)	-9.9%
2003	368,867	56,830	18.2%
2004	380,042	11,175	3.0%
2005	323,536	(56,506)	-14.9%
2006	378,601	55,065	--
2007	358,395	(20,206)	--
2008	356,344	(2,051)	--
2009	337,061	(19,283)	-5.4%
2010	351,502	14,441	4.3%
2011	354,669	3,167	0.9%
2012	296,454	(58,215)	-16.4%
2013	354,184	57,730	19.5%
2014	333,922	(20,262)	-5.7%
2015	270,286	(63,636)	-19.1%
2016	309,144	38,858	14.4%
2017	272,663	(36,481)	-11.8%
2018	294,840	22,177	8.1%
2019	293,750	(1,090)	-0.4%
2020	274,389	(19,361)	-6.6%
2021	100,410	(173,979)	-63.4%
2022*	32,686	(67,724)	-67.4%



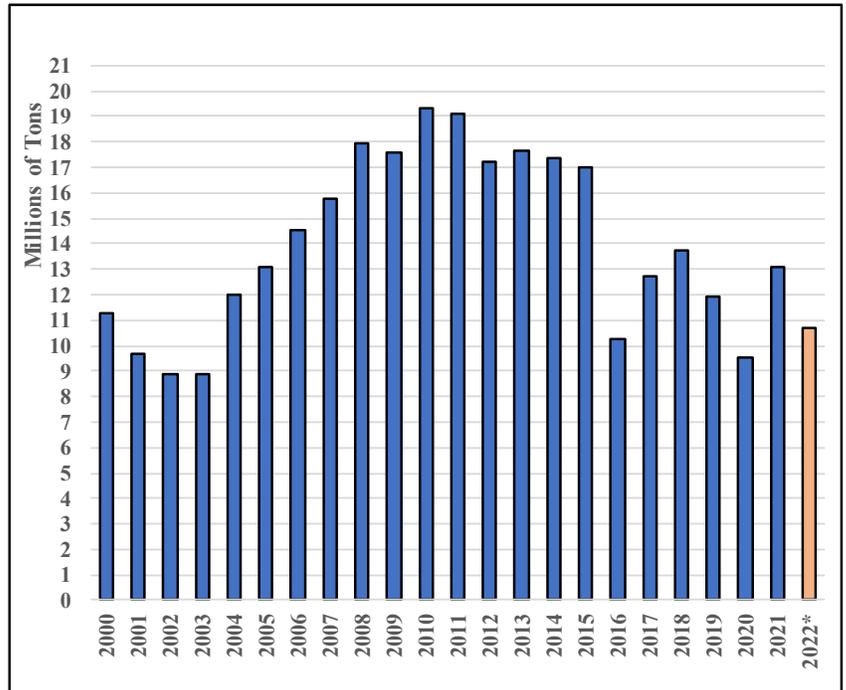
Source: Montana Department of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

* 2022 only contains 11 months of data (January through November) due to data availability as of 1/27/2023.

Spring Creek Mine - Big Horn County

Annual Coal Production (tons)

Year	Annual Production	Annual Change	Annual Change (%)
2000	11,301,905	--	--
2001	9,664,969	(1,636,936)	-14.5%
2002	8,905,368	(759,601)	-7.9%
2003	8,894,014	(11,354)	-0.1%
2004	12,001,290	3,107,276	34.9%
2005	13,113,486	1,112,196	9.3%
2006	14,561,848	1,448,362	--
2007	15,773,724	1,211,876	--
2008	17,947,506	2,173,782	--
2009	17,608,969	(338,537)	-1.9%
2010	19,345,161	1,736,192	9.9%
2011	19,080,553	(264,608)	-1.4%
2012	17,200,109	(1,880,444)	-9.9%
2013	17,669,717	469,608	2.7%
2014	17,338,421	(331,296)	-1.9%
2015	16,987,414	(351,007)	-2.0%
2016	10,245,198	(6,742,216)	-39.7%
2017	12,725,355	2,480,157	24.2%
2018	13,759,894	1,034,539	8.1%
2019	11,928,833	(1,831,061)	-13.3%
2020	9,513,254	(2,415,579)	-20.2%
2021	13,095,743	3,582,489	37.7%
2022*	10,698,221	(2,397,522)	-18.3%



Source: Montana Department of Labor & Industry. Analysis by Montana Department of Commerce, Research & Information Services Bureau

* 2022 only contains 11 months of data (January through November) due to data availability as of 1/27/2023.

APPENDIX B. LIST OF DESIGNATED LOCAL GOVERNMENTAL UNITS

APPENDIX B.

Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
County		
County	Big Horn County	MCA 90-6-207 (1)(b)(ii)
County	Carbon County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Carter County	MCA 90-6-207 (2)(a)
County	Custer County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Fergus County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Garfield County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Golden Valley County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Judith Basin County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Musselshell County	MCA 90-6-207 (1)(b)(ii)
County	Petroleum County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Powder River County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Richland County	MCA 90-6-207 (1)(d)(i)
County	Rosebud County	MCA 90-6-207 (1)(b)(ii)
County	Stillwater County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Sweet Grass County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Treasure County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Wheatland County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Yellowstone County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Tribal Nation		
Tribal Nation	Crow Tribe	MCA 90-6-207 (1)(b)(ii)
Tribal Nation	Northern Cheyenne Tribe	MCA 90-6-207 (1)(b)(ii)
Incorporated City		
Incorporated City	Big Timber city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Billings city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Colstrip city	MCA 90-6-207 (1)(b)(ii)
Incorporated City	Forsyth city	MCA 90-6-207 (1)(b)(ii)
Incorporated City	Hardin city	MCA 90-6-207 (1)(b)(ii)
Incorporated City	Harlowton city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Judith Gap city	MCA 90-6-207 (1)(c) per (1)(b)(ii)

Incorporated City	Laurel city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Lewistown city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Miles City city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Red Lodge city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Roundup city	MCA 90-6-207 (1)(b)(ii)
Incorporated City	Sidney city	MCA 90-6-207 (2)(b)
Incorporated Town	Bearcreek town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Bridger town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Broadus town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Broadview town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Columbus town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Fromberg town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Grass Range town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Hysham town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Joliet town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Jordan town	MCA 90-6-207 (2)(b)
Incorporated Town	Lavina town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Lodge Grass town	MCA 90-6-207 (1)(b)(ii)
Incorporated Town	Melstone town	MCA 90-6-207 (1)(b)(ii)
Incorporated Town	Ryegate town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Stanford town	MCA 90-6-207 (2)(b)
Incorporated Town	Winnett town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District		
Elementary School District	Absarokee Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Ashland Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Ayers Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Biddle Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Big Timber Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Billings Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Birney Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Blue Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Broadus Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Broadview Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Canyon Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)

Elementary School District	Cohagen Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Colstrip Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Columbus Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Elder Grove Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Elysian Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Fairview Elementary School District	MCA 90-6-207 (2)(b)
Elementary School District	Fishtail Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Forsyth Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Geyser Elementary School District	MCA 90-6-207 (2)(b)
Elementary School District	Grass Range Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Greycliff Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Hardin Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Independent Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Joliet Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Jordan Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Judith Gap Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	King Colony Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Kinsey Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Kircher Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Lame Deer Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Laurel Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Lewistown Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Lodge Grass Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Luther Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Melstone Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Melville Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Miles City Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Molt Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Moore Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Morin Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Park City Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Pioneer Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Pryor Elementary School District	MCA 90-6-207 (1)(b)(ii)

Elementary School District	Rapelje Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Red Lodge Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Reed Point Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Ross Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Roundup Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	S H Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	S Y Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Sand Springs Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Savage Elementary School District	MCA 90-6-207 (1)(d)(i)
Elementary School District	Shepherd Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Sidney Elementary School District	MCA 90-6-207 (2)(b)
Elementary School District	South Stacey Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Spring Creek Elementary School District (Big Horn County)	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Spring Creek Elementary School District (Custer County)	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Trail Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Wyola Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Yellowstone Academy Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District		
Secondary School District	Absarokee High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Billings High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Broadview High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Colstrip High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Columbus High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Custer County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Fairview High School District	MCA 90-6-207 (2)(b)
Secondary School District	Fergus High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Forsyth High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Garfield County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Geyser High School District	MCA 90-6-207 (2)(b)
Secondary School District	Grass Range High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Hardin High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Joliet High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Judith Gap High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Lame Deer High School District	MCA 90-6-207 (1)(b)(ii)

Secondary School District	Laurel High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Lodge Grass High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Melstone High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Moore High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Park City High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Plenty Coups High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Powder River County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Rapelje High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Red Lodge High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Reed Point High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Roundup High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Savage High School District	MCA 90-6-207 (1)(d)(i)
Secondary School District	Shepherd High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Sidney High School District	MCA 90-6-207 (2)(b)
Secondary School District	Sweet Grass County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District		
Unified School District	Belfry K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Bridger K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Custer K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Fromberg K-12	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Harlowton K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Hobson K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Huntley Project K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Hysham K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Lavina K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Lockwood K-12	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Roberts K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Rosebud K-12	MCA 90-6-207 (1)(b)(ii)
Unified School District	Roy K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Ryegate K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Stanford K-12 Schools	MCA 90-6-207 (2)(b)
Unified School District	Winnett K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)

Coal Board - 2023 Biennium Local Governmental Unit Designation List

Compiled 11/17/2021 by the Research & Information Services Bureau (RIS), MT Department of Commerce

Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
County		
County	Big Horn County	MCA 90-6-207 (1)(b)(ii)
County	Carbon County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Carter County	MCA 90-6-207 (2)(a)
County	Custer County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Fergus County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Garfield County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Golden Valley County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Judith Basin County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Musselshell County	MCA 90-6-207 (1)(b)(ii)
County	Petroleum County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Powder River County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Richland County	MCA 90-6-207 (1)(d)(i)
County	Rosebud County	MCA 90-6-207 (1)(b)(ii)
County	Stillwater County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Sweet Grass County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Treasure County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Wheatland County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
County	Yellowstone County	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Tribal Nation		
Tribal Nation	Crow Tribe	MCA 90-6-207 (1)(b)(ii)
Tribal Nation	Northern Cheyenne Tribe	MCA 90-6-207 (1)(b)(ii)
Incorporated City		
Incorporated City	Big Timber city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Billings city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Colstrip city	MCA 90-6-207 (1)(b)(ii)
Incorporated City	Forsyth city	MCA 90-6-207 (1)(b)(ii)
Incorporated City	Hardin city	MCA 90-6-207 (1)(b)(ii)
Incorporated City	Harlowton city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Judith Gap city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Laurel city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Lewistown city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Miles City city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Red Lodge city	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated City	Roundup city	MCA 90-6-207 (1)(b)(ii)
Incorporated City	Sidney city	MCA 90-6-207 (2)(b)
Incorporated Town	Bearcreek town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Bridger town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Broadus town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Broadview town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Columbus town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Fromberg town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Grass Range town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Hysham town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Joliet town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Jordan town	MCA 90-6-207 (2)(b)
Incorporated Town	Lavina town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Lodge Grass town	MCA 90-6-207 (1)(b)(ii)
Incorporated Town	Melstone town	MCA 90-6-207 (1)(b)(ii)
Incorporated Town	Ryegate town	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Incorporated Town	Stanford town	MCA 90-6-207 (2)(b)
Incorporated Town	Winnett town	MCA 90-6-207 (1)(c) per (1)(b)(ii)

Coal Board - 2023 Biennium Local Governmental Unit Designation List

Compiled 11/17/2021 by the Research & Information Services Bureau (RIS), MT Department of Commerce

Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Elementary School District		
Elementary School District	Absarokee Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Ashland Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Ayers Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Biddle Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Big Timber Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Billings Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Birney Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Blue Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Broadus Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Broadview Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Canyon Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Cohagen Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Colstrip Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Columbus Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Elder Grove Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Elysian Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Fairview Elementary School District	MCA 90-6-207 (2)(b)
Elementary School District	Fishtail Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Forsyth Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Geyser Elementary School District	MCA 90-6-207 (2)(b)
Elementary School District	Grass Range Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Greycliff Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Hardin Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Independent Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Joliet Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Jordan Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Judith Gap Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	King Colony Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Kinsey Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Kircher Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Lame Deer Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Laurel Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Lewistown Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Lodge Grass Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Luther Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Melstone Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Melville Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Miles City Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Molt Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Moore Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Morin Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Park City Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Pioneer Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Pryor Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Rapelje Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Red Lodge Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Reed Point Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Ross Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Roundup Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	S H Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	S Y Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Sand Springs Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)

Coal Board - 2023 Biennium Local Governmental Unit Designation List

Compiled 11/17/2021 by the Research & Information Services Bureau (RIS), MT Department of Commerce

Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Elementary School District	Savage Elementary School District	MCA 90-6-207 (1)(d)(i)
Elementary School District	Shepherd Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Sidney Elementary School District	MCA 90-6-207 (2)(b)
Elementary School District	South Stacey Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Spring Creek Elementary School District (Big Horn County)	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Spring Creek Elementary School District (Custer County)	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Trail Creek Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Elementary School District	Wyola Elementary School District	MCA 90-6-207 (1)(b)(ii)
Elementary School District	Yellowstone Academy Elementary School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District		
Secondary School District	Absarokee High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Billings High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Broadview High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Colstrip High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Columbus High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Custer County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Fairview High School District	MCA 90-6-207 (2)(b)
Secondary School District	Fergus High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Forsyth High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Garfield County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Geyser High School District	MCA 90-6-207 (2)(b)
Secondary School District	Grass Range High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Hardin High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Joliet High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Judith Gap High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Lame Deer High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Laurel High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Lodge Grass High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Melstone High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Moore High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Park City High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Plenty Coups High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Powder River County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Rapelje High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Red Lodge High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Reed Point High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Roundup High School District	MCA 90-6-207 (1)(b)(ii)
Secondary School District	Savage High School District	MCA 90-6-207 (1)(d)(i)
Secondary School District	Shepherd High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Secondary School District	Sidney High School District	MCA 90-6-207 (2)(b)
Secondary School District	Sweet Grass County High School District	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District		
Unified School District	Belfry K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Bridger K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Custer K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Fromberg K-12	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Harlowton K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Hobson K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Huntley Project K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Hysham K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Lavina K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Lockwood K-12	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Roberts K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)

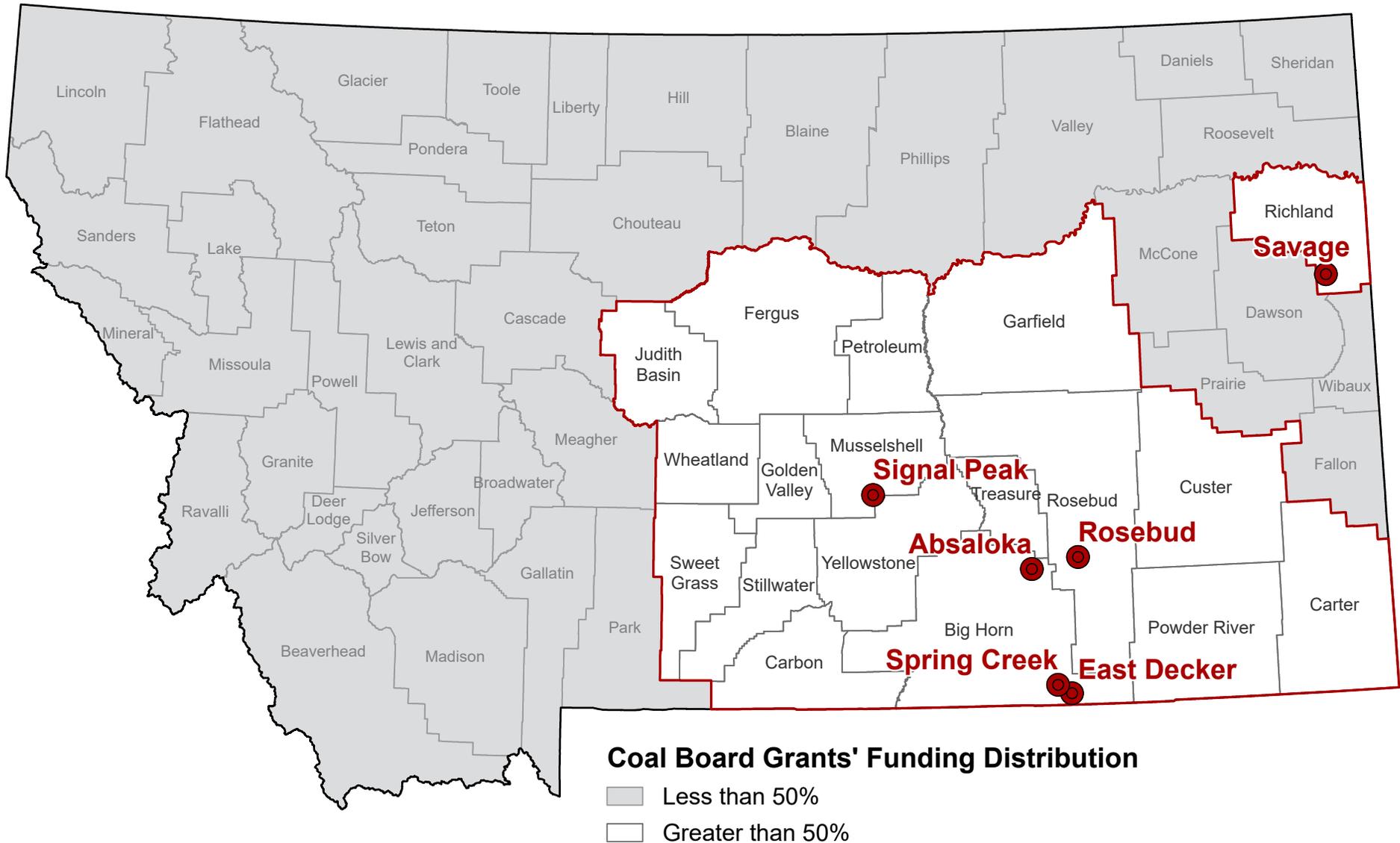
Coal Board - 2023 Biennium Local Governmental Unit Designation List

Compiled 11/17/2021 by the Research & Information Services Bureau (RIS), MT Department of Commerce

Local Governmental Unit Type	Local Governmental Unit Name	Qualifying MCA
Unified School District	Rosebud K-12	MCA 90-6-207 (1)(b)(ii)
Unified School District	Roy K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Ryegate K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)
Unified School District	Stanford K-12 Schools	MCA 90-6-207 (2)(b)
Unified School District	Winnett K-12 Schools	MCA 90-6-207 (1)(c) per (1)(b)(ii)

Major Coal Mines and General Coal Impact Area

Montana Coal Board



This map is a general representation of the designated and non-designated communities as it relates to coal impacts. This map only applies to the one-year period starting July 1, 2021 through June 30, 2022. The complete list of designated coal impacted communities can be found in the report.

Data Source: Montana Coal Board
Community Development Division
Montana Department of Commerce
<https://comdev.mt.gov/Programs-and-Boards/Montana-Coal-Board/>

**MONTANA COAL BOARD
STATUTES**

Statutes that govern the Montana Coal Board:

90-6-201, 90-6-202, 90-6-203, 90-6-204, 90-6-205, 90-6-206, 90-6-207, 90-6-208, 90-6-209, 90-6-210

Statute Overview

Purpose:

- The purposes of this part are to assist local governmental units which have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes, or as a consequence of a major decline in coal mining or in the operation of coal-using energy complexes, to assist in the construction and reconstruction of designated portions of highways that serve the area affected by the large-scale development, to support county land planning, and to support public schools throughout the state.

