

## HOUSE BILL NO. 830

INTRODUCED BY KASTEN, TAYLOR, LANGE, SINRUD, MENDENHALL, RIPLEY, WELLS, GLASER

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS AND INFORMATION TECHNOLOGY CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2009; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS TO THE LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FOR A TRANSFER OF FUNDS TO THE FISH, WILDLIFE, AND PARKS CAPITAL PROJECTS ACCOUNT; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE LONG-RANGE INFORMATION TECHNOLOGY PROGRAM ACCOUNT; PROVIDING FOR THE DEVELOPMENT AND ACQUISITION OF NEW INFORMATION TECHNOLOGY SYSTEMS FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, THE DEPARTMENT OF ADMINISTRATION, AND THE JUDICIAL BRANCH; PROVIDING FOR THE REAPPROPRIATION OF LONG-RANGE INFORMATION TECHNOLOGY CAPITAL PROJECT FUNDS; REQUIRING APPROVAL OF PROJECT AND SECURITY PLANS FOR CERTAIN PROJECTS; REVISING CAPITAL PROJECTS AUTHORIZED FOR THE BIENNIUM ENDING JUNE 30, 2007; APPROPRIATING MONEY FROM THE STATE GENERAL FUND FOR ENERGY CONSERVATION PROJECTS IN STATE BUILDINGS; REQUIRING PAYMENT OF ENERGY COST SAVINGS TO A SPECIAL REVENUE ACCOUNT; AMENDING SECTION 2, CHAPTER 560, LAWS OF 2005; REPEALING SECTION 8, CHAPTER 560, LAWS OF 2005; 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 ~~48~~ ~~17~~ ~~18~~ 19], unless otherwise stated, the following definitions apply:

(1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds, proprietary funds, and university funds.

(2) "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 ~~18~~ 17 ~~18~~ 19].

(3) "Chief information officer" has the meaning provided in 2-17-506.

(4) "Information technology" has the meaning provided in 2-17-506.

(5) "Information technology capital project" means a group of interrelated information technology activities that are planned and executed in a structured sequence to create a unique product or service.

(6) "LRBP" means the long-range building program account in the capital projects fund type.

(7) "LRITP" means the long-range information technology program account in the capital projects fund type.

(8) "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 project appropriations and authorizations.** The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer the appropriations and authority among the necessary fund types for these projects:

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Funding Sources	Authority Only	Total
MONTANA SCHOOL FOR THE DEAF AND BLIND						
Replace Boiler	600,000					600,000
DEPARTMENT OF ADMINISTRATION						
Roof Repairs and Replacements, Statewide	3,000,000	392,160	68,040			3,460,200

Code/Deferred Maintenance Projects, Statewide	2,300,000		2,300,000
Hazardous Materials Abatement, Statewide	500,000		500,000
Code/Deferred Maintenance Projects, Capitol Complex			550,000

Authority only funds consist of general services division internal service funds.

Upgrade Fire Protection Systems, Statewide	500,000		500,000
Fire Protection Measures, Capitol Complex			500,000

Authority only funds consist of general services division internal service funds.

Upgrade State Environmental Laboratory, Helena	1,000,000	1,000,000	2,000,000
Repair/Preserve Building Envelopes, Statewide	1,500,000		1,500,000
Campus Infrastructure Projects, Statewide	1,000,000		1,000,000
Mechanical System Improvements, Capitol Complex			1,900,000

Authority only funds consist of general services division internal service funds.

Deferred Maintenance, Phase 2, MT Law Enforcement Academy	500,000		500,000
New Classroom Building, MT Law Enforcement Academy	<del>3,750,000</del>		<del>3,750,000</del>
	<u>1,500,000</u>		<u>1,500,000</u>
	<u>3,750,000</u>		<u>3,750,000</u>

Enterprise System <del>REMOTE</del> Services Centers	<del>20,150,000</del>	<del>4,000,000</del>	<del>24,150,000</del>
	<u>2,500,000</u>		<u>2,500,000</u>
	<u>20,150,000</u>	<u>4,000,000</u>	<u>24,150,000</u>
	<u>5,500,000</u>		<u>9,500,000</u>

~~Other funds consist of capitol land grant funds.~~

OTHER FUNDS CONSIST OF CAPITOL LAND GRANT FUNDS.

