

HOUSE BILL NO. 5
 INTRODUCED BY M. MCCANN
 BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2003; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AMENDING SECTION 4, CHAPTER 469, LAWS OF 1997, AND SECTION 2, CHAPTER 557, LAWS OF 1999; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Definitions. For the purposes of [sections 1 through 11], unless otherwise stated, the following definitions apply:

- (1) "Capital project" means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 11].
- (2) "LRBP" means the long-range building program account in the capital projects fund type.
- (3) "Other funding sources" means money other than LRBP money, including special revenue fund money, that accrues to an agency under the provisions of law.

NEW SECTION. Section 2. Capital projects appropriations. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources
DEPARTMENT OF ADMINISTRATION		
Life Safety Projects, Statewide	\$400,000	\$
Hazardous Material Mitigation Fund	350,000	
Roof Replacements or Repairs, Statewide	499,000	
Project Litigation Fund	475,000	
Museum Study/Design	1,000,000	State Special Revenue
Capitol Complex Land Acquisition		400,000 Capitol Land Grant Revenue
DEPARTMENT OF CORRECTIONS		

New Female Dormitory Wing at	85,000		
Boot Camp, TSCTG			
<u>CONSTRUCTION OF CENTRAL RECEPTION UNIT</u>		<u>1,000,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
Administrative Facility Repair and Maintenance		764,000	State Special Revenue
DEPARTMENT OF JUSTICE			
Upgrade Foundations and Boiler, MLEA	200,000		
DEPARTMENT OF MILITARY AFFAIRS			
Construct New Dillon Armory		3,800,000	Federal Special Revenue
<u>CONSTRUCT NEW KALISPELL ARMORY</u>		<u>3,700,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
MONTANA UNIVERSITIES AND COLLEGES			
Replace Primary Power Distribution System, UM-Dillon	162,750	59,375	Auxiliary
Roof Replacements or Repairs, University System	426,000		
Heating Plant Steam Distribution, Phase II, UM-Tech	438,750	236,250	Auxiliary
<u>CHEMISTRY BUILDING ADDITION, UM-MISSOULA</u>		<u>3,200,000</u>	<u>FEDERAL, DONATIONS, GRANTS, NONSTATE FUNDS, PLANT FUNDS</u>
<u>ALL OPERATING AND MAINTENANCE EXPENSES OF THE CHEMISTRY BUILDING ADDITION ARE TO BE PAID BY THE UNIVERSITY OF MONTANA-MISSOULA. APPROPRIATION AUTHORITY IN EXCESS OF FUNDS PLEDGED FOR THIS PROJECT AS OF JUNE 30, 2003, MUST BE REVERTED.</u>			
Master Plan Campuses, University System	450,000 <u>100,000</u>	150,000	Higher Education Funds, Federal, Donations, Grants, Auxiliary, Plant Funds
<u>THIS PROJECT WILL FOCUS ON MAXIMIZING USE OF EXISTING BUILDINGS ON THE CAMPUSES.</u>			
Animal and Range Science Facility, MSU-Bozeman		5,000,000	Higher Education Funds, Federal, Donations, Grants, Nonstate Funds, Plant Funds
<u>GAINES HALL RENOVATION/ADDITION PROJECT DESIGN, MSU-BOZEMAN</u>		<u>2,000,000</u>	<u>FEDERAL, DONATIONS, GRANTS,</u>

NONSTATE FUNDS, PLANT FUNDS

<u>AGRICULTURAL EXPERIMENT STATION, MSU-BOZEMAN</u>	<u>1,000,000</u>	<u>FEDERAL, DONATIONS, GRANTS,</u> <u>NONSTATE FUNDS, PLANT FUNDS</u>
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DEVELOP CLASSROOM/LAB DESIGN,

MSU-COT, BILLINGS 50,000

<u>Fine Arts Museum Remodel/Upgrade,</u> <u>UM-Missoula</u>	<u>5,000,000</u>	<u>Federal, Donations,</u> <u>Nonstate Funds, Plant Funds</u>
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<u>Multi Media Center, Yellow Bay,</u> <u>UM-Missoula</u>	<u>1,350,000</u>	<u>Federal, Donations, Grants,</u> <u>Nonstate Funds, Plant Funds</u>
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ALL CONSTRUCTION, OPERATION, AND MAINTENANCE EXPENSES OF THE YELLOW BAY MULTI MEDIA CENTER ARE TO BE PAID BY THE CENTER.