Definition of coal board:

- The coal board is made up of seven members that are appointed by the governor. The board must include;
 - Two members from the impact area
 - Two members with expertise in education
 - At least two members but not more than four members must be appointed from each district provided for in 5-1-102
- The governor shall consider people from the following fields when making appointments:
 - Business
 - Engineering
 - Public administration
 - Planning

Chairman, meetings, compensation, and facilities:

- The board shall meet quarterly and may meet at other times as called by the chairman or a majority of the members.
- Members are entitled to compensation as provided for in 2-15-124(7).
- The department of commerce will provide suitable office facilities and the necessary staff for the coal board.

Coal board -- general powers.

- The board may:
 - retain professional consultants and advisors;
 - adopt rules governing its proceedings;
 - consider applications for grants from available funds;
 - award grants from, subject to 90-6-207, from available funds to local governmental units, state agencies, and governing bodies of federally recognized Indian tribes to assist local governmental units and federally recognized Indian tribes in meeting the local impact of coal development or a major decline in coal mining or in the operation of coal-using energy complexes by enabling them to adequately provide governmental services and facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex; and
 - award a grant to a local government unit for the purpose of paying for part or all of the credit that the local government unit is obligated to give to a major new industrial facility that has prepaid property taxes under 15-16-201. The board must award the grant in accordance with 90-6-206.

Basis for awarding grants:

- Grants must be awarded on the basis of:
 - need;
 - degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
 - availability of funds; and
 - degree of local effort in meeting these needs.

Priorities for impact grants.

- The department of commerce shall biennially designate:
 - each county, incorporated city and town, school district, and other governmental unit that has had or expects to have as a result of the impact of coal development a net increase or decrease in estimated population of at least 10% over one of the 3-year periods specified in subsection (4);
 - each county and all local governmental units within each county in which:
 - a mining permit in accordance with the Montana Strip and Underground Mine Reclamation Act has been granted by the department of environmental quality for a project within the county that will establish a new coal mine to produce at least 300,000 tons a year and that the department of commerce determines will commence production within 2 years of the designation;
 - the department of commerce has determined that the production of an existing mine will increase or decrease by at least 1 million tons a year and that the new, expanded, or

- reduced production will commence within 2 years of the designation;
 - a newly constructed railroad serves a new, existing, or expanding coal mine; or
 - an air quality permit has been issued by the department of environmental quality for a new steam-generating or other new coal-burning facility that will consume at least 1 million tons a year of Montana-mined coal and for which the department of commerce determines the construction or operation will commence within 2 years of the designation;
 - each local governmental unit located within 100 miles, measured over the shortest all-weather public road, of a mine or facility qualifying under subsection (1)(b)(i), (1)(b)(ii), or (1)(b)(iv); and
 - each local governmental unit in which:
 - a mine that has produced 300,000 tons or more of coal a year has ceased all significant mining or is scheduled to cease within 1 year; or
 - a steam-generating or other coal-burning facility that has operated under an air quality permit issued by the department of environmental quality and that has consumed at least 1 million tons of Montana-mined coal a year has closed or is scheduled to close within 1 year.

Applications for grants:

- The governing body of a city, town, county, school district, any other local or state governmental unit or agency, or the governing body of a federally recognized Indian tribe may apply for a grant to enable it to provide governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. The board shall prescribe the form for applications. Applicants shall describe the nature of their proposed expenditures and the time involved.

Limitations on grants:

- The board may commit itself to the expenditure of funds for more than 1 year for a single project, but the board may not obligate funds not yet appropriated by the legislature. The total amount of grants to state agencies, except grants made pursuant to 90-6-205(4)(b), and Indian tribes may not exceed 7% of the total money allocated to the board during each fiscal year.
- A grant to an Indian tribe under 90-6-205 may not be approved by the board unless the governing body of the tribe has agreed:
 - to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and
 - to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana; and
 - approval of the transaction has been obtained from the secretary of the United States department of the interior whenever such approval is necessary.

Coal area highway reconstruction program:

- The department of transportation, within the area designated as the eastern Montana coal field economic growth center as certified to the secretary of transportation by the governor under 23 U.S.C. 143, shall prepare a special construction program for the reconstruction of deficient sections of these highways in consultation with the governing bodies of the counties in the area.
- The department of transportation shall expedite the planning and reconstruction program for projects on the designated portions within this area by using funds allocated under this section and any federal funds that may be made available to match such funds. Until federal funds are made available to match the funds allocated under this section, the department of transportation may, upon approval of the Montana state highway transportation commission, expend funds for planning and reconstruction projects with or without assurance from the federal government that unmatched state expenditures will be retroactively recognized for matching purposes.
- Funds allocated under this section may not be used to match apportionments made for primary and secondary highways, as those terms are defined in 60-1-103; under the Federal-Aid Highway Acts; however, this section may not be construed to prohibit the implementation of projects otherwise funded by apportionments made under the Federal-Aid Highway Acts. In addition, planning and reconstruction projects may be financed in whole or in part by public and private funds provided that the projects conform to the applicable standards, regulations, and procedures of the department of transportation and the federal highway administration.

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Purpose

90-6-201. Purpose. The purposes of this part are to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes or as a consequence of a major decline in coal mining or in the operation of coal-using energy complexes, to assist in the construction and reconstruction of designated portions of highways that serve the area affected by the large-scale development, to support county land planning, and to support public schools throughout the state.

History: En. 50-1701 by Sec. 1, Ch. 502, L. 1975; R.C.M. 1947, 50-1801; amd. Sec. 76, Ch. 509, L. 1995; amd. Sec. 1, Ch. 204, L. 1997.

MCA Contents / TITLE 90 / CHAPTER 6 / Part 2 / 90-6-202 Account estab...

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Account Established

90-6-202. Account established. There is within the state special revenue fund a coal area highway improvement account.

History: En. 50-1702 by Sec. 2, Ch. 502, L. 1975; R.C.M. 1947, 50-1802; amd. Sec. 47, Ch. 281, L. 1983; amd. Sec. 5, Ch. 662, L. 1987; amd. Sec. 46, Ch. 11, Sp. L. June 1989; amd. Sec. 77, Ch. 509, L. 1995.

Created by **LAWS**

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Definition Of Coal Board

90-6-203. Definition of coal board. "Board" means the coal board provided for in **2-15-1821**.

History: En. 90-6-203 by Code Commissioner, 1979; amd. Sec. 4, Ch. 274, L. 1981.

Montana Code Annotated 2021

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION
CHAPTER 15. EXECUTIVE BRANCH OFFICERS AND AGENCIES
Part 18. Department of Commerce

Coal Board -- Allocation -- Composition

2-15-1821. Coal board -- allocation -- composition. (1) There is a coal board composed of seven members.

(2) The coal board is allocated to the department of commerce for administrative purposes only as prescribed in **2-15-121**.

(3) The governor shall appoint a seven-member coal board, as provided under **2-15-124**.

(4) (a) Subject to subsections (4)(b) and (4)(c), the members of the coal board are selected as follows:

(i) two from the impact areas; and

(ii) two with expertise in education.

(b) At least two but not more than four members must be appointed from each district provided for in **2-15-156**.

(c) In making the appointments, the governor shall consider people from the following fields:

(i) business;

(ii) engineering;

(iii) public administration; and

(iv) planning.

History: En. 50-1804 by Sec. 5, Ch. 502, L. 1975; amd. Sec. 6, Ch. 540, L. 1977; R.C.M. 1947, 50-1804; MCA 1979, 2-15-1104; amd. and redes. 2-15-1821 by Sec. 12, Ch. 274, L. 1981; amd. Sec. 4, Ch. 52, L. 1993; amd. Sec. 2, Ch. 254, L. 2003; amd. Sec. 3, Ch. 130, L. 2005; amd. Sec. 3, Ch. 285, L. 2019.

MCA Contents / TITLE 90 / CHAPTER 6 / Part 2 / 90-6-204 Presiding offic...

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Presiding Officer, Meetings, Compensation, And Facilities

90-6-204. Presiding officer, meetings, compensation, and facilities. (1) The board shall elect a presiding officer from among its members.

(2) The board shall meet quarterly and may meet at other times as called by the presiding officer or a majority of the members.

(3) Members are entitled to compensation as provided for in **2-15-124(7)**.

(4) The department of commerce shall provide suitable office facilities and the necessary staff for the coal board.

History: En. 50-1705, 50-1708 by Secs. 6, 9, Ch. 502, L. 1975; R.C.M. 1947, 50-1805, 50-1808; amd. Sec. 6, Ch. 274, L. 1981; amd. Sec. 2874, Ch. 56, L. 2009.

Created by  LAWSII

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Coal Board -- General Powers

90-6-205. Coal board -- general powers. The board may:

- (1) retain professional consultants and advisors;
- (2) adopt rules governing its proceedings;
- (3) consider applications for grants from available funds;
- (4) award grants, subject to **90-6-207**, from available funds:
 - (a) to local governmental units, state agencies, and governing bodies of federally recognized Indian tribes to assist local governmental units and federally recognized Indian tribes in meeting the local impact of coal development or a major decline in coal mining or in the operation of coal-using energy complexes by enabling them to adequately provide governmental services and facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex; and
 - (b) notwithstanding the provisions of **90-6-207**, to the department of transportation, established in **2-15-2501**, to expedite the construction, repair, and maintenance of deficient sections of highway within the area designated in **90-6-210** if the deficiency is the direct result of increased traffic accompanying the development of coal resources; and
- (5) award a grant to a local governmental unit for the purpose of paying for part or all of the credit that the local governmental unit is obligated to give to a major new industrial facility that has prepaid property taxes under **15-16-201**. The board shall award the grant in accordance with **90-6-206**.

History: En. 50-1706 by Sec. 7, Ch. 502, L. 1975; amd. Sec. 3, Ch. 540, L. 1977; R.C.M. 1947, 50-1806(part); (6)En. Sec. 1, Ch. 250, L. 1983; amd. Sec. 1, Ch. 690, L. 1983; amd. Sec. 1, Ch. 619, L. 1985; amd. Sec. 2, Ch. 715, L. 1985; amd. Sec. 2, Ch. 733, L. 1985; amd. Sec. 2, Ch. 5, Sp. L. June 1986; amd. Sec. 2, Ch. 19, Sp. L. June 1986; amd. Sec. 6, Ch. 662, L. 1987; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 78, Ch. 509, L. 1995; amd. Sec. 2, Ch. 204, L. 1997.

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Basis For Awarding Grants

90-6-206. Basis for awarding grants. (1) Grants must be awarded on the basis of:

- (a) need;
 - (b) degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
 - (c) availability of funds; and
 - (d) degree of local effort in meeting these needs.
- (2) In determining the degree of local effort, the board shall review the millage rates levied for the present fiscal year in relation to the average millage rates levied during the 3 years immediately preceding the year of application for assistance.
- (3) Millage rates for the present fiscal year that are lower than the average millage rate levied during the 3 years immediately preceding the year of application for assistance must be considered by the board to indicate the lack of local effort. The application under these circumstances may be rejected.
- (4) Further, in determining the degree of local effort, the board shall consider the possibility of requiring that local governmental unit to increase its bonded indebtedness to provide all or part of the governmental service or facility that is needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex.
- (5) To the extent that funds are needed to evaluate and plan for the impact needs caused by the increase or decrease in coal development or in the consumption of coal by a coal-using energy complex, consideration of bond issues and millage levies may be waived.
- (6) To the extent that the applicant has no history of mill levies, subsections (2) and (3) do not apply.

History: En. 50-1706 by Sec. 7, Ch. 502, L. 1975; amd. Sec. 3, Ch. 540, L. 1977; R.C.M. 1947, 50-1806(part); amd. Sec. 1, Ch. 619, L. 1979; amd. Sec. 2, Ch. 690, L. 1983; amd. Sec. 3, Ch. 204, L. 1997.

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Priorities For Impact Grants

90-6-207. Priorities for impact grants. (1) The department of commerce shall biennially designate:

(a) each county, incorporated city and town, school district, and other governmental unit that has had or expects to have as a result of the impact of coal development a net increase or decrease in estimated population of at least 10% over one of the 3-year periods specified in subsection (4);

(b) each county and all local governmental units within each county in which:

(i) a mining permit in accordance with the Montana Strip and Underground Mine Reclamation Act has been granted by the department of environmental quality for a project within the county that will establish a new coal mine to produce at least 300,000 tons a year and that the department of commerce determines will commence production within 2 years;

(ii) the department of commerce has determined that the production of an existing mine will increase or decrease by at least 1 million tons a year and that the new, expanded, or reduced production will commence within 2 years of the designation;

(iii) a newly constructed railroad serves a new, existing, or expanding coal mine; or

(iv) an air quality permit has been issued by the department of environmental quality for a new steam-generating or other new coal-burning facility that will consume at least 1 million tons a year of Montana-mined coal and for which the department of commerce determines the construction or operation will commence within 2 years of the designation;

(c) each local governmental unit located within 100 miles, measured over the shortest all-weather public road, of a mine or facility qualifying under subsection (1)(b)(i), (1)(b)(ii), or (1)(b)(iv); and

(d) each local governmental unit in which:

(i) a mine that has produced 300,000 tons or more of coal a year has ceased all significant mining or is scheduled to cease within 1 year; or

(ii) a steam-generating or other coal-burning facility that has operated under an air quality permit issued by the department of environmental quality and that has consumed at least 1 million tons of Montana-mined coal a year has closed or is scheduled to close within 1 year.

(2) Designation under subsection (1) of:

(a) any local governmental unit extends to and includes as a designated unit the county in which it is located; and

(b) a county extends to and includes as a designated unit any local governmental unit in the county that contains at least 10% of the total population of the county.

(3) Except as provided in **90-6-205(4)(b)**, the board may not award more than 50% of the funds appropriated to it each year for grants to governmental units and state agencies for meeting the needs caused by an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex to local governmental units other than those governmental units designated under subsection (1).

(4) For the purposes of subsection (1), the department of commerce shall use five 3-year periods as follows:

- (a) one consecutive 3-year period ending 2 calendar years prior to the current calendar year;
- (b) one consecutive 3-year period ending 1 calendar year prior to the current calendar year;
- (c) one consecutive 3-year period ending with the current calendar year;
- (d) one consecutive 3-year period ending 1 calendar year after the current calendar year; and
- (e) one consecutive 3-year period ending 2 calendar years after the current calendar year.

(5) Attention should be given by the board to the need for community planning before the full impact is realized. Applicants should be able to show how their request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.

(6) All funds appropriated under this part are for use related to local impact.

(7) All designations based on an increase in coal development or in the consumption of coal by a coal-using energy complex made under subsection (1)(a), (1)(b), or (1)(c) must be for 1 year. A designation may not continue after the department of commerce determines that the mine, railroad, or facility that provided the basis for a designation is contributing sufficient tax revenue to the designated governmental unit to meet the increased costs of providing the services necessitated by the development of the mine, railroad, or facility. However, nondesignated local governmental units continue to be eligible for coal impact grants of not more than 50% of the funds appropriated to the board for grants in circumstances in which an impact exists in a community or area directly affected by:

- (a) the operation of a coal mine or a coal-using energy complex; or
- (b) the cessation or reduction of coal mining activity or of the operation of a coal-using energy complex.

History: En. 50-1707 by Sec. 8, Ch. 502, L. 1975; R.C.M. 1947, 50-1807; amd. Sec. 6, Ch. 274, L. 1981; amd. Sec. 1, Ch. 142, L. 1983; amd. Sec. 1, Ch. 462, L. 1985; amd. Sec. 2, Ch. 619, L. 1985; amd. Sec. 7, Ch. 662, L. 1987; amd. Sec. 1, Ch. 503, L. 1993; amd. Sec. 495, Ch. 418, L. 1995; amd. Sec. 79, Ch. 509, L. 1995; amd. Sec. 4, Ch. 204, L. 1997; amd. Sec. 18, Ch. 217, L. 2003.

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Applications For Grants

90-6-208. Applications for grants. The governing body of a city, town, county, or school district, any other local or state governmental unit or agency, or the governing body of a federally recognized Indian tribe may apply for a grant to enable it to provide governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. The board shall prescribe the form for applications. Applicants shall describe the nature of their proposed expenditures and the time involved.

History: En. 50-1709 by Sec. 10, Ch. 502, L. 1975; R.C.M. 1947, 50-1809(part); amd. Sec. 3, Ch. 690, L. 1983; amd. Sec. 5, Ch. 204, L. 1997.

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Limitations On Grants

90-6-209. Limitations on grants. (1) The board may commit itself to the expenditure of funds for more than 1 year for a single project, but the board may not obligate funds not yet appropriated by the legislature. The total amount of grants to state agencies, except grants made pursuant to **90-6-205(4)(b)**, and Indian tribes may not exceed 7% of the total money allocated to the board during each fiscal year.

(2) A grant to an Indian tribe under **90-6-205** may not be approved by the board unless:

(a) the governing body of the tribe has agreed:

(i) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and

(ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana; and

(b) approval of the transaction has been obtained from the secretary of the United States department of the interior whenever approval is necessary.

(3) (a) The board may not award a new grant to a local government that is in violation of **2-1-602** pursuant to the provisions of **2-1-605**.

(b) For the purposes of this subsection (3), "local government" has the meaning provided in **2-1-601**.

History: En. 50-1709 by Sec. 10, Ch. 502, L. 1975; R.C.M. 1947, 50-1809(part); amd. Sec. 4, Ch. 690, L. 1983; (2) En. Sec. 5, Ch. 690, L. 1983; (3) En. Sec. 6, Ch. 690, L. 1983; amd. Sec. 1, Ch. 420, L. 1985; amd. Sec. 3, Ch. 619, L. 1985; amd. Sec. 6, Ch. 204, L. 1997; amd. Sec. 7, Ch. 101, L. 2021.

Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Coal Area Highway Reconstruction Program

90-6-210. Coal area highway reconstruction program. (1) The department of transportation, within the area designated as the eastern Montana coal field economic growth center as certified to the secretary of transportation by the governor under 23 U.S.C. 143, shall prepare a special construction program for the reconstruction of deficient sections of these highways in consultation with the governing bodies of the counties in the area.

(2) The department of transportation shall expedite the planning and reconstruction program for projects on the designated portions within this area by using funds allocated under this section and any federal funds that may be made available to match those funds. Until federal funds are made available to match the funds allocated under this section, the department of transportation may, upon approval of the Montana state transportation commission, expend funds for planning and reconstruction projects with or without assurance from the federal government that unmatched state expenditures will be retroactively recognized for matching purposes.

(3) Funds allocated under this section may not be used to match apportionments made for primary and secondary highway systems, as those terms are defined in **60-1-103**; however, this section may not be construed to prohibit the implementation of projects otherwise funded by apportionments made under **60-3-205** or **60-3-206**. In addition, planning and reconstruction projects may be financed in whole or in part by public and private funds provided that the projects conform to the applicable standards, regulations, and procedures of the department of transportation and the federal highway administration.