THE ENTERPRISE SYSTEM REMOTE SERVICES CENTERS PROJECT MUST BE PERFORMED BY CONTRACTED SERVICES PURSUANT TO TITLE 18, CHAPTER 4.

Campus Master Planning, Statewide	400,000	250,000	650,000
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Authority only funds consist of general services division internal service funds.

Challenge Grant for Super Computer, UM-MT Tech	<del>2,800,000</del>	7,000,000	<del>9,800,000</del>
	<u>259,000</u>		<u>7,259,000</u>

Authority only funds may include federal special revenue, donations, grants, and higher education funds.

## DEPARTMENT OF CORRECTIONS

Housing Unit Upgrades, MT State Prison	1,200,000		1,200,000
Expand Work Dorm, MT State Prison	2,500,000		2,500,000
Expand Food Service Capacity, MT State Prison	1,637,000	293,000	1,930,000

Authority only funds consist of proprietary funds.

## DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Hatchery Maintenance		500,000	500,000
Administrative Facilities Repair & Maintenance		800,000	800,000

## DEPARTMENT OF MILITARY AFFAIRS

Readiness Center, Miles City	2,480,000	7,510,970	9,990,970
Armed Forces Reserve Center, Missoula		30,903,968	30,903,968
Construct Female Showers and Latrines	290,000	290,000	580,000
Montana State Veterans' Cemetery Expansion		1,206,000	1,206,000
Disaster & Emergency Services Mobile Command Post	172,500		172,500

## MONTANA UNIVERSITIES AND COLLEGES

Code Compliance/Deferred Maintenance, MT University System	3,600,000		3,600,000
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Systems Improvements, MT-Tech College of Technology	925,000		925,000
Steam Distribution System Upgrades, Phase 2, UM-Missoula	2,000,000	1,000,000	3,000,000
Authority only funds consist of auxiliary funds.			
Renovate Clapp Building, UM-Missoula	821,000		821,000
Renovate Armory Gym, MSU-Northern	400,000	3,250,000	3,650,000
Authority only funds consist of auxiliary funds.			
Renovate Main Hall, UM-Western	4,500,000		4,500,000
Renovate McMullen Hall, MSU-Billings	1,924,500		1,924,500
Stabilize Masonry, MSU-Bozeman	2,600,000		2,600,000
Deferred Maintenance & Acquisition, MSU-AES, Statewide	400,000	500,000	900,000
Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
Classroom/Laboratory Upgrades, MT University System	2,000,000		2,000,000
Utility Infrastructure Improvements, MSU-Bozeman	500,000	50,000	550,000
Authority only funds consist of auxiliary funds.			
Supplement UM-Helena College of Technology Expansion	<del>3,500,000</del>	135,000	<del>3,635,000</del>
	<u>4,500,000</u>		<u>4,635,000</u>
Authority only funds consist of auxiliary funds.			
Supplement Great Falls College of Technology Addition	3,000,000		3,000,000
<u>SUPPLEMENT BILLINGS COLLEGE OF TECHNOLOGY EXPANSION</u>	<u>2,217,000</u>		<u>2,217,000</u>
<u>AUTO TECH CENTER DESIGN, MSU-NORTHERN</u>	<u>800,000</u>		<u>800,000</u>
Renovate Gaines Hall, MSU-Bozeman	28,500,000		28,500,000
Law School Addition, UM-Missoula	<del>3,450,000</del>	5,050,000	<del>8,500,000</del>