<u>International Center,</u> <u>UM-Missoula</u>	<u>1,250,000</u>	<u>Federal, Donations, Grants,</u> <u>Nonstate Funds, Plant Funds</u>
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<u>Law Building Renovation/Expansion,</u> <u>UM-Missoula</u>	<u>5,000,000</u>	<u>Federal, Donations, Grants,</u> <u>Nonstate Funds, Plant Funds</u>
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ALL OPERATING AND MAINTENANCE EXPENSES OF THE LAW BUILDING ~~IS~~ ADDITION ARE TO BE PAID BY THE UNIVERSITY OF MONTANA-MISSOULA.

<u>School of Journalism Building,</u> <u>UM-Missoula</u>	<u>12,000,000</u>	<u>Federal, Donations, Grants,</u> <u>Nonstate Funds, Plant Funds</u>
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APPROPRIATION AUTHORITY IN EXCESS OF FUNDS PLEDGED FOR THIS PROJECT AS OF JUNE 30, 2005, MUST BE REVERTED. ALL OPERATING AND MAINTENANCE EXPENSES OF THE SCHOOL OF JOURNALISM BUILDING ARE TO BE PAID BY THE UNIVERSITY OF MONTANA-MISSOULA.

<u>Construct Applied Technology Center,</u> <u>MSU-Northern</u>	<u>4,125,000</u> <u>2,000,000</u>	<u>Federal, Donations, Grants,</u> <u>Nonstate Funds, Plant Funds</u>
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3,000,000

<u>INSTALL PBS DIGITAL CONVERSION, MSU-BOZEMAN</u>	<u>3,059,455</u>	<u>FEDERAL, DONATIONS, GRANTS,</u> <u>NONSTATE FUNDS, PLANT FUNDS</u>
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THE UNIVERSITY SYSTEM AND THE INFORMATION SERVICES DIVISION OF THE DEPARTMENT OF ADMINISTRATION WILL WORK TOGETHER TO DEVELOP NETWORK PLANS OR PROCEDURES THAT PROVIDE FOR THE HIGHEST DEGREE OF BANDWIDTH AND COST-SHARING CAPABILITY BETWEEN THE UNIVERSITY SYSTEM AND THE DEPARTMENT THAT IS WITHIN TECHNICAL SPECIFICATIONS AGREED TO BY THE PARTIES AND IS MUTUALLY BENEFICIAL TO THEM. THIS OBLIGATION TO

COOPERATE AND COORDINATE FOR THE PURPOSE OF SEEKING MUTUALLY BENEFICIAL NETWORK ARRANGEMENTS APPLIES TO THE INTERCITY TRANSPORT SERVICES ACQUIRED BY THE UNIVERSITY SYSTEM OR THE DEPARTMENT OF ADMINISTRATION TO MEET THE NEEDS OF THE PUBLIC BROADCAST SYSTEM, INCLUDING THE UTILIZATION AND SHARING OF EXCESS CAPACITY BANDWIDTH TO HELP MEET THE TELECOMMUNICATION NEEDS OF ALL STATE AGENCIES IN A MANNER THAT IS BOTH COST-EFFECTIVE AND COMPATIBLE WITH THE EFFICIENT OPERATION OF THE PUBLIC BROADCAST SYSTEM.

DEVELOP DESIGN TO EXPAND COT,

UM-COT, HELENA 125,000

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Expand Unit Office, Libby 94,000

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Licensure Compliance, MMHNCC 524,000

~~Paving and Improvements at Eastmont,~~ ~~200,000~~

Glendive

Montana Veterans' Home Improvements, 223,875 State Special Revenue

Columbia Falls 165,875

Eastern Montana Veterans' Home 177,800 State Special Revenue

Improvements, Glendive

THE LEGISLATURE CONSENTS TO THE CONSTRUCTION OF THE GOOD SHEPHERD CHAPEL AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER WITH DONATED FUNDS. THE CONSTRUCTION OF THE CHAPEL IS EXEMPT FROM PROVISIONS OF TITLE 18.