History: En. 50-1703 by Sec. 4, Ch. 502, L. 1975; amd. Sec. 2, Ch. 540, L. 1977; R.C.M. 1947, 50-1803(2) thru (4); amd. Sec. 1, Ch. 542, L. 1981; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 6, Ch. 75, L. 1995; amd. Sec. 312, Ch. 42, L. 1997; amd. Sec. 38, Ch. 299, L. 2019.

Statutory Criteria for Coal Board Grants

Coal Board Grant awards are based on the following 5 statutory criteria found in Section 90-6-206 and 90-6-207[5] of the Montana Code Annotated

Need – How has the applicant demonstrated that proposed project enables the applicant to provide governmental services and facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex?

Degree of Severity of Impact – What demographic and economic changes have directly resulted from coal development or decline? To what extent have the community residents been directly affected by the coal development or decline? What documentation was provided to document that the level of assistance is necessary to eliminate or reduce the severity of a problem affecting the public's health, safety, or welfare?

Availability of Funds – Are there sufficient Coal Board funds available to grant the total amount requested, considering the other total requests submitted? How much has been awarded to state agencies or Indian Tribes to ensure the 7% per fiscal year limitation has not been exceeded?

Degree of Local Effort in Meeting These Needs – Is the applicant making a reasonable effort to meet the identified needs with local resources, based on its financial capacity? Given the limited amount of Coal Board funds, has the applicant made reasonable efforts to secure funding from other appropriate sources to assist in funding the proposed project? What documentation has been presented to document financial need according to local Mill information?

Section 90-6-206, MCA provides:

(2) In determining the degree of local effort, the board shall review the millage rates levied for the present fiscal year in relation to the average millage rates levied during the 3 years immediately preceding the year of application for assistance.

(3) Millage rates for the present fiscal year that are lower than the average millage rate levied during the 3 years immediately preceding the year of application for assistance must be considered by the board to indicate the lack of local effort. The application under these circumstances may be rejected.

(4) Further, in determining the degree of local effort, the board shall consider the possibility of requiring the local governmental unit to increase its bonded indebtedness to provide all or part of the governmental service or facility that is needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex.

(5) To the extent that funds are needed to evaluate and plan for the impact needs caused by the increase or decrease in coal development or in the consumption of coal by a coal-using energy complex, consideration of bond issues and millage levies may be waived.

Community Planning – Has the community recently experienced, or will it experience, a significant impact from coal development that would require it to develop or update its existing long range planning documents? How will the project support the community's ability to respond to coal-related impacts? Is the proposed planning project consistent with the existing Growth Policy and related planning documents (capital improvements plans, transportation plans, etc.)?



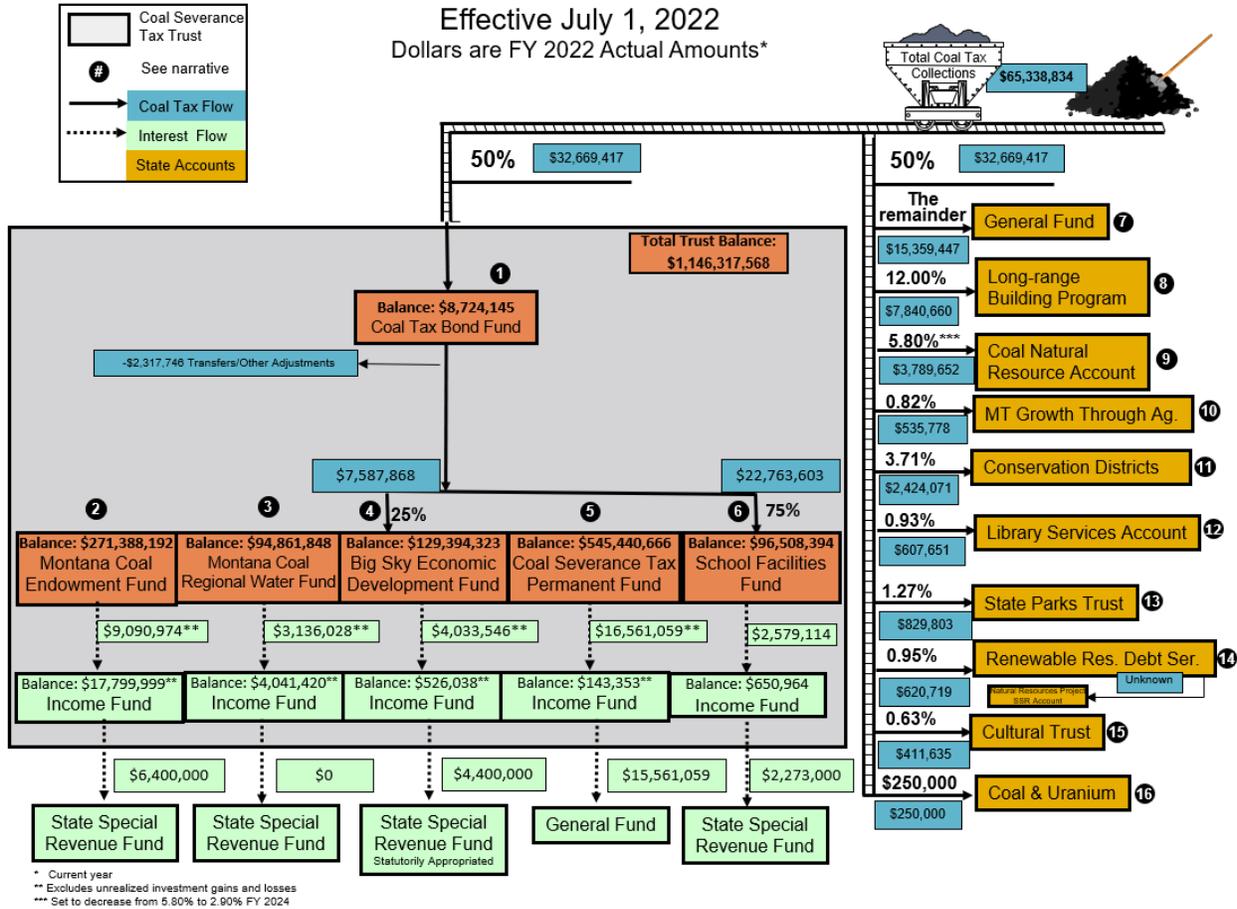
MONTANA LEGISLATIVE BRANCH

Legislative Fiscal Division

Room 110 Capitol Building * P.O. Box 201711 * Helena, MT 59620-1711 * (406) 444-2986 * FAX (406) 444-3036

Director
AMY CARLSON

COAL SEVERANCE TAX TRUST FUND



As directed by [Article IX, Section 5](#) of the Montana Constitution, the coal severance tax trust fund receives 50% of total coal severance tax collections. The money flows through sub-trust funds within the trust. These sub-trusts are:

1) Coal Tax Bond Fund ([Title 17, Chapter 5, Part 7](#))

The legislature authorizes the sale of coal severance tax bonds to finance renewable resource projects ([Title 85, Chapter 1, Part 6](#)) and local government infrastructure projects ([Title 90, Chapter 6, Part 7](#)). A maximum of \$250 million in bonds is authorized as loans for renewable resource projects ([17-5-719, MCA](#)) to provide:

- a healthy economy;
- alleviation of social and economic impacts created by coal development; and
- a clean and healthful environment

The total amount of outstanding principal of renewable resource bonds at any time cannot exceed \$30 million ([85-1-624, MCA](#)). An amount equal to the following year's principal and interest payments is maintained in the fund. Money in the fund is pledged to pay the debt service on the bonds if interest and principal payments by the loan recipients are insufficient to fully pay the debt service. Bonds are authorized, projects approved, loan rates established, and bond proceeds are appropriated by the legislature to the Department of Natural Resources and Conservation (DNRC) in HB 8.

2) Montana Coal Endowment Fund ([Title 90, Chapter 6, Part 7](#))

In June 1992, the voters approved a legislative referendum establishing the treasure state endowment program. Initially funded with \$10 million from the permanent fund, the fund received 75% (37.5% of the total) of the remaining coal severance tax revenue after deposits (if any) to the coal tax bond fund and the school bond contingency loan fund (HB 44 in the 2007 session eliminated this fund) through the 2003 biennium. From then through FY 2016, the fund received 50% (25% of the total). Projects are approved and interest earnings from the fund are appropriated to the Department of Commerce by the legislature in House Bill 11 as grants for local government infrastructure projects. The deposit of coal severance tax revenue into this fund terminated at the end of FY 2016. In the 2021 Legislative Session, [SB 258](#) changed the name of this fund to the Montana Coal Endowment Fund.

3) Montana Coal Endowment Regional Water System Fund

The treasure state endowment program was established in [SB 220 \(1999 Session\)](#) to fund regional water system projects. Projects are restricted to drinking water systems that provide water for domestic, industrial, and stock water use for communities and rural residences that lie in specific north central and northeastern geographic areas. Projects are approved and interest earnings from the fund are appropriated to the Department of Natural Resources and Conservation by the legislature in HB 11 as grants for local government infrastructure projects. Until the end of FY 2016, the fund received 25% (12.5% of the total) of the remaining coal severance tax revenue after deposits in the coal tax bond fund. The deposit of coal severance tax revenue into this fund terminated at the end of FY 2016, and the fund terminates at the end of FY 2031. In the 2021 Legislative Session, [SB 258](#) changed the name of this fund to the Montana Coal Endowment Regional Water Fund.

4) Big Sky Economic Development Fund

The big sky economic development program was established by [HB 249 \(2005 Session\)](#) to fund qualified economic development projects. The fund receives 25% (12.5% of the total) of the remaining coal severance tax revenue after deposits in the coal tax bond fund. The deposit of coal severance tax revenue to this fund terminates at the end of FY 2025.

Grants and loans are available to local governments for economic development projects and to certified regional development corporations for the purposes of:

- 1) creating good-paying jobs for Montana residents;
- 2) promoting long-term, stable economic growth;
- 3) encouraging local economic development organizations; and
- 4) retaining or expanding existing businesses

Interest earnings are deposited to a state special revenue fund and are statutorily appropriated to the Department of Commerce to pay administrative expenses with the remainder for:

- 75% to local governments to be used for job creation; and

- 25% to certified regional development corporations and economic development organizations

5) Permanent Fund

Prior to the establishment of the previous four funds, all the coal severance tax revenue distributed to the trust fund was deposited to the permanent fund. From FY 2006 to FY 2016 no coal severance tax revenue was deposited to the fund. In FY 2017, the permanent fund received 75% of the remaining coal severance tax revenue after deposits in the coal tax bond fund. Interest earnings from the fund, audit revenue, and interest and penalties are deposited to the general fund. After a \$1.275 million general fund transfer to the research and commercialization account created in [90-3-1002](#), the remaining interest income from the permanent fund deposited into the general fund is statutorily appropriated as follows:

- \$65,000 to the cooperative development center;
- \$900,000 for the growth through agriculture program provided for in [Title 90, chapter 9](#);
- \$600,000 for the Montana food and agricultural development program
- to the Department of Commerce for specific projects:
 - \$325,000 for a small business development center;
 - \$50,000 for a small business innovative research program;
 - \$625,000 for certified regional development corporations;
 - \$500,000 for the Montana manufacturing extension center at MSU-Bozeman; and
 - \$300,000 for export trade enhancement
- After the above payments, the remainder is deposited into the state general fund.

6) School Facilities Fund

The school facilities fund was created with the passage of [SB 260 \(2017 Session\)](#). Interest from the fund may be used only for school facility projects authorized by the legislature. Beginning in FY 2018, the school facilities fund began receiving 75% of the coal tax allocation to the coal trust fund.

Coal Severance Tax Related Funds

The other 50% of the coal severance tax revenue is distributed to the following funds outside of the coal severance tax trust fund ([15-35-108, MCA](#))

7) General Fund (the remainder after all other allocations)

After allocations are made to the coal trust and state special funds, the remaining coal severance tax collections are distributed to the state general fund.

8) Long-range Building Program Account (12.00%)

Coal severance tax revenue in this account can be used for long-range building projects or for general obligation bond debt service. The legislature appropriates the money in HB 5 to finance building projects at universities, vocational education institutions, state buildings and state institutions. Debt service payments are statutorily appropriated and are currently servicing debt for capitol restoration, the UM pharmacy and psychology, and chemistry buildings, MSU central heating plant and underground utilities, Montana state prison expansion, and regional correctional facilities.

9) Coal Natural Resource Account (5.80%)

Created in [HB 758 \(2005 Session\)](#) and amended by [SB 23 \(2009 Session\)](#), the account receives a portion of the coal severance tax revenue. Money in the account is appropriated to the coal

board in HB 2 for local impact grants and administrative costs. Due to [SB 100 \(2009 Session\)](#), the coal tax allocation was doubled to 5.80% beginning FY 2010. After September 2013, the allocation decreased to 2.9% but has been routinely increased to 5.80%. The allocation was increased to 5.8% until FY 2024, with the passage of [HB 292 \(2019 Session\)](#).

10) MT Growth through Agriculture (0.82%)

Beginning in FY 2018, what was formerly known as the coal shared account was divided into three separate funds. One of these funds, MT Growth through Agriculture, loans money to businesses for agricultural development projects that stimulate agriculture.

11) Conservation Districts (3.71%)

Another entity that received funds from the old coal shared account was the Montana Conservation Districts. These funds are used to promote natural resource conservation in Montana.

12) Library Services Account (0.93%)

The third program that received funds from the coal shared account was library services. This portion of coal severance taxes is used to assist local libraries in providing basic services.

13) State Parks Trust (1.27%)

The distribution to this trust is for the purpose of parks acquisition or management. Interest earnings from the trust is appropriated to the Department of Fish, Wildlife, and Parks (FWP) by the legislature in HB 2 and HB 5 for the acquisition, development, operation, and maintenance of state parks, recreational areas, public camping grounds, historic sites, and monuments.

14) Renewable Resource Debt Service Fund (0.95%)

Money in this fund is used to service debt on coal severance tax bonds used to finance renewable resource projects. This is in addition to any coal tax paid from the Coal Tax Bond Fund (1 above). Bonds are authorized, projects approved, loan rates established, and bond proceeds are appropriated by the legislature to DNRC in HB 8.

15) Cultural Trust (0.63%)

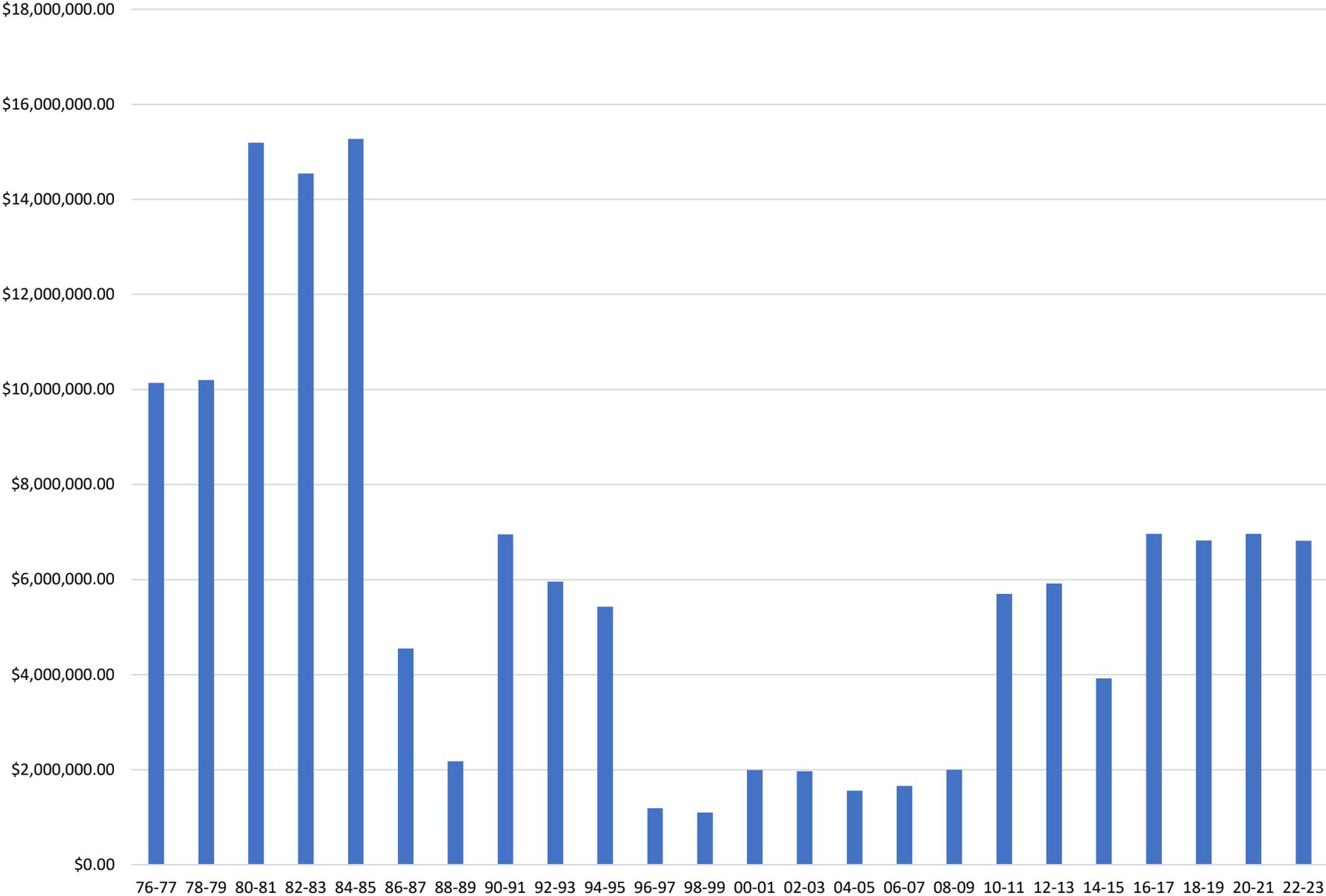
The distribution to this trust is for the purpose of protecting works of art in the capitol and for other cultural and aesthetic projects. Interest earnings from the trust are appropriated to the Montana Arts Council by the legislature in HB 9 for these purposes.

16) Coal and Uranium Mine Permitting and Reclamation Program (\$250,000)

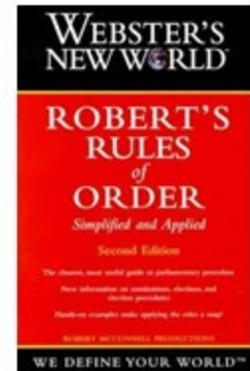
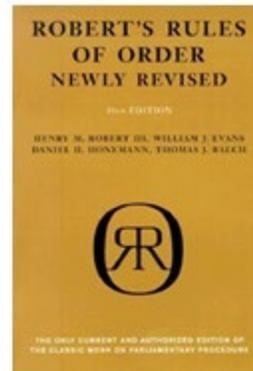
Enacted by [HB 688 \(2007 Session\)](#), coal severance tax revenue is deposited to the state special revenue account and appropriated in HB 2 to the Department of Environmental Quality (DEQ) to administer and enforce coal and uranium mine reclamation ([82-4-244, MCA](#)).