	<u>4,200,000</u>		<u>9,250,000</u>
Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
Augment Petroleum, Bureau of Mines and Geology, UM-MT Tech	<del>3,200,000</del>		<del>3,200,000</del>
	<u>5,200,000</u>		<u>5,200,000</u>
<u>SCHOOL OF JOURNALISM BUILDING, UM-MISSOULA</u>	<u>500,000</u>		<u>500,000</u>
<u>COT LONG-RANGE PLANNING AND INFRASTRUCTURE</u>	<u>2,000,000</u>		<u>2,000,000</u>
Increase Authority, Museum of the Rockies, MSU-Bozeman		3,500,000	3,500,000
Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
School of Education Building, UM-Missoula		7,500,000	7,500,000
Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
New Parking Structure, UM-Missoula		5,000,000	5,000,000
Authority only funds may include federal special revenue, auxiliary, donations, grants, and higher education funds.			
Research Centers and Farms			
Montana Agricultural Extension Services			
Fort Ellis Research and Teaching Farm	184,000	46,000	230,000
Arthur Post Agronomy Farm	400,000	100,000	500,000
Red Bluff Research and Teaching Ranch	170,600	42,650	213,250
Towne Research and Teaching Farm	256,000	64,000	320,000
Central Agricultural Research Center	124,000	31,000	155,000
Eastern Agricultural Research Center	1,600,000	400,000	2,000,000
Northern Agricultural Research Center	1,415,000	353,750	1,768,750
Northwestern Agricultural Research Center	336,000	84,000	420,000

Southern Agricultural Research Center	80,000	20,000	100,000
Western Triangle Agricultural Research Center	240,000	60,000	300,000

Authority is granted to Montana state university in the indicated amounts for the purpose of making capital improvements to the designated facilities.

Authority only funds may include any type of nonstate funding. Every \$4 appropriated for Research Centers and Farms must be matched by \$1 of local funding.

Animal Bioscience Facility, MSU-Bozeman	3,570,000		3,570,000
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DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Receiving Hospital Renovations, MT State Hospital, Warm Springs	5,800,000		5,800,000
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Renovate/Improve Support Services, MT State Hospital	4,500,000		4,500,000
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MT Mental Health Nursing Care Center

Improvements, Lewistown	750,000		750,000
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Montana Veterans' Home Improvements		1,413,000	1,413,000
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Improve Campus, MT State Hospital, Warm Springs	1,280,000		1,280,000
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DEPARTMENT OF TRANSPORTATION

Equipment Storage Buildings, Statewide		2,700,000	2,700,000
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DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Code/Deferred Maintenance and Small Projects,	750,000		750,000
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DNRC Unit Campuses, Statewide

Co-locate DNRC/DEQ, Kalispell	3,500,000		3,500,000
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Consolidate DNRC Divisions, Missoula	2,000,000		2,000,000
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Building Addition, Billings Oil and Gas Office		750,000	750,000
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DEPARTMENT OF JUSTICE

Purchase Forensic Science Lab Building	7,750,000	7,750,000
	<u>7,250,000</u>	<u>7,250,000</u>

**NEW SECTION. Section 3. Fund transfers.** (1) Subject to subsection ~~(4)~~ ~~(3)~~ (4), there is transferred from the state general fund ~~\$59,313~~ ~~\$46,838~~ ~~\$64,488~~ \$62,684 million in fiscal year 2008 and ~~\$59,313~~ \$46,838 million in fiscal year 2009 to the long-range building program account in the capital projects fund type for the projects enumerated in [section 2].

~~————(2) Subject to subsection (4), there is transferred from the state general fund \$2.75 million in fiscal year 2008 and \$2.75 million in fiscal year 2009 to the fish, wildlife, and parks capital projects account in the capital projects fund type for the projects enumerated in [section 5].~~

(2) SUBJECT TO SUBSECTION (4), THERE IS TRANSFERRED FROM THE STATE GENERAL FUND \$3.75 MILLION IN FISCAL YEAR 2008 AND \$3.75 MILLION IN FISCAL YEAR 2009 TO THE FISH, WILDLIFE, AND PARKS CAPITAL PROJECTS ACCOUNT IN THE CAPITAL PROJECTS FUND TYPE FOR THE PROJECTS ENUMERATED IN [SECTION 5].