STATE BOARD OF EDUCATION

Facility Improvements, Montana 315,160

School for the Deaf and Blind

DEPARTMENT OF TRANSPORTATION

Construct Equipment Storage Buildings, 2,700,000 Highways State
Statewide Special Revenue

(2) THE MONTANA STATE UNIVERSITY AGRICULTURAL EXPERIMENT STATION SHALL USE THESE FUNDS TO CONSTRUCT AND REPAIR VARIOUS EXPERIMENT STATION BUILDINGS AT THE FOLLOWING LOCATIONS: \$1,250,000 FOR HUNTLEY, \$180,000 FOR MOCCASIN, \$200,000 FOR HAVRE, \$210,000 FOR SIDNEY, AND \$160,000 FOR KALISPELL. THE AMOUNT OF \$1 MILLION FOR THESE PROJECTS WILL BE FUNDED FROM NON-LRBP SOURCES, AND THE AMOUNT OF \$1 MILLION WILL BE FUNDED FROM CPF IN HOUSE BILL NO. 14.

~~(2)(3) Funding for the Museum Study/Design project in subsection (1) is contingent on passage and approval of House Bill No. 16.~~

~~(3)(4)(3) For purposes of obtaining cash for the construction litigation appropriation authority in subsection (1), the architecture and engineering division of the department of administration may transfer any excess LRBP money from an agency as long as the transfer does not move funds required to complete any authorized agency project.~~

~~————(4) Inmate labor will be used for the construction of the new female dormitory wing at the treasure state correctional training center in subsection (1).~~

~~————(5) If ___ Bill No. ___ [LC 479] and [this act] are passed and approved, the following projects are appropriated from the LRBP funding to the department of administration in addition to the projects listed in subsection (1):~~

(5)(4) THE FOLLOWING PROJECTS ARE APPROPRIATED FROM THE LRBP FUNDING TO THE DEPARTMENT OF ADMINISTRATION, IN ADDITION TO THE PROJECTS LISTED IN SUBSECTION (1), BY THE DECREASE IN BOND DEBT SERVICE PAID FROM THE LRBP IN HOUSE BILL NO. 14:

Agency/Project	LRBP	Other Funding Sources
DEPARTMENT OF ADMINISTRATION		
Life Safety Projects, Statewide	\$450,000	
	<u>\$300,000</u>	
Hazardous Material Mitigation, Statewide	1,000,000	
	<u>90,000</u>	
Roof Replacements or Repairs, Statewide	150,000	
Project Litigation Fund	25,000	
MONTANA UNIVERSITIES AND COLLEGES		
Code Compliance/Deferred	1,100,000	
Maintenance, All Campuses	<u>550,000</u>	
<u>DEVELOP DESIGN TO EXPAND COT,</u>		
<u>UM-COT, HELENA</u>	<u>240,000</u>	
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
SWLO, Missoula Unit Improvements	150,000	
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
Paving and Improvements at Eastmont,	103,300	

Glendive

NEW SECTION. Section 3. Land acquisition appropriations. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land leasing, easement purchase, or development agreement:

Agency/Project	LRBP	Other Funding Sources
Fishing Access Site Acquisition, Statewide		\$600,000 State Special Revenue
Habitat Montana		4,800,000 State Special Revenue
Big Horn Sheep Program		25,000 State Special Revenue

(2) WHEN NEGOTIATING THE PURCHASE OF ANY CONSERVATION EASEMENT, EXCEPT A CONSERVATION EASEMENT THAT IS COST-SHARED USING A FUNDING SOURCE THAT REQUIRES A PERPETUAL CONSERVATION EASEMENT, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS TO INCLUDE IN THE NEGOTIATION AN ALTERNATIVE FOR A TEMPORARY CONSERVATION EASEMENT. SELECTION OF COST AND TIME FOR THIS ALTERNATIVE MUST BE MUTUALLY AGREED TO BY THE PARTIES TO THE EASEMENT.

NEW SECTION. Section 4. Dam. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amount for the following dam:

Agency/Project	LRBP	Other Funding Sources
Park/Bearpaw Lakes Dam Repair		\$210,000 State Special Revenue

(2) In accordance with 85-1-101, the department of natural resources and conservation shall coordinate and manage the projects.

NEW SECTION. Section 5. Capital improvements. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Fishing Access Site Maintenance, Statewide		\$275,000 State Special Revenue
Fishing Access Site Protection, Statewide		600,000 State Special Revenue
		100,000 Federal Special Revenue
Hatchery Maintenance, Statewide		575,000 State Special Revenue
Future Fisheries		2,010,000 State Special Revenue

Valier Boat Ramp	150,000	Federal Special Revenue
Wildlife Habitat Maintenance	750,000	State Special Revenue
Waterfowl Stamp Program	230,000	State Special Revenue
	<u>342,950</u>	

IF SENATE BILL NO. 238 IS NOT PASSED AND APPROVED, THE AMOUNT LISTED IN STATE SPECIAL REVENUE FOR THIS ITEM IS REDUCED BY \$112,950.