For more information on the Coal Trust Fund, please contact Sam Schaefer at 406-444-1787.

Coal Board Appropriations by Biennium



The Basics of Robert's Rules of Order



presented by
Jane Rhodes

State Human Resources Division • PO Box 200127 • Helena, MT 59620-0127 • (406) 444-3871

<http://pdc.mt.gov>

Professional
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Center



Purpose of Robert's Rules of Order

... based on **common sense** and **logic**...

The rules protect:

- (a) the rights of the majority to decide
- (b) the rights of the minority to be heard
- (c) the rights of individual members
- (d) the rights of absentees



1876: General Henry Robert
Wrote a standard form of rules
based on the rules of Congress

The Ten Basic Rules

1. The rights of the organization supersede the rights of the individual.
2. All members are equal with equal rights.
3. A quorum must be present to do business.
4. A simple majority rules unless otherwise stipulated in the bylaws.
5. Silence means consent.
6. Two-thirds vote rule – necessary when limiting or taking away the rights of members
7. One question at a time - one speaker at a time
8. Motions must receive full debate – no motion to vote may be made if members wish to continue debate unless 2/3 agree
9. Once a decision is made, an identical motion may not be brought forward at the same meeting.
10. Personal remarks in a debate are **ALWAYS** out of order.

★ Order under fire ★

- ◆ Federal, state, and local laws
- ◆ Parent organization
- ◆ Adopted special rules of order
- ◆ Adopted parliamentary authority

***Remember:** Robert's Rules of Order never supersede federal, state, or local laws that govern meetings. They do not supersede by-laws of organizations, but serve as a guide to running effective meetings. If an organization's by-laws follow Robert's Rules of Order as their parliamentary authority, then those rules apply as long as they are not in conflict with law.*

Classes of Motions

1. Main Motion
 2. Subsidiary Motion
 3. Privileged Motion
 4. Incidental Motion
 5. Bring a Question Again Before an Assembly
- } Secondary Motions



Main Motions

- ◆ Brings new business before the assembly
- ◆ Needs a second, is debatable and amendable, requires a majority vote to adopt
- ◆ Motion is phrased in the positive
- ◆ A motion contains:
 - * **Who:** the maker of the motion
 - * **What:** the action to be taken
 - * **When:** the timeframe for action taken
- ◆ Once made and seconded, action is taken before another motion is considered.
- ◆ **Order of precedence:** the lowest ranking of all motions.

Majority Vote Defined . . . more than half of the members voting at a meeting with a quorum present.

“Majority of those voting”

12 members on the board
10 members attend
9 members vote; one abstains
5 members pass a motion

“Majority of those present”

12 members on the board
10 members attend
9 members vote; one abstains
6 members pass a motion

“Majority of the entire membership”

12 members on the board
10 members attend
9 members vote; one abstains
7 members pass a motion

Subsidiary Motions - change or dispose of motions

- ◆ **Postpone Indefinitely** – used to kill a motion – taking no position, the motion dies
- ◆ **Amend** - adding or striking words to the motion
- ◆ **Refer to a Committee** – call a committee to investigate a proposal
- ◆ **Committee of the Whole** –members speak unlimited number of times, vote later
- ◆ **Postpone Definitely** – delay a decision to a later time
- ◆ **Previous Question (Close Debate)** – stops debate and calls for an immediate vote
- ◆ **Lay on the Table** – defers a motion for a more pressing matter

Amendments to motions --- *must be . . .*

An amendment must be germane to the motion to be in order.

- ◆ clearer for the reader
- ◆ more complete
- ◆ more acceptable to the membership

Ways to amend a motion:

Add or strike out words
Substitute words or paragraphs

Privileged Motions – not related to main motion, but to matters of immediate importance arising in meetings

Call for Orders of the Day – call to conform to order of business/agenda

Raise a Question of Privilege–relates to immediate rights of a member

Member: “Madam President, I rise to a question of privilege concerning the assembly.”

President: “Please state your question.”

Member: “It is too hot in here. Can we have the heat turned down?”

For executive sessions:

Member: “Chairman Smith, I rise to a question of privilege to make a motion.”

President: “Please state your motion.”

Member: “I move that we go into executive session to discuss this issue.”

President: “The chair rules that the question is one of privilege to be entertained immediately. Is there a second?”

Member 2: Second

President: “It is moved and seconded to go into executive session. Is there any discussion?”

Recess – short intermission

Adjourn – end a meeting immediately

Incidental Motions – when procedural questions arise

- ◆ **Point of Order** – correct a breach in rules
- ◆ **Appeal the Ruling of the Chair** – disagree with the ruling of the chair
- ◆ **Division of the Assembly** – to call for a revote when member doubts results
- ◆ **Suspend the Rules** – set aside a parliamentary rule that does not violate by-laws
- ◆ **Division of the Question** – divide motion into smaller topics



“We will conduct this meeting according to Robert’s Rules of Order “and if need be, the Marquis of Queensbury’s Rules!”

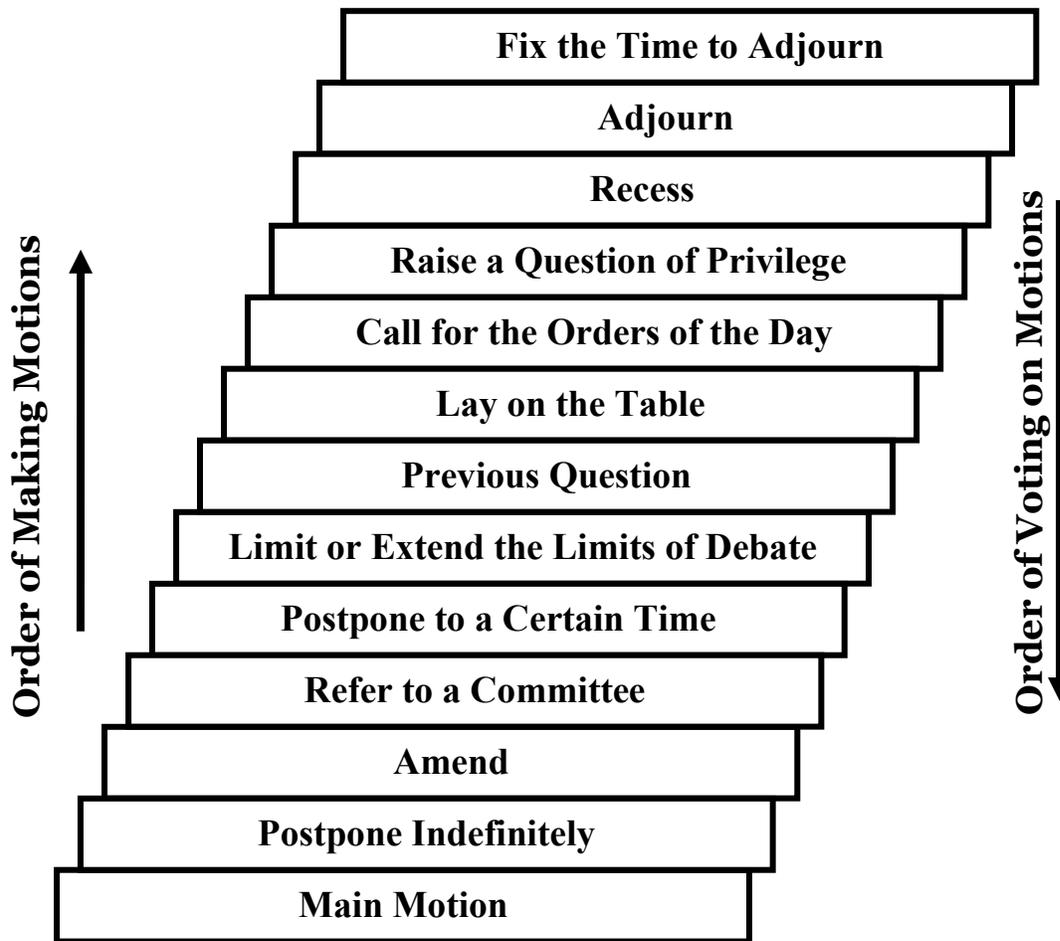
General Consent - for noncontroversial issues, such as

- ◆ Paying bills
- ◆ Approving minutes
- ◆ Answering correspondence
- ◆ Closing nominations
- ◆ Considering reports and recommendations
- ◆ Adjourning

To determine **general consent** the chairman says,

“If there are no objections, we will . . .” or “Hearing no objections, we will. . .”

Ladder of Motions in Order of Rank



Making a Motion

1. Rise and address the chair - "Mr. /Madam President. . ."
2. The chair recognizes you (by name or nod)
3. State the motion: "I move that ..." or "I move to ..."
4. Must be seconded by another member.
5. The chair restates the motion and places it before the assembly: "It is moved and seconded thatIs there any discussion?"
6. Members discuss the motion by addressing the chair, and being assigned the floor to speak. The person who **makes the motion** has **the first right** to speak to the motion.
7. After the debate, the chair puts the motion to a vote.
8. After the vote is taken, the chair rules which side won the vote.

By-Laws – the most important document of the organization



Composition:

- ◆ Name of the organization
- ◆ Object or purpose
- ◆ Members (active, inactive, honorary)
- ◆ Officers (list, term of office, eligibility)
- ◆ Meetings (sets the day, defines a quorum, provisions for calling a special meeting, nomination process)
- ◆ Executive Board
- ◆ Committees (identifies standing committees)
- ◆ Parliamentary authority (which parliamentary authority is used/ which edition)
- ◆ Amendments (provides for a means for making changes to the bylaws)

Informal Meetings – specifically for boards and committees whose membership is under 12

- ◆ Presiding officer is generally seated to put motions to a vote
- ◆ Members do not have to rise to address the chair
- ◆ Members may speak any number of times, and usually no motion is required to close debate
- ◆ Chair may enter into the discussion and make motions unless board rules dictate otherwise.

Proxy Voting

- ◆ Do your bylaws provide for proxy voting?
- ◆ Are proxies counted in the quorum and how?
- ◆ Will the proxy be a general proxy or a limited proxy?

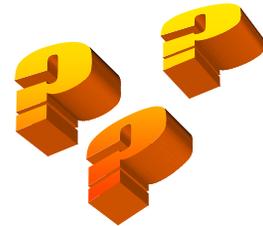
General proxy –person holding the proxy voted as he/she sees fit on all issues and motions (discretion to cast a vote based on information discussed in the meeting)

As you consider allowing proxies, remember why organizations have meetings –so members can meet face to face, discuss and debate issues, and arrive at a reasonable agreement through a vote.

Limited proxy – signed proxy where the signer stipulates the way that the holder must vote on specific issues

- ◆ Who is in charge of validating the proxy?
- ◆ What is the procedure for counting the proxies with voting members present?
- ◆ Is the proxy valid for one meeting, or does it expire after a short period of time?
- ◆ Is the proxy revocable?

Frequently Asked Questions



1. Do members have the right to explain their vote during voting?
2. Can the chairman vote?
3. Can a member vote on or second a motion to approve the minutes of a meeting that he/she did not attend?
4. If a motion has been defeated, can it be brought up again at the next meeting?
5. Can a meeting be adjourned if there is still business pending?
6. Can ex-officio members vote, and are they counted in determining whether a quorum is present?
7. Are abstentions counted as votes in determining the winner of an election requiring a majority?
8. Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

9. If a motion is before the assembly, can the assembly require more than a majority in order for the motion to be approved?
10. What happens when the president's vote causes a tie? How is the matter resolved?
11. Does a chairman of the board of directors have the authority to refuse to let an issue come before the board?
12. Can the board limit the debate on an issue?
13. What is a majority? Fifty-one percent? Fifty percent plus one?
14. What is a vote of "no confidence"?

Terms

Adjournment

- to end a meeting immediately

Amend

- modifies a motion by adding or striking words

Appeal the Ruling of the Chair

- disagreement with the Chair's ruling

Close Nominations

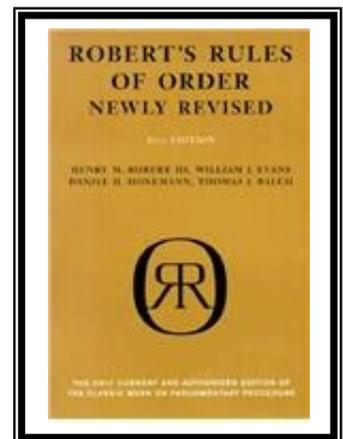
- to close the nomination and take a vote immediately – It is "not in order" when someone else has the floor.

Discharge Committee (without notice)

- For the assembly to take a matter out of the hands of a committee before its report is given so that the assembly can decide (requires a 2/3 or majority vote)

Incidental Motions

- When questions are raised about the pending business or how to address the pending business



Lay on the Table

- Used to temporarily set a pending main motion aside in favor of a more pressing matter of business; the motion is reconsidered during the same meeting

Limit or Extend Debate

- To put a time limit on debate

Example: "I move that at 3 p.m., debate is closed and the vote is taken."

Main Motion

- Motions that bring business to the table

Object to Consideration of a Question

- To prevent the main motion from being considered (may be embarrassing)

Example: "Mr. /Madam President, I object to the consideration of the question."
(Immediate vote taken)

Point of Order

- to correct a breach in the rules

Example: "I rise to a point of order." After being acknowledged by the Chair, "There is no longer a quorum present, and any business will be null and void."
- The chair can rule against a point of order.

Postpone Definitely

- a motion to postpone definitely defers a vote on the main motion until a specified time.

Postpone Indefinitely

- To kill a main motion for the duration of the meeting without taking a direct vote on it

Previous Question

- Often abused in meetings – the purpose is to stop debate immediately and take a vote.

Privileged Motion

- Does not relate to the pending motion, but are special matters of immediate importance arising in a meeting

Quorum

- It is the minimum number of voting members who must be present at a meeting in order to conduct business, usually specified by the bylaws. If not specified in the bylaws, then in most societies a quorum is a majority of the entire membership.

Raise a Question of Privilege

- permits a member to make a request or motion relating to the rights and privileges of the assembly.

Examples: “I rise to the question of privilege – ‘It is too hot in here; I can’t hear the speaker; I move we go into executive session to discuss the issue.’”

Recess

- to take a short intermission and then resume business (seconded, length amendable, majority vote)

Refer to Committee

- To have a small group investigate a proposal

Subsidiary Motion

- This motion helps move the main motion forward until the assembly arrives at its final decision

Suspend the Rules

- To set aside a rule of the assembly (except bylaws) – used primarily to take up a particular item of business out of regular agenda order (to take up a “new business” item before taking up unfinished business or vote immediately)

Examples: “I move to suspend the rules and take up the topic ‘to repair the gymnasium.’”
“I move to suspend the rules and agree to the resolution.”

Answers to Questions

1. Do members have the right to explain their vote during voting?

“No, it would be the same as debate at such a time.”

2. Can the chairman vote?

“If a member, the chairman has the right to vote. In large groups (more than 12), the chairman (who has a duty to maintain an appearance of impartiality) may vote when his vote would affect the outcome: to make or break a tie or to make or prevent a two-thirds vote.”

3. Can a member vote on or second a motion to approve the minutes of a meeting that he did not attend?

“Yes. There is no requirement in RRO that a member have first-hand

knowledge.” In fact, a motion need not be made to approve minutes. The chair says, “Are there any corrections to the minutes?” If any, the chair says, “If there are no further corrections to the minutes, they stand approved as corrected...” or if no corrections are offered, “If there are no corrections to the minutes, they stand approved as read... the next item of business is...” Note that there is no second involved in this process.”

4. If a motion has been defeated, can it be brought up again at the next meeting?

“Yes, if the meeting is a different session.”

5. Can a meeting be adjourned if there is still business pending?

“Yes.”

6. Can ex-officio members vote, and are they counted in determining whether a quorum is present?

“Yes, an ex-officio member has the same rights and privileges as all members unless limited by the by-laws.”

7. Are abstentions counted as votes in determining the winner of an election requiring a majority?

“No. Abstentions have no effect when the vote requirement is either a majority or two-thirds of the votes cast. If the vote requires a majority of the members present or of the entire membership, an abstention may have the same effect as a ‘no’ vote.”

8. Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

“No. a member noticing the absence of a quorum should make a point of order.”

9. If a motion is before the assembly, can the assembly require more than a majority in order for the motion to be approved?

“To change the vote requirement, someone must make a motion to “suspend the rules.” Must be seconded and requires a 2/3 vote.”

10. What happens when the president’s vote causes a tie? How is the matter resolved?

“The motion is defeated. A motion to reconsider the vote may be made by someone on the prevailing side. Needs a majority vote.”

11. Does a chairman of the board of directors have the authority to refuse to let an issue come before the board?

“No. the chairman can rule a motion “out of order” if it conflicts with bylaws or he/she may “object to consideration of the question,” but the motion still comes before the board.”

12. Can the board limit the debate on an issue?

“Yes, by making a motion to limit debate. Requires a second and may be amended. Needs a 2/3 vote.”

13. What is a majority? Fifty-one percent? Fifty percent plus one?

“The word “majority” means “more than half.” The false definition “51%” only applies to units of exactly 100; the false definition of “50% + 1” is only true for even numbers, and false for odd numbers. RONR (10th ed.) pp. 387

14. What is a vote of “no confidence”?

“The term is not used or defined in RONR. An assembly can adopt a motion expressing a lack of confidence in its officers, boards, or committees. Made by “main motion,” but has no effect except to express the assembly's views. A vote of “no confidence” does not - as it does in the British Parliament - remove an officer from office.