~~(3)~~ ~~(2)~~ ~~(3)~~ Subject to subsection ~~(4)~~ ~~(3)~~ (4), the following amounts are transferred from the general fund to the LRITP in the capital projects fund type:

- (a) ~~\$3,200,000~~ \$2,100,000, on [the effective date of this act];
- (b) ~~\$13,831,965~~ \$9,115,400 for fiscal year 2008; and
- (c) ~~\$33,505,165~~ ~~\$20,318,035~~ ~~\$26,141,165~~ \$29,193,600 for fiscal year 2009.

~~(4)~~ ~~(3)~~ (4) In order to maintain an adequate ending fund balance, if at any time during the 2009 biennium, the office of budget and program planning projects a 2009 biennium unreserved ending general fund balance of less than \$100 million, the office of budget and program planning may direct the department of administration to reduce the fund transfers in subsections (1) ~~through (3)~~ ~~AND (2) THROUGH (3)~~. The department of administration shall transfer the funds on a schedule approved by the office of budget and program planning that enables the statewide management goals for cash flow and for fund balance. If the projected unreserved general fund ending fund balance increases at a later point in the biennium, the fund transfers may be increased back up to the original authorized level. The office of budget and program planning may not direct fund transfers to be reduced below the level of encumbrance obligations made against the appropriation at the time of the reduction.



~~(5)(4)(5)~~ There is transferred from the general fund to the LRITP, ~~\$3,935,000~~ \$2,909,470 for fiscal year 2008 to be used for the projects in [section ~~15~~ 14 ~~15~~ 16].

NEW SECTION. **Section 4. 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. Funds not requiring legislative appropriation are included for the purpose of authorization:

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Funding Sources	Authority Only	Total
Future Fisheries		1,314,000				1,314,000
Fishing Access Site Maintenance		350,000				350,000
Fishing Access Site Protection		800,000				800,000
Community Fishing Ponds		50,000				50,000
Upland Game Bird Program		1,258,000				1,258,000
Wildlife Habitat Maintenance		1,200,000				1,200,000
Migratory Bird Stamp Program		360,000				360,000
Bighorn Sheep		250,000				250,000
Parks Program	500,000	4,950,000	2,300,000			7,750,000
Grant Programs/Federal Projects		320,000	2,800,000			3,120,000

(2) Authority is being granted to the university of Montana in the indicated amount for the purpose of making capital improvements to campus facilities. Authority only funds may include federal special revenue, donations, grants, and higher education funds. All costs for the operations and maintenance of any new improvements constructed under this authorization must be paid by the university of Montana with nonstate revenue.

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Funding Sources	Authority Only	Total
General Spending Authority, UM-All Campuses					4,000,000	4,000,000

(3) Authority is being granted to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities. Authority only funds may include federal special revenue, donations, grants, and higher education funds. All costs for the operations and maintenance of any new improvements constructed under this authorization must be paid by Montana state university with nonstate revenue.

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Funding Sources	Authority Only	Total
General Spending Authority, MSU-All Campuses					5,000,000	5,000,000

(4) 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. All costs for the operation and maintenance of any new improvements constructed with these funds must be paid by the department of military affairs with nonstate revenue.