Upland Game Bird Program	1,200,000	State Special Revenue
GARA-Wildlife	2,120,000	Federal Special Revenue
Cultural and Historic Parks	4,755,000	State Special Revenue
	<u>1,060,000</u>	
	150,000	Federal Special Revenue
Motorboat Recreation	754,650	State Special Revenue
	<u>1,039,650</u>	

IF HOUSE BILL NO. 132 IS NOT PASSED AND APPROVED, THE AMOUNT LISTED IN STATE SPECIAL REVENUE FOR THIS ITEM IS REDUCED BY \$285,000.

	505,000	Federal Special Revenue
Federal WB	745,000	Federal Special Revenue
Lewis and Clark Bicentennial	500,000	General Fund
State Park Roads	400,000	State Special Revenue
Capitol Complex Grounds Improvements	150,000	Capitol Land Grant Revenue
LWCF Grants	570,000	Federal Special Revenue
Federal Trails Grants	1,900,000	Federal Special Revenue
OHV Trails Grants	425,000	State Special Revenue
GARA-LWCF	6,546,000	Federal Special Revenue
<u>LWCF GRANTS</u>	<u>2,250,000</u>	<u>FEDERAL SPECIAL REVENUE</u>

(2) The following money is appropriated to the department of military affairs in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Federal Spending Authority		\$1,500,000 Federal Special Revenue

(3) The following money is appropriated to the university of Montana in the indicated amounts for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
Grant Projects, All Campuses	\$1,500,000	Federal, Donations, Grants
ADA Code/Deferred Maintenance, All Campuses	1,000,000	Federal, Donations, Grants

(4) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Maintenance, Repair, and Small Projects, Statewide	\$2,800,000 \$2,300,000	Highways State Special Revenue

NEW SECTION. **Section 6. Transfer of funds.** The department of fish, wildlife, and parks and the department of military affairs are authorized to transfer money appropriated in [sections 3 through 5] among fund types.

NEW SECTION. **Section 7. Capital land grant revenue.** The appropriations of \$400,000 in capitol land grant revenue to the department of administration for capitol complex land acquisition and \$150,000 to the department of fish, wildlife, and parks for capitol complex grounds improvements are the last priorities for use of these funds during the 2003 biennium and are dependent upon the availability of revenue. If necessary, the projects may be phased in as capitol land grant revenue becomes available. The department of administration architecture and engineering division will set priorities for revenue available for the two projects.

NEW SECTION. **Section 8. Planning and design.** The department of administration may proceed with the planning and design of capital projects prior to the receipt of other funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of other funding sources.

NEW SECTION. **Section 9. Capital projects -- contingent funds.** If a capital project is financed, in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of administration may not let the projects for bid until the agency has submitted a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

- (1) the level of funding provided under the financial plan deviates substantially from the funding level

provided in [sections 2 through 5] for that project; or

(2) the scope of the project is substantially altered or revised from the preliminary plans presented for that project in the 2003 biennium long-range building program presented to the 57th legislature.

NEW SECTION. Section 10. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized in [sections 2 through 5] for potential inclusion in the state energy conservation program. When review shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for cofunding consideration. Cofunding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings resulting from the facility improvement. Agencies must be notified of potential cofunding after the review.

NEW SECTION. Section 11. Legislative consent. The appropriations authorized in [sections 1 through 10] constitute legislative consent for the capital projects contained in [sections 1 through 10] within the meaning of 18-2-102.

SECTION 12. SECTION 4(3), CHAPTER 469, LAWS OF 1997, IS AMENDED TO READ:

"Section 4. Capital improvements.