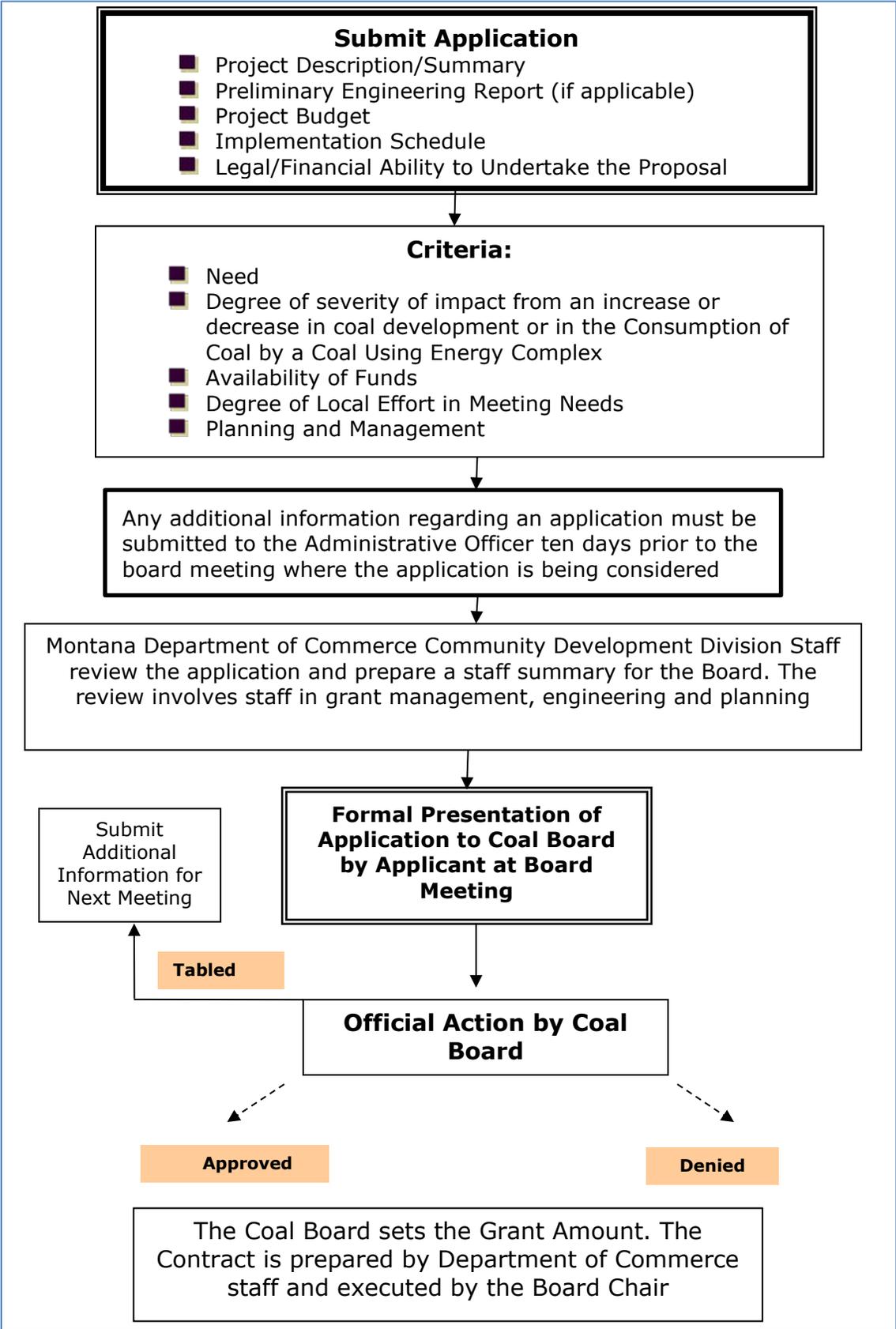
Summary of Motions - Robert's Rules of Order

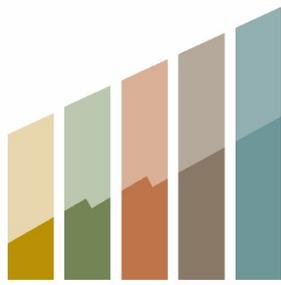
Motion	Remarks	Phrasing	Second	Debate	Amend	Vote
➔	Main Motions	Formal proposal that recommends a course of action. It is made before the discussion.				
Main	Used to present new business	"I move that the Activities Board . . ." (note specific action)	Yes	Yes	Yes	Majority
➔	Secondary Motions <u>Subsidiary</u>:	Helps the assembly dispose of the main motion. Adopting a subsidiary motion always does something to the main motion				
Postpone Indefinitely	Used to "kill" a motion during a meeting without taking a direct vote on it	"I move to postpone the motion indefinitely."	Yes	Yes	No	Majority
Amend	To change the pending motion before it is acted upon (to add or strike out words in the motion)	"I move to amend the pending motion by striking out or inserting the following words..."	Yes	Yes, if motion to amend is debatable	Yes	Majority
Refer to a Committee	Standing or AdHoc (appointed at any time) to investigate a proposal	"I move to refer the issue to a committee."	Yes	Yes	Yes	Majority
Committee of the Whole	Members of a large assembly act as a committee - allows members to speak an unlimited number of times to an issue. Vote not binding - recommends to assembly for later vote - Presiding officer appoints a chair for the committee	"I move to refer the issue to a committee of the whole."	Yes	Yes	Yes	Majority
Postpone Definitely	Used to put off or delay a decision until later in the meeting or until next meeting. Motion comes up under "unfinished business."	"I move that the pending motion be postponed until (note time)"	Yes	Yes	Yes	Majority
Limit or Extend Limits of Debate	To limit or extend the length of debate or to put a time limit on a particular motion	"I move to limit debate to five minutes per person."	Yes	No	Yes	Two-thirds
Previous Question (Close Debate)	Used to stop debate and immediately take a vote --Should be used when a member thinks the debate on the motion is tedious	"I move the previous question." or "I move to close the debate and take the vote immediately."	Yes	No	No	Two-thirds
Lay on the Table	To set the main motion aside temporarily to take up something of immediate urgency. Not intended to kill the motion or put off until the next meeting.	"I move to table the motion." or "I move to lay the motion on the table."	Yes	No	No	Majority

Summary of Motions - Robert's Rules of Order

Motion	Remarks	Phrasing	Second	Debate	Amend	Vote
➔	Secondary Motions: Privileged	Do not relate to main motion, but to matters of immediate importance arising from meetings				
Call for Orders of the Day	To make the assembly conform to the agenda or order of business	Member: "I call for the orders of the day."	No	No	No	No vote unless to set aside "orders of the day"
Raise a Question of Privilege	Member makes a request relating to the rights of the member immediately	"Mr. President, I rise to a question of privilege." Chair: "Please state the question." Member: "I can't hear the speaker."	No	No	No	Chair Rules
Recess	For a short intermission	"I move to take a ten-minute recess."	Yes	No	Yes	Majority
Adjourn	To end a meeting immediately	Note reason. . . "I move to adjourn."	Yes	No	No	Majority
➔	Secondary Motions: Incidental	Deals with questions of procedure arising from pending business - Does not affect the business				
Point of Order	Used to remind or question the Chair of the by-laws or rules of order.	"I rise to a point of order" (await recognition of chair, state reason)	Yes	No	No	Chair Rules
Appeal Rule of the Chair	To disagree with the chair's ruling - Let members decide the disagreement	"I appeal the decision of the Chair."	Yes	Yes	No	Majority
Division of the Assembly	To doubt the result of the vote	"I call for a division of the vote." or "I doubt the result of the vote."	No	No	No	Vote retaken
Suspend the Rules	To set aside the rule of the assembly (except by-laws, charters) to speed up the process	"I move to suspend the rules."	Yes	No	No	Two-thirds
Division of the Question	To divide a motion with several topics into separate motions	"Madam President, I move to divide the motion into three parts."	Yes	No	Yes	Majority
➔	Motion that brings question again before assembly	This class of motions returns a motion to the assembly for reconsideration				
Take from the Table	To take a motion from the table	"I move to take from the table the motion relating to the pay increase."	Yes	No	No	Majority
Reconsider	To reconsider the vote on a motion - Only a member who voted on the prevailing side can make the motion	"I move to reconsider . . ."	Yes	If the motion is debatable	No	Majority

Figure 1: Montana Coal Board Grant Program Application Process





MONTANA

DEPARTMENT OF COMMERCE

COMMUNITY DEVELOPMENT DIVISION

**Montana Coal Board Impact Grant Program
Application and Guidelines**

Grant Applications Due Quarterly, 45 days before the next regularly scheduled Montana Coal Board Meeting

**Meeting dates and application due dates can be found on the Montana Coal Board website:
<https://comdev.mt.gov/Boards/Coal/Meetings>**

DOCCDD@MT.GOV

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- II. Eligible Applicants**
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- IV. Eligible Funding**
- V. Application Submission**
- VI. Award Process**
- VII. Project Administration**

Appendix A: Montana Coal Board Grant Program Application and Statutory Review Criteria

Appendix B: PAR Requirements

Appendix C: Environmental Review Requirements

Appendix D: Environmental Review Flowchart

I. Introduction

The Montana Coal Board, a governor appointed seven-member board, was created in 1975, along with Montana's Coal Severance Tax, through the passage of Senate Bill 87. The Montana Coal Board, referred to the "Coal Board" hereafter, follows Title 90, Chapter 6, Part 2 of the Montana Code Annotated to carry out its responsibilities. The Coal Board is attached to the Montana Department of Commerce (Commerce) for administrative purposes.

As stated in 90-6-201, MCA, the Board's purpose is to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development of coal mines and coal-using energy complexes or as a consequence of a major decline in coal mining or in the operation of coal-using energy complexes, to assist in the construction and reconstruction of designated portions of highways that serve the area affected by the large-scale development, to support county land planning, and to support public schools throughout the state.

The Board considers applications and awards Coal Board Impact grants to counties, communities, school districts, Indian Tribes, or other governmental units to assist them in adequately providing governmental services or facilities that are needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex. The Board is also responsible to award grants to local government for the purpose of paying part or all the credit that the local governmental unit is obligated to give a major new industrial facility that has prepaid property taxes.

The Board meets at least once each quarter, typically during the second week of the third month of each quarter. Additional meetings may be called by the presiding officer or majority of the members (90-6-204, MCA). The Coal Board awards grants pursuant to 90-6-207, MCA, which provides the priorities for grants to counties, communities, school districts, or other governmental units that, as a result of the impact of coal development, has had or expects to have a net increase or decrease in estimated population. The current Coal Impact Area Report, list of designated units, and a map can be found on the Coal Board website: <https://comdev.mt.gov/Boards/Coal>.

These application guidelines explain how an eligible application can apply for Montana Coal Board funding and includes an application and appendices relevant to program requirements. Montana Coal Board program application and guidelines, project administration manual, other relevant information and resources are available on the Montana Department of Commerce (Commerce), Community Development Division (CDD) website at <https://comdev.mt.gov/Boards/Coal>. Interested persons can also e-mail MHPG program staff at DOCCDD@mt.gov or call staff at (406) 841-2770 regarding any questions they may have about the MHPG Program.

Alternative accessible formats of this document will be provided upon request. If you need this document in an alternative format, such as large print, Braille, audio tape, or computer diskette, please contact the Montana Department of Commerce Community Development Division at (406) 841-2770, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals who need aids or services for effective communications or other disability-related accommodations in the programs and services offered are invited to make their needs and preferences known. Please provide as much advance notice as possible for requests.

II. Eligible Applicants

Applicants eligible to receive financial assistance for the Montana Coal Board include:

- Local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.)
- State agencies
- Governing bodies of federally recognized Indian tribes.

Under 90-6-209, MCA, a grant to an Indian tribe may not be approved by the Coal Board unless:

(a) the governing body of the tribe has agreed:

(i) to waive its immunity from suit on any issue specifically arising from the transaction of a grant obtained under this part; and

(ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana; and

(b) approval of the transaction has been obtained from the secretary of the United States department of the interior whenever approval is necessary.

Under ARM 8.101.306 State Agencies:

(1) An eligible state agency is one that:

(a) is seeking a grant to assist a local governmental unit in providing a service which the local government unit is legally responsible to provide in whole or in part, and such service must be expanded because of coal development or decline impact, and the applicant state agency is either

joined in the application by the local governmental unit's governing body or has received letters of support from such authority; or

(b) is applying to provide a direct service to the Coal Board to enable the board to more effectively discharge its statutory responsibilities.

Additional Considerations for Eligible Applicants

Applicants should be familiar with their status of audit compliance and related financial considerations at the time of application, as applicable audit and financial compliance reports are reviewed by Commerce staff as part of the ranking process. Information related to the audit and financial status of a local government applicant is available at any time on the Department of Administration, Local Government Services website at <http://sfsd.mt.gov/LGSB>.

III. Eligible Projects

The Coal Board statutes do not specifically prohibit any type of project from eligibility for Coal Board funds. Eligible projects include any governmental services that are needed as a direct consequence of an increase or decrease of coal development or of an increase or decrease in the consumption of coal by a coal-using energy complex. Project types may be construction, equipment purchases, or developing a planning document.

Applicants must document how the project meets the Coal Board statutory criteria (MCA 90-6-206, 90-6-208). Grants must be awarded based on:

- Need;
- Degree of severity of impact from an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex;
- Availability of funds;
- Degree of local effort in meeting these needs.
 - In determining the degree of local effort, the board shall review the millage rates levied for the present fiscal year in relation to the average millage rates levied during the 3 years immediately preceding the year of application for assistance.

- Millage rates for the present fiscal year that are lower than the average millage rate levied during the 3 years immediately preceding the year of application for assistance must be considered by the board to indicate the lack of local effort. The application under these circumstances may be rejected.
- Further, in determining the degree of local effort, the board shall consider the possibility of requiring that local governmental unit to increase its bonded indebtedness to provide all or part of the governmental service or facility that is needed as a direct consequence of an increase or decrease in coal development or in the consumption of coal by a coal-using energy complex.
- To the extent that funds are needed to evaluate and plan for the impact needs caused by the increase or decrease in coal development or in the consumption of coal by a coal-using energy complex, consideration of bond issues and millage levies may be waived.
- To the extent that the applicant has no history of mill levies, the second and third bulleted items do not apply.
- **Planning and Management**
 - State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized.
 - Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub- Chapter 3 of the Administrative Rules of Montana, ‘planning’ is an additional criterion the Coal Board will apply when reviewing applications.

Coal Board grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Uniform Application for Montana Public Facility Projects. Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in Appendix B.

IV. Eligible Funding

Coal Board grant funds are appropriated by the state legislature on a biennial basis. The Montana Coal Board may award Coal Board grants up to, but not more than the amount appropriated by the legislature by fiscal year and biennium. Quarterly fiscal updates are provided to the Board and the public on at least a quarterly basis at regularly scheduled Coal Board meetings.

The Montana Department of Commerce (referred to as “Commerce”, hereafter) is required by statute, Montana Code Annotated (MCA 90-6-207) to biennially designate each county, incorporated city and town, school district or other governmental unit impacted by coal development. The specific criteria for designation are defined in detail within the statute and summarized below. This designation guides the use of funds and directs the Montana Coal Board (referred to as “Coal Board”, hereafter) to award at least 50% of appropriated funds to designated local government units, except as it pertains to MCA 90-6-205(4)(b).

The Coal Board cannot award more than 50% of the funds appropriated to it each fiscal year for non-designated units.

V. Application Submission

To apply for a Coal Board grant, an eligible applicant must complete the required application (Appendix A) and submit by the due date. One hard copy and one electronic copy of the Coal Board application, PER or PAR, if applicable, completed environmental review documentation, and associated documents must be postmarked or delivered to the Department of Commerce, 301 South Park Ave., PO Box 200523, Helena MT, 59620 on or before the application date listed on the Coal Board website: <http://comdev.mt.gov/Boards/COAL>.

To apply for Coal Board Funds, eligible applicants must complete the application and submit the materials via the

State of Montana File Transfer Service at <https://transfer.mt.gov>. Once there, you will be asked to log in or create an ePass account if you do not already have one. Once logged in, click on “Send a New File” and pull your application file(s) into the field and click “Continue”. When prompted, click on “State Employee or ePass Montana Customer”. On the “Recipients” page, select the “Find a State Group” tab. In the “Search” box, type “DOC CDD FTS” and hit “Search”. Select the existing group found “DOC CDD FTS”. To find the correct state distribution group, please use spaces between DOC and CDD and FTS. Follow instructions provided to submit your application. Please include the name of the applicant and “Coal Board Application” in files uploaded to the transfer service. Please combine application materials into as few files as possible. *Contact us with any questions.*

Applications are due 45 days prior to the Coal Board meeting. Any application not received or postmarked by the application due date, will be reviewed during the subsequent quarter.

Applicants must appear before the Coal Board, in-person or by conference call, when their application is on the agenda for consideration. Applicants will receive a staff review report and an agenda prior to the meeting date. If a representative is not available to speak on behalf of the application request, the application may be tabled until the next board meeting.

Prior to award, the applicant must provide documentation of a complete environmental review. Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see A Guide to the Montana Environmental Policy Act, or A Citizen’s Guide to Public Participation in Environmental Decision Making, at <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/>.

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed, may be denied or tabled by the Board. Additional documentation may be submitted to the Board within 10 days of the meeting or at the meeting. The applicant will need to request a waiver to the 10-day rule from the Board at the meeting.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting. For more information Coal Board website for a webinar on environmental review, sample environmental resolutions, and an Environmental Steps checklist. <https://comdev.mt.gov/Boards/Coal/ProjectGrants/Toolkit>. More information about the environmental review process can be found in Appendices C and D.

The Board may categorically exclude projects from MEPA requirements which apply to Coal Board regulations and will not normally prepare either an environmental assessment or an environmental impacts statement in considering applications for grants to finance projects. This determination is not something Commerce determines; therefore, the staff report includes comments that reflect the completion of the process.

An applicant may submit a Confidentiality and Non-Disclosure Agreement, to protect any information that the applicant does not want public to see. This may be submitted with the application or at any time during the project timeline. This may not be applicable to all applicants or project types. Please contact CDD staff at DOCCDD@mt.gov for the Commerce template.

VI. Award Process

Applications are evaluated as they are submitted at the quarterly Board meeting. The Coal Board may approve, deny or table a grant. The Board may table an application if significant changes or new information are presented during the meeting. The Board may request that an applicant return to the next meeting with additional information and move to table the application until the next meeting. If the application is tabled pending receipt of the requested information, the applicant can make a request that the Board remove the application from the table after submitting further information. The application will be placed on the next Coal Board meeting agenda.

The Board may prioritize projects at each meeting based any availability of funds or other statutory criteria. Once awarded, contracts will be routed for execution with grantees in the order of prioritization, if applicable, and when revenues are sufficient for awards.

VII. Project Administration

Please see the Project Administration Manual on the Commerce website for information on how to administer a Coal Board project.

Appendix A: Coal Board Application

THE COAL IMPACT GRANT APPLICATION FORM SUBMITTED BY (NAME OF APPLICANT)

CERTIFICATION

The chief elected official or executive officer of the applicant must sign the application certifying that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

The chief elected official or executive officer of the applicant must also certify that, in accordance with Section 90-6-205, MCA, the applicant is eligible for a Coal Impact Grant and has the authority to administer and make expenditures to provide for the proposed service or facility.

CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

In accordance with Section 90-6-205, MCA, the applicant is eligible for Coal Board grants and has the statutory authority to make expenditures to provide for the particular service or facility.

Name:

Title:

Signature:

Date:

SUMMARY INFORMATION

1. **NAME OF APPLICANT(S):**
Enter the name(s) of the entity submitting the application

2. **TYPE OF ENTITY:**
Enter the type of entity. Applicants eligible to receive financial assistance under state law include local governmental units (cities, towns, counties, school districts, water and sewer districts, etc.), state agencies, and governing bodies of federally recognized Indian tribes.

3. **SENATE AND HOUSE DISTRICTS:**
Enter the State Senate and House of Representatives district numbers that the entity is located within.

4. **AMOUNT OF COAL IMPACT GRANT REQUESTED \$ _____**

5. **NAME OF PROJECT:**

6. **TYPE OF PROJECT:**
Enter the type of public facility project or service, such as water, wastewater, solid waste, first responder equipment purchase, public building/school/hospital repair or expansion, road repair, planning studies, or other

7. **POPULATION SERVED BY PROJECT:**
Enter the number of people that reside within the area served by the project.