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Funding Sources	Authority Only	Total
Federal Spending Authority			2,000,000			2,000,000

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

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Funding Sources	Authority Only	Total
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	Revenue	Revenue	Sources	
Statewide Maintenance Repair & Small Projects	1,050,000			1,050,000
US Highway 93 Projects	26,000,000			26,000,000

(6) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE, MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION,

IN THE INDICATED AMOUNTS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS TO FACILITIES LOCATED IN VIRGINIA CITY AND NEVADA CITY:

<u>AGENCY/PROJECT</u>	<u>LRBP</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>OTHER</u>	<u>AUTHORITY</u>	<u>TOTAL</u>
	<u>FUND</u>	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>FUNDING</u>	<u>ONLY</u>	
		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>		
<u>HISTORIC PRESERVATION AND SUPPORTING IMPROVEMENTS, VIRGINIA AND NEVADA CITIES</u>						
		<u>3,000,000</u>				<u>3,000,000</u>

NEW SECTION. Section 5. Land acquisition appropriations. 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	State	Federal	Other	Authority	Total
	Fund	Special	Special	Funding	Only	
		Revenue	Revenue	Sources		
Fishing Access Site Acquisition		460,000	100,000			560,000
Habitat Montana		6,180,000				6,180,000
<del>Access Montana</del>				<del>5,500,000</del>		<del>5,500,000</del>
<u>ACCESS MONTANA</u>				<u>7,500,000</u>		<u>7,500,000</u>

Other funds consist of fish, wildlife, and parks capital projects funds.

NEW SECTION. Section 6. Dams. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amount for department dams:

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Funding Sources	Authority Only	Total
FWP Dams Repair		100,000				100,000

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

NEW SECTION. Section 7. Bridge. The following money is appropriated to the department of natural resources and conservation in the indicated amount for department bridge projects:

Agency/Project	LRBP Fund	State Special Revenue	Federal Special Revenue	Other Funding Sources	Authority Only	Total
Bridge Replacement/Repair		750,000				750,000

NEW SECTION. Section 8. Transfer of funds. The department of fish, wildlife, and parks and the department of transportation are authorized to transfer the appropriations and/or authority in [sections 4 through 6] among the necessary fund types for these projects.

~~NEW SECTION. Section 9. Capitol land grant revenue. The appropriation of \$4 million in capitol land grant revenue to the department of administration for the enterprise system services centers is the last priority for use of these funds during the 2009 biennium and is dependent upon the availability of revenue. If necessary, the department of administration, architecture and engineering division, shall reduce the project in scope or phase in the project as capitol land grant revenue becomes available.~~

NEW SECTION. SECTION 9. CAPITOL LAND GRANT REVENUE. THE APPROPRIATION OF \$4 MILLION IN CAPITOL LAND GRANT REVENUE TO THE DEPARTMENT OF ADMINISTRATION FOR THE ENTERPRISE SYSTEM SERVICES CENTERS IS THE LAST PRIORITY FOR THE USE OF THESE FUNDS DURING THE 2009 BIENNIUM AND IS DEPENDENT UPON THE AVAILABILITY OF REVENUE. IF NECESSARY, THE DEPARTMENT OF ADMINISTRATION, ARCHITECTURE AND ENGINEERING DIVISION, SHALL REDUCE THE PROJECT IN SCOPE OR PHASE AS CAPITOL LAND GRANT REVENUE BECOMES AVAILABLE.

NEW SECTION. Section 10. 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 11. 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 project 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 7] 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 2009 biennium long-range building program presented to the 60th legislature.

NEW SECTION. Section 12. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized in [sections 2 through 7] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration. Funding 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 funding after the review.

**NEW SECTION. Section 13. Sale of Missoula armory.** All proceeds derived from the sale of the national guard armory located in Missoula must be deposited in the general fund. Up to \$3.5 million of those proceeds is appropriated to the department of military affairs to pay the costs associated with the sale of the armory, to lease or otherwise provide replacement space for soldiers until a new facility is complete, and for the purchase of land for the new Missoula armed forces reserve center.

**NEW SECTION. Section 14. Information technology appropriations and authorizations.** (1) All business application systems funded under this section must have a plan approved by the chief information officer for the design, definition, creation, storage, and security of the data associated with the application system. The security aspects of the plan must address but are not limited to authentication and granting of system privileges, safeguards against unauthorized access to or disclosure of sensitive information, and, consistent with state records retention policies, plans for the removal of sensitive data from the system when it is no longer needed. It is the intent of this subsection that specific consideration be given to the potential sharing of data with other state agencies in the design, definition, creation, storage, and security of the data.