(3) ~~(a)~~ The following money is appropriated to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources	
Authority Only Projects,		Academic Building Fees,	
Montana State University	\$19,000,000	Indirect Cost Recovery,	
	\$4,500,000	\$4,500,000	Federal, Private, Plant Funds

~~———— (b) It is the intent of the 55th legislature that 100% of all future operations and maintenance costs for the classroom-laboratory building authorized in the amount of \$19,000,000 at MSU-Bozeman be funded by Montana state university and that none be funded with general fund money."~~

SECTION 13. SECTION 2(1), CHAPTER 557, LAWS OF 1999, IS AMENDED TO READ:

"Section 2. Capital projects appropriations. (1) Except as provided in subsection (4)(c), the following money is appropriated for the indicated capital projects from the indicated sources to the department of

administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources	
DEPARTMENT OF ADMINISTRATION			
Health and Safety Projects, Statewide	\$730,000	\$250,000	Auxiliary
Hazardous Material Remediation, Statewide	300,000		
Roof Replacements or Repairs, Statewide	521,000		
Facility Assessments, Statewide	100,000	50,000	State Special Revenue
		100,000	Federal Special Revenue
		50,000	Auxiliary
Capital Renovation		1,000,000	Capitol Land Grant Revenue
Renovate Haynes Gallery Area, Historical Society		1,000,000	Donations
DEPARTMENT OF CORRECTIONS			
Expand Women's Prison, MWP		6,475,000	Federal Special Revenue
Missoula Regional Correctional Facility Supplemental		526,497	Federal Special Revenue
Construct Reception Unit, MSP		5,500,000	Federal Special Revenue
		170,000	General Fund
DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
Bluewater Hatchery Renovations		200,000	State Special Revenue
Construct Fort Peck Fish Hatchery		14,640,000	Federal Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Construct New Armory, Kalispell		3,900,000	Federal Special Revenue
Construct New Armory, Bozeman		4,600,000	Federal Special Revenue
MONTANA UNIVERSITY SYSTEM			
Sprinkle Library, UM-Missoula	657,000		
Ventilate and Update Fine Arts Building, UM-Missoula	450,000		
Boiler Upgrade and Ventilation, UM-Tech	530,000	120,000	Auxiliary
Maintain HVAC Systems, MSU-Billings			

and COT-Billings	500,000		
Replace Steam Distribution Piping, UM-Dillon	800,000	400,000	Auxiliary
Upgrade Boiler Controls, UM-Missoula	125,000	100,000	Auxiliary
Roof Replacements or Repairs, University System	1,591,000		
Maintain Main Hall Exterior, UM-Dillon	225,000		
Renovate Cowan Hall, MSU-Northern	511,000		
Addition to Paxson Gallery, UM-Missoula	2,500,000	Higher Education Funds, Federal,	Donations, Grants, Plant Funds
Applied Technology Center Feasibility Study, MSU-Northern	50,000		
Construct Nondenominational Chapel, UM-Tech		1,500,000	Donations
Forestry/Journalism Addition FORESTRY, UM-Missoula	10,000,000	Federal, Donations, Grants,	Plant Funds
Native American Study Center, UM-Missoula		3,500,000	Higher Education Funds, Federal, Donations, Grants, Plant Funds
Life Sciences Building, UM-Missoula		23,000,000	Federal, State, Donations, Grants, Plant Funds
Rural Technology Education Center, UM-Dillon		350,000	Higher Education Funds, Federal, Donations, Grants, Plant Funds
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION			
Lincoln Unit Office/Quarters and Clearwater Egress	125,000		
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES			
Sprinkle MMHNCC, Lewistown	300,000		
Construct Special Care Unit, Montana Veterans' Home		1,179,374	State Special Revenue
Improve Eastern Montana Veterans' Home		290,250	State Special Revenue

Improve Montana Veterans' Home	187,530	State Special Revenue
DEPARTMENT OF TRANSPORTATION		
Construct Equipment Storage Buildings and Roof Replacement at Helena Headquarters, Statewide	2,100,000	Highways State Special Revenue
Construct Core Drilling Building, Helena	1,000,000	Highways State Special Revenue"

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

NEW SECTION. SECTION 15. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 14 IS NOT PASSED AND APPROVED, PROJECTS THAT ARE FUNDED BY A COMBINATION OF FUNDING SOURCES IN BOTH HOUSE BILL NO. 5 AND HOUSE BILL NO. 14 WILL NOT BE AUTHORIZED BY THE GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING UNLESS AN ALTERNATIVE FUNDING SOURCE IS IDENTIFIED TO PROVIDE FULL FUNDING FOR THE PROJECT.

NEW SECTION. **Section 16. Effective date.** [This act] is effective on passage and approval.

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