8. **NUMBER OF HOUSEHOLDS SERVED BY PROJECT:**
Enter the number of households within the area served by the project.

9. **CHIEF ELECTED OFFICIAL OR AUTHORIZED REPRESENTATIVE:**
Enter the name and title of the chief elected official or authorized representative of the applicant. Include the mailing address, business telephone, and e-mail address.

10. PRIMARY ENTITY CONTACT PERSON:
Provide the name, mailing address, business telephone, and e-mail address. number of the person or people within the community designated as the primary contact person for the project. This person should be knowledgeable about the project and be authorized to speak on behalf of the applicant regarding the application.
11. OTHER CONTACT PERSONS:
If applicable and available, provide the name, mailing address, business telephone and e-mail address of any other appropriate contacts (e.g., Public Works Superintendent, project engineer, grant/loan administrator, legal counsel, bond counsel, clerk/chief financial officer, accountant, etc.)
12. MILLAGE RATES:
Provide the current fiscal year millage rates and those for the 3 years immediately preceding the year of application. Please state the mill value for each of those three years. Specifically list how many mills and each year's total mill value.
13. AMOUNT OF COAL GROSS PROCEEDS TAX:
Please provide the following details:
- Total amount of Coal Gross Proceeds taxes the applicant has received during the last two years
 - o How those monies are allocated (i.e., to general fund, etc.)
 - How does the applicant decide the use of the gross proceeds?
14. IMPACTS FROM COAL INDUSTRY:
Number of residents that are currently employed by the coal industry within the applicant's jurisdiction
15. MAPS:
Each application must include a legible map showing the boundaries of the proposed project area and the locations of all proposed project activities, such as land to be acquired or public facilities to be constructed or improved.

16. BRIEF PROJECT SUMMARY:

The project summary should briefly provide some background information including:

- the age of the system, facility, equipment, building;
- the date, type and cost of the last major improvements to the system, facility, equipment, building; and
- whether there are any state administrative orders or other similar requirements to fix or modify the system, facility, equipment, and building.
- The project summary should also clearly state the specific problem(s) with the public facility and how the proposed project will solve the problem(s).

Applications for Coal Board assistance for public services or programs such as community planning, economic development, etc. should provide similar background information regarding the nature of the problem and the proposed solution.

17. PROJECT BUDGET AND IMPLEMENTATION SCHEDULE:

A. Project Budget Form:

The proposed project budget **must** include a breakdown of all major project costs, and a description of the proposed source and use of all funds. Designate the total budget of any proposed project as either “Administrative/Financial Costs” or “Activity Costs: (such as engineering or construction). Administrative Costs may not exceed 10% of the total project cost. Refer to the description of expenditure categories shown below that outline the expenditures that may be part of the budget. The Administrative/Financial Costs cover the expenses of administering a local project, including the cost of local government personnel involved with managing the project; the cost of the local project audit; and other contractual costs for professional services (such as hiring a project manager) that may be associated with administration of the program.

Administrative/Financial Costs must be reasonable and appropriate to ensure cost-effective and proper management of the project.

Any proposed Administrative/Financial Costs must be eligible, fully supported, and adequately explained. Applicants which propose to contract for project management assistance with a consultant or other entity must specifically itemize this amount in the Administrative Budget and explain it.

PROJECT BUDGET

Completed by: _____

For: (location) _____, MT

Date: _____

ADMINISTRATIVE/ FINANCIAL COSTS	SOURCE:	SOURCE:	SOURCE:	SOURCE:	TOTAL:
Grant Administration	*	\$	\$	\$	\$
Office Costs	\$	\$	\$	\$	\$
Professional Services	\$	\$	\$	\$	\$
Legal Costs	\$	\$	\$	\$	\$
Travel & Training	\$	\$	\$	\$	\$
TOTAL ADMINISTRATIVE/ FINANCIAL COSTS	\$	\$	\$	\$	\$
ACTIVITY COSTS:					
Equipment Cost	\$	\$	\$	\$	\$
Construction Cost	\$	\$	\$	\$	\$
Architectural/Engineering Design	\$	\$	\$	\$	\$
Product Completion (PER's, studies, etc.)	\$	\$	\$	\$	\$
Contingency	\$	\$	\$	\$	\$
TOTAL ACTIVITY COSTS	\$	\$	\$	\$	\$
TOTAL PROJECT COSTS	\$	\$	\$	\$	\$

B. Project Budget Narrative:

Include a narrative justification for the specific proposed project construction activities and related administrative/ financial costs. Explain the cost estimates for each item in the proposed budget in the narrative.

C. Implementation Schedule:

Each applicant must submit an implementation schedule that describes the overall schedule for project completion.

IMPLEMENTATION SCHEDULE FOR -----

TASK	QUARTERS 20XX				QUARTERS 20XX				QUARTERS 20XX			
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
<u>PROJECT START-UP</u>												
A. Sign contract with Coal Board												
B. Secure approval of other funding												
C. Submit progress reports and drawdown request. (Progress reports quarterly if no draws submitted)												
<u>PROJECT CONSTRUCTION</u>												
A. Architectural Design												
B. Conduct pre-construction conference												
C. Construction and purchase and installation of equipment												
D. Monitor Progress												
E. Final Inspection												
<u>PROJECT CLOSE-OUT</u>												
A. Coal Board administrative staff conduct on-site monitoring of the project												
B. Submit project completion report.												
C. Include project in audits.												

18. DESCRIPTION OF RELATIONSHIP TO COAL BOARD STATUTORY GRANT CRITERIA

The Coal Board does base its awards on the following four statutory criteria (90-6-206, MCA). In addition, State law (90-6-207(5), MCA) that requires attention be given to the need for community planning before the full impact of coal development or decline is realized.

A. Need

Explain how the assistance that is required to eliminate or reduce a direct and obvious threat to the public health, safety, or welfare that has been caused as a direct result of coal development or decline?" (90-6-206, MCA)

1. Does a serious deficiency exist in a basic or necessary community public facility or service? Examples include emergency services such as police, fire or ambulance services. Describe the nature and frequency of occurrence and provide supporting documentation.
2. Have serious public health or safety problems that are clearly attributable to a deficiency occurred, or are they likely to occur, such as illness, disease outbreak, substantial property loss, environmental pollution, safety problems, hazards, or health risks? Describe the nature and frequency of occurrence and provide supporting documentation.
3. Is the entire community, or a substantial percentage of the residents of the community, seriously affected by the deficiency or at risk, as opposed to a small percentage of the residents? Describe the number or percentage of community residents affected by the problem.
4. Is there clear documentation that the current condition of the public facility or service (or lack of a facility or service) violates, or may potentially violate, a state or federal health or safety standard. If yes, describe the standard being violated. If the proposed project is necessary to comply with a court order or a state or federal agency directive, describe the directive and attach a copy of it.

C. Availability of Funds

1. Amount requested from the Coal Board: \$_____
2. Amount of Coal Board funds available at the time of application \$_____ (#2 will be completed by Coal Board staff)
3. Explain why a coal impact grant is necessary to make the project feasible and affordable
4. What are the other proposed funding sources for the project?

<u>FUNDING SOURCES SUMMARY FOR.....</u>				
Source	Type of Fund	Amount	Status of Commitment	Loan Rates & Terms

5. If a particular proposed source of funding is not obtained, how will the applicant proceed?

Explain how the funding strategy will change if each proposed funding source is not received. (Discuss how the

loss of each of the proposed funding sources would affect the completion of the project. For instance, will the applicant wait and re-apply to the funding source, will the applicant be willing to increase the amount of debt it will incur, or will the project not move forward?)

D. Degree of Local Effort in Meeting Needs

1. If current millage rates given are lower than the average rates levied during the previous three years, briefly explain why they are lower.

2. Describe any local efforts to meet the public facility or public service needs by providing financial contributions to the project to the extent possible, such as local funding, donations of land, absorbing some or all-administrative costs. For non-profit organizations, describe fund- raising efforts or other in-kind assistance to the proposed project as well as usual program fund-raising efforts.

3. Describe past operation and maintenance budgets and practices over the long-term, including any reserves for repair and replacement.

4. If there are indications that the problem is not of recent origin or has developed because of inadequate operation and maintenance practices in the past, explain the circumstances and describe the actions that management will take in the future to assure that the problem will not reoccur.

5. If the project involves water, wastewater or solid waste, provide the current and projected monthly household user charges, including operation and maintenance:
- What is the current monthly household user charge? \$ _____
 - What is the projected monthly user charge (including operation and maintenance) when the project is complete? \$ _____

6. What are your current debt obligations?

List current debt obligations. If the applicant is a water, wastewater, solid waste, or other system, which relies on rates and charges for its financial support, only debt related to that system need be entered. If the applicant is a city, county, or district that relies on general taxing authority for its financial support, or is a not-for-profit organization, debt related to the general obligations of the city, county, district, or not-for-profit organization should be entered.

<u>CURRENT DEBT SUMMARY FOR -----</u>								
Year Issued	Purpose	Type of Bond/ Security	Amount	Maturity Date (mo./yr.)	Debt Holder	Coverage Required	Annual Payment Amount	Outstanding Balance

7. What are your current assets?

List all current assets including endowments, cash, investments, certificates of deposit, accounts receivable, and any other current assets not specifically indicated. Indicate whether assets are obligated for a specific purpose and what that purpose is (i.e., Certificate of Deposit, \$100,000 - reserve requirement for SRF loan, Investments, \$200,000 – \$100,000 of it is needed to purchase line inspection equipment in 2005).

8. What financial accounting system do you use? _____

The Board is required to ensure conformity to generally accepted accounting principles. Examples include Quick Books and MBARS.

9. Is the applicant in compliance with the auditing and annual financial reporting requirements provided for in the Montana Single Audit Act, 2-7-501 to 522, MCA? (Tribal governments must comply with auditing and reporting requirements provided for in OMB Circular A-133).

Yes ___ No ___ Date of last completed audit or financial report _____

10. If there have been audit findings within the last five years, have they been satisfactorily addressed?

11. Additional information supporting the DEGREE OF LOCAL EFFORT IN MEETING NEEDS.

E. Planning & Management

State law (90-6-207(5), MCA) requires the Coal Board to give attention “to the need for community planning before the full impact of coal development or decline is realized. Applicants should be able to show how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems.” Therefore, pursuant to Sub-Chapter 3 of the Administrative Rules of Montana, Planning is an additional criterion the Coal Board will apply when judging applications.

1. Describe how your grant request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems related to coal impacts.

2. Describe how the proposed project is consistent with current plans.
Plans may include a local capital improvements plan, growth policy, transportation plan, comprehensive economic development plan, or any other applicable plan.

APPENDIX B

PAR PRELIMINARY ARCHITECTURAL REPORT (PAR) REQUIREMENTS

A. A PAR MUST BE SUBMITTED AS PART OF A COAL BOARD APPLICATION FOR:

- a. Utilization of a PAR for rehabilitation or construction of Coal Board funded activities for Non-Water/Non-Wastewater community facility projects.
- b. New construction of a Non-Water/Non-Wastewater community facility project.

B. A PAR MUST MEET THE REQUIREMENTS FOR:

- a. Preparation of a PAR as a planning activity

C. GENERAL INFORMATION ON PARs:

- The PAR outline presented here is by no means all-inclusive. The architect should use his or her professional judgment to present sufficient information during preparation of the PAR, taking into account that different projects require varying levels of detail (rehabilitation of an existing building versus construction of a new building) and consideration of reasonable alternatives.
- Architects and project representatives can call Community Development Division staff (406-841-2770) to request clarification and guidance regarding this PAR outline.

D. ENVIRONMENTAL CONSIDERATIONS RELATED TO THE PAR

NOTE: All state and Coal Board funded projects are subject to the Montana Environmental Policy Act (MEPA). This law seeks to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts of any development assisted with funds.

- MEPA seeks to avoid or mitigate adverse impacts on the natural and human environment by mandating careful consideration of the potential impacts of any development assisted with state funds or approved by a Montana state agency.

E. PAR OUTLINE

I. PROBLEM DEFINITION

A. DESCRIBE AND DOCUMENT THE NEED FOR THE PROJECT AND THE PROBLEM(S) TO BE SOLVED. Describe the need for the project according to the following criteria:

1. Health and Safety - Describe concerns and deficiencies, compliance issues, and relevant regulations such as the International Building Code, (and other codes as listed in "Special Requirements Concerning Code and Standards Enforcement"), asbestos, lead-based paint, handicapped accessibility, zoning ordinances, and other federal, state, local, or tribal requirements concerning the existing facility(ies).
2. Attach pertinent correspondence to or from appropriate federal, state, and local

regulatory agencies, especially information that provides documentation of health and safety concerns and deficiencies. Facility Operation & Maintenance (O&M) - Describe O&M concerns regarding the existing facility(ies) with an emphasis on those with the greatest financial and operational impact.

If the high cost of maintaining the existing facility(ies) is related to a proposal to modify or replace the existing facility, describe and document these concerns and potential cost savings.

Growth - Describe the facility's capacity to meet projected growth needs from the completion of construction through the anticipated useful life of the building

Discuss any potential for future expansion, if applicable, or any consideration given to designing for phased construction or incremental expansion of the facility in the future.

Provide both the number of current users served by the facility(ies) and the projected number of users to be served by the proposed project upon completion.

B. IDENTIFY THE PLANNING AND SERVICE AREA, INCLUDING THE EXISTING LOCATION AND POTENTIAL, ALTERNATE LOCATIONS OF THE FACILITY.

Using narrative and drawings, describe the planning and service area and alternate building(s) or sites under review or consideration. The description should include the following information:

1. Location - Indicate legal and natural boundaries, major obstacles, environmental constraints, etc., using maps, photographs, and sketches of the planning and service area, including both the existing location and potential alternate locations for the facility.
2. Growth Areas and Projected Population Trends - Identify specific areas of projected, concentrated population growth and relate these to the forecasted growth in the clientele to be served by the proposed project.

Provide population projections for the project's planning and service area (and for the persons and/or groups the facility will serve) as well as for the projected design period (i.e., the anticipated useful life of the proposed facility).

Base projections for the clientele to be served upon historical records, Census data, or economic projections, citing recognized sources.

C. EVALUATE THE CONDITION OF THE EXISTING FACILITY(IES). Describe the existing facility(ies), including at least the following information:

1. History - Provide a brief history of the facility(ies), including when the structure was constructed, major improvements implemented in the past, and any past problems.
2. Condition of Facilities - Describe the present condition and any problems such as code deficiencies, general structural decay, presence of asbestos, mold or moisture, lead based paint, subsidence issues, overcrowding, or handicapped accessibility. Describe the adequacy or capacity of the existing facility(ies) to meet existing and long-term needs.

II. ALTERNATIVE ANALYSIS

A. DESCRIPTION OF ALTERNATIVE SOLUTIONS. Describe each alternative design, building, or site considered -- i.e., identify and describe existing buildings with potential for rehabilitation or alteration, or alternative building sites considered for new construction.

1. If proposing rehabilitation or alteration of existing buildings - Describe existing buildings within the community that could be modified or rehabilitated to accommodate the proposed facility or need.

Describe the potential benefits and possible deficiencies with each alternative design, building or site considered, including code compliance issues, floor space, handicapped accessibility, and potential for long-term expansion, as applicable.

2. If proposing new construction, describe alternative building sites considered for new construction, any existing structures on the site(s), potential for long-term expansion, proximity to other services, environmental constraints, etc.

B. REGULATORY COMPLIANCE AND PERMITS. Describe issues that need to be addressed concerning compliance (for either a new building or a rehabilitated building) with appropriate regulations such as the International Building Code and other relevant codes, zoning issues, asbestos, lead-based paint, permits, handicapped accessibility (American Disabilities Act and HUD 504 regulations), designated 100-year floodplains, and other applicable federal, state, local or tribal requirements.

C. LAND ACQUISITION ISSUES. Identify sites to be purchased or leased and any easements needed, if applicable. Specify whether these properties are currently owned, to be purchased or leased, and whether options have been obtained, contingent upon receipt of funding.

D. ENVIRONMENTAL CONSIDERATIONS. For the alternative selected for the project, discuss the following:

1. Potential Environmental Impacts - The PAR must include a discussion of environmental resources in the area that might be impacted or that might impact the proposed facility.
2. Mitigation - Evaluate appropriate short and long-term measures to mitigate each potentially adverse impact.

Describe the mitigation measure(s) necessary to minimize potentially adverse impacts upon identified environmental resources. Projects contemplating the renovation of existing structures should thoroughly discuss mitigation measures to address any existing hazards, such as asbestos and lead-based paint, where identified, in accordance with federal and state requirements.

3. Correspondence - Include any environmentally related correspondence and agency comments (e.g., comments from the State Historic Preservation Office).
4. Exhibits/Maps - Include any exhibits, maps, or drawings as applicable to describe potential environmental impacts.

E. CONSTRUCTION PROBLEMS. Discuss potential concerns such as geological constraints, limited access, underground storage tanks, high water table, asbestos, lead-based paint, contaminated soil, noise, odors, or other conditions that may affect cost of construction or long-term operation of the proposed (new or rehabilitated) facility.

F. COST ESTIMATES FOR EACH ALTERNATIVE. For each alternative considered, include both:

1. Project Costs (i.e., administrative, financial, engineering, architecture, and construction costs) and
2. Project Annual Operation and Maintenance Costs

III. SELECTION OF THE PREFERRED ALTERNATIVE

- A. ANALYSIS OF ALTERNATIVE SOLUTIONS.** Provide an analysis of why the preferred alternative (design, building, or location) was selected over other alternatives.
- B. SITE LOCATION AND CHARACTERISTICS.** Discuss the site location of any current or proposed facilities, and why the preferred alternative was selected over other alternatives.
- C. PRELIMINARY ARCHITECTURAL PLANS.** Provide preliminary architectural plans (including a proposed floor plan) for the proposed (new or rehabilitated) facility.
- D. OPERATIONAL REQUIREMENTS.** Discuss the expertise required to operate the facility and any unique operational requirements or benefits of the facility and describe why the preferred alternative was selected over other alternatives.
- E. PROJECT COST SUMMARY / PROJECT COST ESTIMATE.** Provide an itemized estimate of the project cost based on the anticipated period of construction including administrative, development and construction, land and utilities, legal, engineering, interest, equipment, contingencies, refinancing, and other costs associated with the proposed project. See 'II. F Cost Estimates for Each Alternative, above.

IV. CONCLUSIONS AND RECOMMENDATIONS

Provide any other conclusions and recommendations and any additional findings that should be considered in the evaluation of the proposed project and the selected alternative.

APPENDIX C: Environmental Review Requirements

Environmental Review

Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or categorically excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for Coal Board funding. For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision Making*, at: <https://leg.mt.gov/committees/interim/eqc/montana-environmental-policy-act/> or <https://leg.mt.gov/content/publications/Environmental/2002mepabrochure1-2.pdf>

All necessary environmental review of the proposed project must be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed may be rejected by Commerce.