(2) Funds may not be released for the project until the chief information officer and budget director approve the plans described in subsection (1).

(3) The following money is appropriated to the department of administration for the indicated information technology capital projects.

Agency/Project	LRITP	Federal Special Revenue	Total
DEPARTMENT OF ADMINISTRATION			
Northern Tier Network Expansion	7,823,130	-----	7,823,130
	<del>3,000,000</del>		<del>3,000,000</del>
	<u>7,823,130</u>		<u>7,823,130</u>
	<u>2,100,000</u>		<u>2,100,000</u>

Statewide E911 Network	4,000,000		4,000,000
	<del>3,000,000</del>		<del>3,000,000</del>
	4,000,000		4,000,000
Public Safety Radio Consortium	5,000,000		5,000,000
	4,595,000		4,595,000
Public Safety Radio Interoperability	3,500,000		3,500,000
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES			
TANF Eligibility System	7,625,000	8,600,000	16,225,000
	<del>5,000,000</del>		<del>13,600,000</del>
	7,625,000		16,225,000
CHIMES System (completion)	550,000	550,000	1,100,000
Food Stamps System	6,535,000	6,535,000	13,070,000
	<del>4,500,000</del>	<del>4,500,000</del>	<del>9,000,000</del>
	6,535,000	6,535,000	13,070,000
Child & Adult Protective Services (CAPS) System	15,204,000	11,946,000	27,150,000
	<del>12,500,000</del>	<del>9,821,000</del>	<del>22,321,000</del>
	15,204,000	11,946,000	27,150,000
ICD 10 (Medicaid Disease Codes)	300,000	2,700,000	3,000,000

~~THE NORTHERN TIER NETWORK EXPANSION APPROPRIATION IS RESTRICTED FOR RURAL NETWORK EXPANSION. THIS APPROPRIATION MAY NOT BE USED FOR BACKBONE. THE NORTHERN TIER NETWORK EXPANSION PROJECT MUST BE PERFORMED BY CONTRACTED SERVICES PURSUANT TO TITLE 18, CHAPTER 4.~~

~~THE STATEWIDE E911 NETWORK PROJECT MUST BE PERFORMED BY CONTRACTED SERVICES PURSUANT TO TITLE 18, CHAPTER 4. THE AMOUNT OF \$1.5 \$2 MILLION OF THE E911 APPROPRIATION MUST USED FOR THE PURCHASE, INSTALLATION, AND MAINTENANCE OF THE POSITION- DETERMINING EQUIPMENT ON THE EXISTING~~

~~STATEWIDE E911 NETWORK, AND \$1.5 \$2 MILLION MUST BE DISTRIBUTED TO COUNTIES. THE FUNDS MAY NOT BE USED TO PAY FOR EARLY TERMINATION FEES ON EXISTING CONTRACTS. SIXTEEN PERCENT OF THE AMOUNT DISTRIBUTED TO COUNTIES MUST BE DISTRIBUTED EVENLY TO THE 56 COUNTIES, AND 84% MUST BE DISTRIBUTED TO COUNTIES WITH 1% OR LESS OF THE TOTAL POPULATION. TO BE ELIGIBLE FOR E911 NETWORK FUNDING, A COUNTY MUST HAVE AN APPROVED ENHANCED 9-1-1 PLAN IN ACCORDANCE WITH 10-4-125.~~