The applicant must provide documentation of the completed environmental review process and include with the application all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting.

Statutory or Categorical Exclusions

Certain actions are exempt from MEPA review, either because they have been specifically exempted by the statute or, because of their special nature, do not normally have a significant effect on the environment. The following types of actions are statutorily exempt from MEPA review under ARM 8.2.304(5):

- Administrative actions (routine clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, or personnel actions);
- Minor repairs, operations, and maintenance of existing equipment or facilities;
- Investigation and enforcement; data collection activities; inspection of facilities or enforcement of environmental standards;
- Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
- Actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

The following types of actions are categorically exempted from MEPA review under ARM 8.2.328(2):

- Projects that will be partially funded by, or for which the applicant must obtain a permit from, a state or federal agency which, by reason of its funding or permitting function, has primary responsibility to consider the environmental impacts of the project under MEPA or the National Environmental Policy Act;
- Activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;
- Projects primarily involving the acquisition of capital equipment;
- Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;
- Projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by

the facility; or

- Emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that is in operation or under construction when damaged and the action:
 - (i) occurs within the existing facility footprint and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
 - (ii) is commenced within six months after the date of the emergency.

If the proposed project qualifies for a categorical exclusion, then the applicant should submit documentation that the environmental process (including public review process) is complete and the applicant has formally approved its determination that the project qualifies for an exemption. An exemption may not be appropriate if significant public controversy exists over the project's potential effect on the quality of the human environment; the proposed project shows some potential for causing a significant effect on the quality of the human environment; or the project might possibly affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

Environmental Assessment (EA)

An EA is a written analysis of a proposed action to determine whether an EIS is required or is needed to serve one or more of the other purposes described in ARM 8.2.304(2). Normally, a thoroughly completed Environmental Checklist and responses to the six questions contained in the Environmental Review Form (see Appendix C of these guidelines) will suffice as the draft EA for public review and comment and may then be revised as necessary to constitute the final EA. Anyone authorized to perform work on behalf of the applicant may prepare the draft EA, using all available information and evidence. The applicant's authorized representative must sign the draft EA, and the final environmental determination must be made by the applicant's representatives or board. Preparation of an EA ensures the fullest appropriate opportunity for public review and comment on a proposed action, including alternatives and planned mitigation, and examines and documents the effects of a proposed action on the quality of the human environment. The EA also allows the project proponent to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action.

In addition, an applicant may prepare an EA whenever the proposed action is one that might normally require an EIS, but the significant effects of the project appear to be mitigated below the level of significance through design, enforceable controls, and/or conditions imposed by the agency or other government agencies. For an EA to suffice in this instance, the applicant must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The applicant may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.

An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to the applicant. **The applicant shall submit a copy of each completed EA to the Department as a part of the complete grant application.** The applicant is responsible for providing public review of an EA as necessary to match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment; holding public meetings or hearings; maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions; and distributing copies of EAs for review and comment. Where an action is one that normally requires an EIS, but effects that otherwise might be deemed significant are mitigated in the project proposal or by controls imposed by the applicant, public involvement must include the opportunity for public comment, a public meeting or hearing, and adequate notice. The applicant is responsible for determining appropriate methods to ensure adequate public review on a case-by-case basis.

The applicant shall consider all substantive comments received in response to a draft EA and decide, at a public meeting, that either:

1. that an EIS is necessary;
2. that the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. (3) that an EIS is not necessary and make a final decision on the proposed action (executing the contract with the Department to receive Coal Board funds for the grantee's project).

The applicant must provide a copy of the Final EA to the Department with documentation of public review, opportunity for public comment, and a final decision on the EA at a public meeting.

Any time the applicant proposes substantial changes to the project affecting the original EA, the grant recipient must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided. When completed, the applicant must follow the original process and again provide environmental documents to Department.

Environmental Impact Statement (EIS)

An EIS is required whenever an EA indicates that an EIS is necessary, or an applicant proposes an action that may significantly affect the quality of the human environment (a "major action").

MEPA and Department's rules require that a draft EIS circulated for public review must contain all of the following:

1. a description of the proposed action, including its purpose and benefits;
2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposed action;
3. a description of the current environmental conditions in the area affected by the proposed action or alternatives, including maps and charts, whenever appropriate;
4. a description of the impacts on the quality of the human environment of the proposed action, including: direct, indirect, and cumulative impacts; potential growth-inducing or growth-inhibiting impacts; irreversible and irretrievable commitments of environmental resources, including land, air, water and energy; economic and environmental benefits and costs of the proposed action; and the relationship between local short-term uses of man's environment and the effect on maintenance and enhancement of the long-term productivity of the environment;
5. an analysis of reasonable alternatives to the proposed action, including the alternative of no action and other reasonable alternatives that may or may not be within the jurisdiction of the agency to implement, if any;
6. a discussion of mitigation, stipulations, or other controls committed to and enforceable by the applicant or other government agency;

7. a discussion of any compensation related to impacts stemming from the proposed action; an explanation of the tradeoffs among the reasonable alternatives;
8. the applicant's preferred alternative on the proposed action, if any, and its reasons for the preference;
9. a section on consultation and preparation of the EIS that includes the names of those individuals or groups responsible for preparing the EIS; a listing of other agencies, groups, or individuals who were contacted or contributed information; and a summary list of source materials used in the preparation of the draft EIS;
10. a summary of the draft EIS; and
11. other sections that may be required by other statutes in a comprehensive evaluation of the proposed action, or by the National Environmental Policy Act or other federal statutes governing a cooperating federal agency.

Following preparation of a draft EIS, the applicant must distribute copies to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; and all persons who have requested copies. The applicant must allow 30 days for public comment on the EIS, which may be extended an additional 30 days at the discretion of the applicant or upon application of any person for good cause. When preparing a joint EIS with a federal agency or agencies, the applicant may also extend this period in accordance with time periods specified in regulations that implement the National Environmental Policy Act.

After the time for public comment and review has expired, the applicant must prepare a Final EIS for approval at a public meeting, which must also contain:

1. a summary of major conclusions and supporting information from the draft EIS and the responses to substantive comments received on the draft EIS, stating specifically where such conclusions and information were changed from those which appeared in the draft;
2. a list of all sources of written and oral comments on the draft EIS, including those obtained at public hearings, and, unless impractical, the text of comments received by the applicant (in all cases, a representative sample of comments must be included);
3. the applicant responses to substantive comments, including an evaluation of the comments received and disposition of the issues involved;
4. data, information, and explanations obtained subsequent to circulation of the draft; and
5. the applicant recommendation, preferred alternative, or proposed decision together with an explanation of the reasons.

The applicant must distribute copies of the Final EIS to the Governor; the Department; the Environmental Quality Council; appropriate state and federal agencies; all persons who submitted comments on or received a copy of the draft EIS; and all other members of the public upon request.

The applicant may not make a final decision on the proposed action being evaluated in a Final EIS (executing the contract with the Department to receive Coal Board funds for the grantee's project) until 15 days from the date of transmittal of the Final EIS to the Governor and Environmental Quality Council. Until the applicant reaches its final decision on the proposed action, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the applicant's choice of reasonable alternatives, including the no-action alternative.

Any time the applicant proposes substantial changes to the project affecting the original EIS, the applicant must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided.

When completed, the applicant must follow the original process and again provide environmental documents to Department.

Coal Board applicants are responsible for compliance with all applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Coal Board projects include:

- Stream Protection Act, Title 87, Chapter 5, Part 5, MCA
- Montana Solid Waste Management Act, Title 75, Chapter 10, Part 2, MCA
- Clean Air Act of Montana, Title 75, Chapter 2, MCA
- Water Quality Act, Title 75, Chapter 5, MCA
- Public Water Supplies, Distribution and Treatment, Title 75, Chapter 6, MCA
- Floodplain and Floodway Management, Title 76, Chapter 5, MCA
- The Montana State Antiquities Act, Title 22, Chapter 3, MCA
- The Montana Sage Grouse Habitat Conservation Program and Conservation Strategy, Executive Orders 10-2014 and 12-2015 and Chapter 445, Laws 2015 (SB 261) <https://sagegrouse.mt.gov>

Some of the environmental permits that may be required on your project from other state agencies include the following:

- Asbestos Control Program – contact the Department of Environmental Quality (DEQ).
- Montana Stream Protection Act (SPA 124 Permit) – contact the Montana Department of Fish, Wildlife and Parks at 444-2449.
- Montana Floodplain and Floodway Management Act (Floodplain Development Permit) – contact the Montana Department of Natural Resources and Conservation at 444-0860 or the local floodplain administrator.
- Federal Clean Water Act (404 Permit) – contact the U.S. Army Corps of Engineers in Helena at 441-1375.
- Short-Term Water Quality Standard for Turbidity (318 Authorization) – contact the Montana Department of Environmental Quality at 444-3080.
- Montana Water Use Act (Water Right Permit and Change Authorization) – contact the Montana Department of Natural Resources and Conservation at 444-6667 or the local DNRC Water Resources Regional Office. A useful website regarding water rights can be found at http://www.dnrc.mt.gov/wrd/water_rts/default.asp.
- Stormwater Discharge General Permits and/or Montana Pollutant Discharge Elimination System (MPDES Permit) – contact the Montana Department of Environmental Quality at 444-3080.
- Please check the DNRC website for a copy of “A Guide to Stream Permitting in Montana.” Their web address is http://dnrc.mt.gov/permits/stream_permitting/default.asp.

- **Cultural Resource Survey** – You may need to perform a cultural resource survey for your project. The State Historic Preservation Office (SHPO) can be reached at 444-7715 for more information. There is guidance for consulting with SHPO at <http://mhs.mt.gov/shpo/archaeology/consultingwith.asp>.

Environmental Assessment

Each Coal Board applicant must either identify that the proposed project qualifies for an exclusion from MEPA or identify and analyze the environmental impacts of the proposed project.

Any time the applicant proposes substantial changes to the project, after submission of the application but either before or after final ranking by the Department or approval by the Legislature and Governor, the Department will require the applicant to repeat its environmental review as set forth above.

The checklist contained within the *Uniform Application for Montana Public Facility Projects, Tenth Edition*, must be submitted with the Coal Board application. Please use the heading for the environmental assessment as shown below. Letters to the appropriate state and federal agencies must be sent and documented.

It is the requirement to complete the entire environmental review process and include all documentation with the application. The responsibility for completing the environmental assessment rests with the grantee. Please refer to environmental review language for specific details regarding completion of the entire environmental process.

The 'environmental review form' must be completed for Coal Board projects and submitted with the construction grant application. The form must be prepared by someone with a thorough knowledge of the project, expertise in environmental issues, and authority to sign for the applicant.

Please ensure all portions of the environmental process are completed prior to application submission.

- a. Environmental Assessment Checklist
- b. Environmental Review form
- c. Final Action taken by resolution or documented local decision

ENVIRONMENTAL REVIEW CHECKLIST

NAME OF PROJECT:	
PROPOSED ACTION:	
LOCATION:	_____ , Montana

Key Letter:

N: No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

PHYSICAL ENVIRONMENT

Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)	
		<i>Response and source of information:</i>	
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)	
		<i>Response and source of information:</i>	
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)	
		<i>Response and source of information:</i>	
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)	
		<i>Response and source of information:</i>	

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
		<i>Response and source of information:</i>
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats) https://sagegrouse.mt.gov
		<i>Response and source of information:</i>
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i>
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i>
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>
Key	8	Public Health and Safety
		<i>Response and source of information:</i>

Key Letter:**N:** No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information:</i>
Key	14	Health Care – Medical Services

Key Letter:

N: No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

		<i>Response and source of information:</i>
Key	15	Social Services – Governmental Services (e.g., demand on)
		<i>Response and source of information:</i>
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<i>Response and source of information:</i>
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<i>Response and source of information:</i>
Key	18	Energy Resources - Consumption and Conservation
		<i>Response and source of information:</i>
Key	19	Solid Waste Management
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	20	Wastewater Treatment - Sewage System
		<i>Response and source of information:</i>
Key	21	Storm Water – Surface Drainage
		<i>Response and source of information:</i>
Key	22	Community Water Supply
		<i>Response and source of information:</i>
Key	23	Public Safety – Police
		<i>Response and source of information:</i>
Key	24	Fire Protection – Hazards
		<i>Response and source of information:</i>
Key	25	Emergency Medical Services
		<i>Response and source of information:</i>
Key	26	Parks, Playgrounds, & Open Space

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
		<i>Response and source of information:</i>
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		<i>Response and source of information:</i>
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		<i>Response and source of information:</i>
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		<i>Response and source of information:</i>
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		<i>Response and source of information:</i>

Environmental Review Form

On a separate piece of paper, please answer the following as they apply to your proposed project:

1. **Alternatives:** Describe reasonable alternatives to the project.

2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.

3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required and explain in detail why or why not.

4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.

5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.

6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment(EA).

Authorized Representative, Title

Date

(Name of) District

Chairperson

Date: _____

**Sample of a resolution
to accept the determination that (level of environment finding) is appropriate for the
(applicant, type of project)**

WHEREAS, the (Name of applicant) has completed an assessment to identify potential environmental impacts to the (describe purpose of project);

WHEREAS the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received, (or public comment was received and responded to);

WHEREAS, the (Name of applicant) has determined that the (type of Project) will not significantly affect the quality of the human environment and accordingly the (Name of Applicant) has determined an Environmental Impact Statement (or Environmental Assessment and EIS if project is Categorical Exclusion); is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the (Council, Board, Commissioners) as follows;

That (Name of Applicant), Montana adopts the final Environmental Assessment for the (type of project).

Passes and approved on this date of (date)

Signed: _____

Name: _____

Title: _____

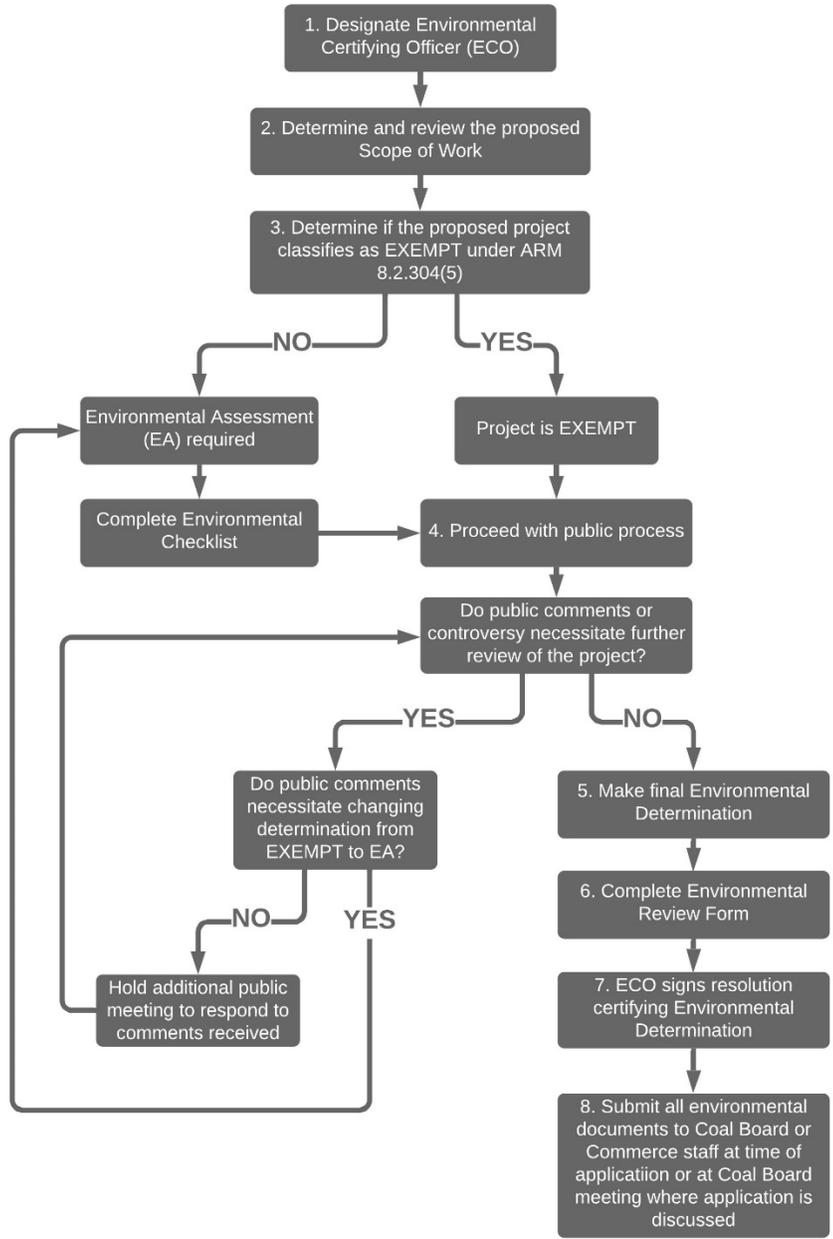
Date: _____

Attested: _____

Appendix D: Environmental Review Flowchart

MONTANA COAL BOARD Environmental Review Process Outline

For Exempt and Environmental Assessment Projects



**MONTANA COAL BOARD
INTERNAL MANAGEMENT PROCEDURES**

A. NAME: MONTANA COAL BOARD; the Board is administratively attached to the Department of Commerce, Helena, MT.

B. PURPOSE: Receive and consider applications for grants from the Board and award grants to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development or decline of coal mines and coal-using energy complexes.

C. COMPOSITION: The Board consists of seven members appointed by the Governor; officers include a Chair and Vice Chair.

D. ELECTION OF OFFICERS: The Chair and the Vice Chair are appointed by the Board. Board elections of the Chair and Vice Chair will take place at the first quarterly meeting of the Biennium. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If the Chair resigns or is incapacitated, the Vice Chair shall perform the duties of the Chair. In the event of resignation or incapacitation of the Chair or Vice Chair, the Board will elect officer(s) at the next regularly scheduled Board meeting. The Chair shall preside at all Board meetings and hearings, call special meetings, and perform the duties normally conferred by parliamentary usage on such presiding officer and other such duties as may be properly prescribed.

E. MEETINGS: Meetings will be held at a minimum in each calendar quarter as determined by the Board. The Board shall determine the location of the meetings. Special meetings may be called by the Chair and shall be called upon the written request of three members of the Board.

F. NOTIFICATION: All meetings of the Board and its committees shall comply with Montana law as it applies to open public meetings.

G. QUORUM AND PROCEDURE: A quorum shall consist of four members present at the meeting, in-person or by teleconference. The affirmative vote of the majority of the member's present is sufficient for any action taken by the Board, in-person or by teleconference. The Chair may make and second motions and participate in all votes. The rules contained in the most current edition of Robert's Rules of Order shall generally be adhered to in the conduct of all meetings unless these procedures or state law provides otherwise. Only those items included on the agenda and that are part of the materials mailed to the Board members may be acted upon at that particular meeting. New business may be introduced without prior notice only for the purpose either of Board action at a future meeting or referral to a committee or Board staff for study or consideration.

H. AUDIT PROCEDURES: The Coal Board Program will be audited as part of the biennial audit of the Department of Commerce by the Legislative Auditor.

I. VOTING: Coal Board meetings follow Robert's Rules of Order. All members will be asked to vote through roll call.

J. COMMITTEES: Such committees, standing or special, shall be appointed from the members by the Chair as the Board shall from time to time deem necessary to carry on the work of the Board. The board has not used committees in the recent past.

K. MAINTENANCE OF RECORDS: The Administrative Officer and staff shall be responsible for the maintenance of any and all records of the Board. Records shall be kept at the Coal Board Office at the Department of Commerce and shall be available for inspection during normal business hours. Each pre-application or full-application form submitted to the Board shall be entered in a docket. Each form docketed since the preceding Board meeting shall be reported to the Board at its next meeting, and this shall be reflected in the minutes of the meeting, together with such comments or recommendations as the Department or Board staff may submit. The Board may, but will not necessarily, take final action on an application at the meeting when the application is received. All meeting records are permanent records.

M. AMENDMENT OF PROCEDURES: Amendments to these procedures may be initiated by any member of the Board. Proposed amendments must be considered at a regular Board meeting and approved by a majority vote of the members present. All members of the Board shall be informed of any proposed amendments in writing at least seven (7) days prior to a vote being taken.

N. CONFLICT OF INTEREST: No member of the Board shall participate in any decision relating to contracts that affect his/her personal interests or the interests of any corporation, partnership, or association in which he/she is, directly or indirectly interested, or has any personal or pecuniary interest, direct or indirect, in the contract or the proceeds thereof. As applied here, the term "participate" prohibits making motions, seconding motions, and voting.

**MONTANA COAL BOARD
LEGAL ONBOARDING
DOC – Office of Legal Affairs**

Open Meeting Laws

- A. The Montana Constitution gives citizens:
- i. **The Right to Participate- Article 2, Section 8**, This affords citizens the ability to participate in the operation of agencies prior to decision-making.
 - o Public opportunity to comment on each agenda item must be afforded as well as items not in the agenda (usually done at the beginning of the meeting).
 - ii. **The Right to Know- Article 2, Section 9**, Citizens are granted the ability to examine documents and observe the deliberations of all public bodies or state agencies. One small exception exists when: individual privacy clearly exceeds the merits of public disclosure. This is a very high standard to meet.
 - Montana Public Records Act MCA 2-6-101 states: public records include: private writings including email.
- B. To ensure those rights are not denied, you must do three things:
- i. **Provide notice of a meeting**
 - o Post on website at least 72 hours before meeting.
 - o Must give reasonable notice on actions of “significant public interest.” §2-3-101 MCA
 - ii. **Publish an agenda for the meeting**
 - o Must occur within a reasonable period before the meeting. At least 72 hours before the meeting has become an accepted standard.
 - o Do not make a motion on any issues that are not mentioned in the agenda. Any new items should be carried over to next meeting.
 - The public should have the opportunity to obtain information to every agenda item when notice is published (decision-makers and public should be on equal footing with respect to participation in the decision).

iii. Keep meetings accessible to the public

- **A decision made in violation of open meeting laws may be declared void** and the person who brings the action may be awarded their costs expended and reasonable attorney fees. (Public Participation Act.)
- The intent of the legislature is that open meeting laws are liberally construed. §2-3-201 MCA.

Best Practices:

- A meeting occurs any time a “quorum” is present. A quorum is defined as the majority of council members whether the meeting is in person, by phone, or electronic means; to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.
 - Replying all to an email can constitute an open public meeting in violation of the statute. Avoid this!
- If you work on both sides of a decision recuse yourself from the conversation to avoid a conflict of interest.
- Do not use information gathered outside of public meetings to make decisions this is called “ex parte communication.”
- If you are unsure about the confidentiality of a public information request ask DOC legal to assist.

MONTANA COAL BOARD MEETING
INFORMATION FOR TRAVEL EXPENSE VOUCHER

Please furnish the following information to assist us in correctly computing your State of Montana travel expense voucher:

NAME: _____

Address: _____

City: _____ Zip: _____

Meeting Location (City or Town): _____

Meeting Date: _____

Mileage reimbursement .65.5 ¢/mile effective 1/1/23

Date of departure to attend meeting:	Time of departure to attend meeting:
Time of arrival to attend meeting:	Car miles traveled (one way):
Date of departure to travel home:	Time of arrival home (estimated):

OVERNIGHT LODGING: If you were absent from home overnight to attend the meeting, and paid for your own lodging, please attach your motel/hotel receipt. Reimbursement will be at the current state rate of \$98 (effective 10/1/22) or the approved rate for that area and time of year, plus tax. If you were away from home overnight but have no receipt, you are eligible for a \$12 reimbursement.

MEAL REIMBURSEMENT (This is dependent on your travel times) (Effective 4/11/23)

Morning meal \$ 8.25

Midday meal \$ 9.25

Evening meal \$16.00

Total per day \$33.50

Signature of Board Member

Date

Instructions for Travel Form

First section must be completed fully.

Second section – left to right

- Box 1: the date member leaves to attend the meeting
- Box 2: time of day member leaves to attend the meeting
- Box 3: time board member arrives at the meeting or hotel
- Box 4: how many miles member drives to attend the meeting *one way*
- Box 5: the date member will travel back home
- Box 6: the time member expects to arrive home – **note this is easily figured by subtracting box 2 from box 3 and then adding that amount to the time the meeting ended.

Please fill this form out at the conclusion of the meeting.

Staff will compute your per diem meals based on your travel time.

Historical Coal Board Grants

Below you will find links to the Grants Database which gives you the ability to see all the Coal Board grants applied for through the years.

Option 1: This first link takes you to the funded projects page which includes directions for the database:

<https://commerce.mt.gov/About/Funded-Projects>

Option 2: This link takes you to the main page of the entire database where you can view **all** grants listed within the database:

<https://dataportal.mt.gov/t/DOASITSDDataPortalPub/views/DOCGrants/DOCGrantsDashboard>

If you want only Coal Board information, in the Program box at the top of the table, select **Montana Coal Board** from the drop-down menu.

Email Access & Security Training for Board Members



How to access your State of Montana Email

<https://mt.gov/employee/>

[Select Login to Microsoft O365](#)

[HOME](#) > [EMPLOYEE](#)

STATE EMPLOYEE ACCESS

STATE EMPLOYEE ACCESS

This page is for state of Montana employees and those doing work on behalf of the state only.

WEB MAIL

- Login
- Login to Microsoft O365
- Change Outlook Password
- Instructions for Logging on to Outlook Web Access



STATE NETWORK ACCESS

- Microsoft O365
- Unified Digital Workspace (UDW)
- Login to Citrix
- Install Citrix Client
- Login to Citrix - RSA security
- Citrix User MFA Instructions



Enter your C#@mt.gov



Sign in

cca255@mt.gov

No account? [Create one!](#)

[Can't access your account?](#)

Next

This system is property of the State of Montana. Use of the system is subject to monitoring and recording. Unauthorized use may result in disciplinary action and civil and criminal penalties. Use of the system indicates your consent to these conditions.

Enter your C# and password



Sign in with your Active Directory loginID (e.g. CX1234)

cca255

Password

Sign in

© 2016 Microsoft

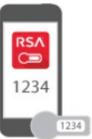
Enter your RSA code

Hi, CCA255

Enter SecurID OTP

Submit

Cancel



After clicking on Submit, click on the Outlook icon on the left-hand side of the page that opens



Outlook

Outlook

Search

Meet Now

Home View

Daily IT Standup
10:00 AM Microsoft Teams ...

New mail

Delete

Archive

Sweep

Move to

Reply

Reply all

Forward

Mark all as read

Favorites

- Inbox 947
- Drafts 15
- Archive
- Add favorite

Folders

- Inbox 947
- Drafts 15
- Sent Items
- Deleted Items 703

Inbox

DOC ServiceNow
Case CS0325296 assigned to User Support - DOC - FSS Button 8:33 AM
CS0325296 - FSS Button A case has been assigned to User Support - DO...

DOC ServiceNow
Case CS0316208 comments added 8:33 AM
Short Description: Printer quote Priority: 4 - Low Click here to view the ca...

SITS Service Desk
Task Notification: Onboarding tasks for Onboarding request O... 8:00 AM
You or your group has been assigned one or more onboarding tasks for ...

Yesterday

DOC ServiceNow
Case CS0325022 assigned to User Support - DOC - AVAYA ... Wed 3:47 PM
CS0325022 - AVAYA app not signing in A case has been assigned to User...

Select an item to read
Nothing is selected



Password Facts

Passwords are one of the most important ways to ensure our data is secure and safe. It is important to create a strong password that is complex to prevent hackers from accessing your account. Make your password hard to guess by making it longer (over 14 characters is near impossible to crack by brute force) and complex as possible.

The minimum password requirements for state computer and email access is as follows:

- Passwords must be at least 12 characters in length.
- Passwords must meet complexity requirements.
- Passwords must contain 3 of the four character groups - special characters, lowercase letters, uppercase letters, numbers.
- Passwords must not contain username (user ID) or portions of the user's displayname (full first name, full last name).
- Passwords have a minimum age of 1 day (users cannot change their own password more than once per day).
- Passwords expire after 60 days.
- Passwords have a "history" of 24. This means you can't reuse any of last 24 passwords that you set for your account.
- New Password cannot contain more than 4 similar characters from the old password, meaning that you cannot just add a number to the end of the previous password.
- User accounts will "lockout" for 15 minutes after 6 failed attempts to logon. This means if you failed your login 6 times in a row, your account will be locked out and you have to wait 15 minutes to try again or have your LAN administrator reset your account.



Changing your Password from the Home Page

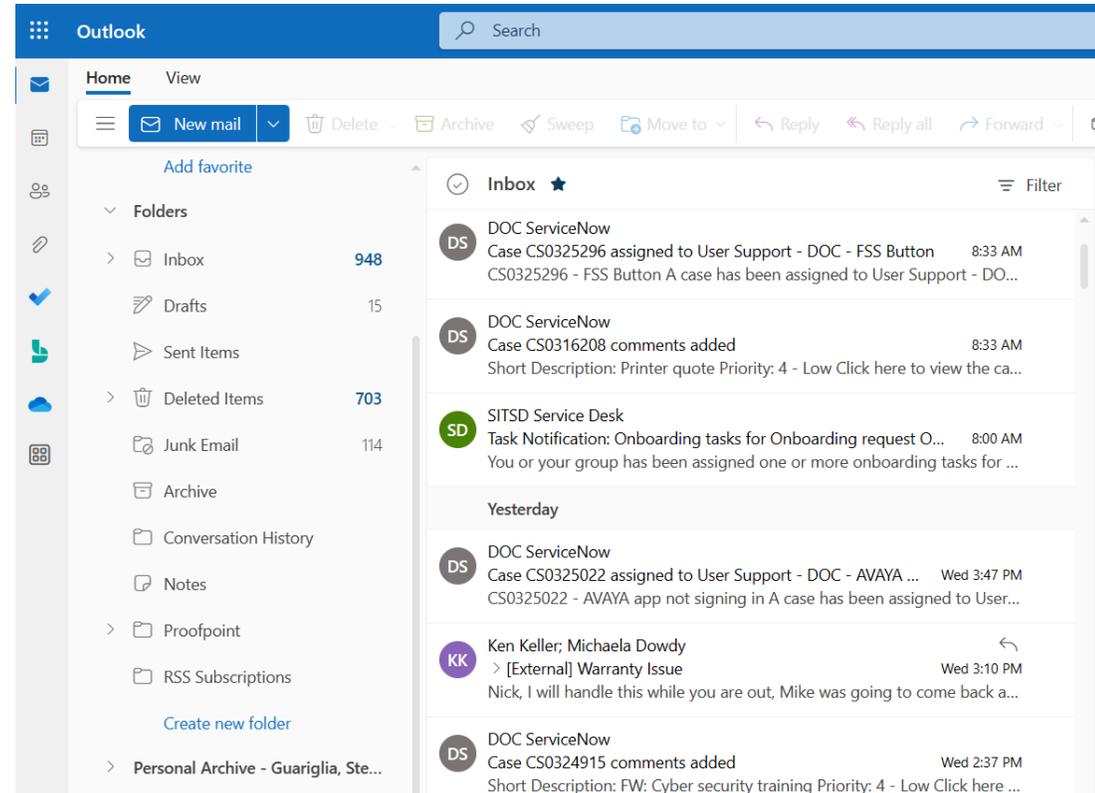
The screenshot shows the Microsoft 365 Home Page. At the top, there is a search bar and a notification banner: "The Office app is becoming the new Microsoft 365 app, your home to find, create, and share your content and ideas. [Learn more](#)". Below this is a "Welcome to Microsoft 365" banner with an "Install apps" button. The main area displays "Recommended" items, including two documents: "DOC_ITPRLog_2023Quarter4" and "DOC_ITPRLog_2023Quarter3", both with a "You edited this Apr 13" notification. At the bottom, there is a "Quick access" section with buttons for "All", "Recently opened", "Shared", and "Favorites", along with an "Upload" button. On the right side, the "Settings" pane is open, showing options for "Other" (with a link to "Third party notice"), "Themes", "Language and time zone" (with a link to "Change your language"), "Dark Mode" (with a toggle switch), "Password" (with a link to "Change your password"), and "Contact preferences" (with a link to "Update contact preferences"). An arrow points to the gear icon in the top right corner of the Home Page, and another arrow points to the "Change your password" link in the Settings pane.

The screenshot shows the "Change password" form. At the top, it says "Change password". Below this, the "User ID" is listed as "CCA255@mt.gov". There are three input fields: "Old password", "Create new password", and "Confirm new password". At the bottom, there are two buttons: "Submit" (in green) and "Cancel".



Making Archive Files:

1. Right click on your Personal Archive
2. Create new folder.
3. Move emails into designated folder.



Cyber Security



MONTANA



Cyber Domains Include:

- ✓ The Internet
- ✓ Networks
- ✓ The Cloud
- ✓ Computers
- ✓ Phones
- ✓ Tablets
- ✓ Carriers
- ✓ Software



Cyber Security cont.

Cyber Domain:

A security incident worth reporting can be something odd that you notice about the computers, networks, or data you work with.

Human Domain:

People acting bizarre or strangers wonder the halls.

Physical Domain:

Boxes or packages placed in strange areas, doors that are secure doors unlocked or propped open.



Security Awareness

- Is a full-time job!
- Immediately report any potential or suspicious behavior.

*When In
Doubt...*
ASK!



Backup and Preventative Care

- Just like a car, computers and software require maintenance:
 - Updating your computer regularly:
 - Adds new features
 - Patches
 - Anti-Malware, and
 - Security tools



ID Theft

- At home and at work, never give out your personal information unless you know for a fact whom you are dealing with.



ID FRAUD ON THE RISE

Identity fraud victims increased by

8%

rising to

16.7 MILLION

U.S. consumers



Fraudsters adapted to net

1.3 MILLION

more victims in 2017 stealing

\$16.8 BILLION

from U.S. consumers

Fraudsters are getting more sophisticated in their attacks, using stealthier and more complex schemes

© 2018 Javelin Strategy & Research, Identity Fraud Study

Independently produced by: **JAVELIN**

MONTANA



ID Theft Cont.

- Our Goal here at the State of Montana is to protect the:
 - Customer,
 - Employee, and
 - Business partners

To protect your sensitive information, follow privacy policies, and report any suspected violations IMMEDIATELY!



Spamming and Phishing

- **Spam** is the electronic equivalent of the 'junk mail' that arrives on your doormat or in your postbox. However, **spam** is more than just annoying. It can be dangerous – especially if it's part of a **phishing** scam. ...
Phishing scams run – in order to obtain passwords, credit card numbers, bank account details and more.



Phishing



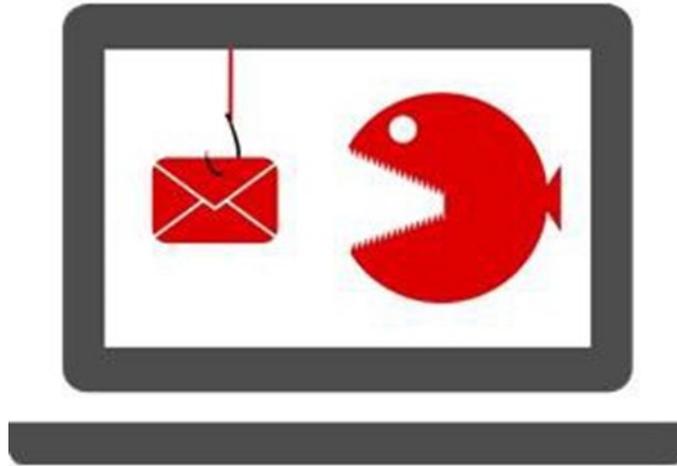
Phishing:

More than 90% of data breaches are initiated by phishing attacks, and over 30% of phishing emails are opened, making phishing the most common and effective form of social engineering.



Don't click so fast.....

- Examine a message, no matter the delivery method, to ensure that it is legitimate before opening the email or responding.



Malware

- **Malware** is a piece of malicious software which takes over a person's computer in order to spread the bug onto other people's devices and profiles.
- <https://youtu.be/wZwxxdXmazz>



Who's responsible??

WE ALL ARE

Cyber Security is not just a job for IT staff, it is everyone's responsibility within our organization. This extends to our partners and constituents.

The better we maintain a secure infrastructure, the better off we all are.

It is important to provide training opportunities, re-evaluate our systems for any new weaknesses and reduce our security risks where ever possible.





- MAKE YOUR **PASSWORD** LONG. (use a title of your favorite book, or movie)
- MAKE YOUR **PASSWORD** A NONSENSE PHRASE.
- INCLUDE NUMBERS, SYMBOLS, AND UPPERCASE AND LOWERCASE LETTERS.
- AVOID USING OBVIOUS PERSONAL INFORMATION.
- DO NOT REUSE **PASSWORDS**.
- START USING A **PASSWORD** MANAGER.
- KEEP YOUR **PASSWORD** UNDER WRAPS.
- CHANGE YOUR **PASSWORDS** REGULARLY



Reminders

- Your password expires every sixty (60) days. It may benefit you to put a reminder on your calendar.
- Remember to log into your email prior to your password expiring.
- When updating your password make sure it's 12 or more characters.



Call for help:

- Rachel Young
 - Board Officer
406-841-2867
- Terry Meagher
IT Security Manager
406-841-2722



Department of Commerce Contacts

Scott Osterman, Director
Department of Commerce
301 S. Park Ave.
Helena, MT 59620
(406) 841-2745
scott.osterman@mt.gov

Becky Anseth, Interim Division Administrator
Infrastructure Manager
Community MT Division
301 S. Park Ave.
Helena, MT 59620
(406) 841-2865
banseth@mt.gov

Rachel Young, Board Officer
Montana Coal Board
Community MT Division
301 S. Park Ave.
Helena, MT 59620
(406) 841-2867
rachel.young@mt.gov

Coal Board e-mail: DOCCDD@mt.gov