~~(4) THERE IS APPROPRIATED TO THE DEPARTMENT OF ADMINISTRATION \$1.305 MILLION FROM THE STATE GENERAL FUND FOR THE OPERATING COSTS ASSOCIATED WITH THE NORTHERN TIER NETWORK EXPANSION AND THE PUBLIC SAFETY RADIO CONSORTIUM PROJECTS LISTED IN SUBSECTION (3). IF THIS APPROPRIATION IS NOT FULLY EXPENDED FOR OPERATING COSTS, THEN THE REMAINING FUNDS MAY BE USED TO COMPLETE THE NORTHERN TIER NETWORK EXPANSION AND PUBLIC SAFETY RADIO CONSORTIUM PROJECTS IN SUBSECTION (3).~~

~~**NEW SECTION. SECTION 15. RESTRICTIONS ON INFORMATION TECHNOLOGY APPROPRIATIONS.** THE NORTHERN TIER NETWORK EXPANSION APPROPRIATION IS RESTRICTED BY THE FOLLOWING CONDITIONS:~~

~~(1) ALL EXPENDITURES OF THE NORTHERN TIER NETWORK EXPANSION APPROPRIATION FOR THE STATEWIDE TELECOMMUNICATIONS NETWORK, AS DEFINED IN 2-17-506, MUST BE IN ACCORDANCE WITH THE PROVISIONS OF TITLE 18, CHAPTER 4.~~

~~(2) A REQUEST FOR INFORMATION MUST BE ISSUED TO ASSIST IN DETERMINING THE MOST COST-EFFECTIVE AND SCALABLE NETWORK THAT MEETS THE STATE AND UNIVERSITY NEEDS.~~

~~(3) THE STATEWIDE TELECOMMUNICATIONS NETWORK IS LIMITED TO USE BY STATE GOVERNMENT AGENCIES, POLITICAL SUBDIVISIONS, AND OTHER PARTICIPATING ENTITIES TO SUPPORT THEIR PROGRAM, EDUCATION, AND RESEARCH NEEDS AS PROVIDED IN 2-17-512. ALL ENTITIES THAT ARE PERMITTED TO USE THE STATEWIDE TELECOMMUNICATIONS NETWORK MUST BE QUALIFIED UNDER TERMS AND CONDITIONS ESTABLISHED BY THE DEPARTMENT OF ADMINISTRATION IN ACCORDANCE WITH TITLE 2, CHAPTER 17.~~

~~(4) ON BEHALF OF THE MONTANA UNIVERSITY SYSTEM, THE DEPARTMENT OF ADMINISTRATION MAY ENTER INTO AGREEMENTS WITH EDUCATIONAL OR RESEARCH INSTITUTIONS IN OTHER STATES TO USE THE CAPACITY OF THE STATEWIDE TELECOMMUNICATIONS NETWORK TO MEET THEIR MUTUAL NEEDS FOR RESEARCH AND EDUCATION.~~



(5) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), THE STATEWIDE TELECOMMUNICATIONS NETWORK CANNOT BE USED TO PROVIDE STATEWIDE TELECOMMUNICATIONS NETWORK SERVICES TO ANY ENTITY NOT AUTHORIZED IN SUBSECTION (3) FOR THE PURPOSE OF USING ANY EXCESS CAPACITY THAT MAY BE AVAILABLE.

**NEW SECTION. Section 16. Judicial branch information technology capital projects appropriation.** (1) There is appropriated to the supreme court ~~\$3,935,000~~ \$2,909,470 from the LRITP for case management improvements and courtroom technology improvements in the judicial branch.

(2) Before encumbering any funds appropriated in subsection (1), the office of court administrator shall submit a project and security plan, as described in [section ~~14(1)~~ ~~13(1)~~ 14(1)], to the chief information officer. The chief information officer shall promptly review the plan and, if necessary, make timely recommendations to the office of court administrator regarding implementation of the plan.

(3) As part of the annual report to the law and justice interim committee and house appropriations subcommittee required under 3-1-702, the office of court administrator shall include an update on the implementation of projects funded under this section.

(4) THERE IS APPROPRIATED TO THE JUDICIAL BRANCH \$1,025,530 FROM THE STATE GENERAL FUND FOR OPERATING COSTS ASSOCIATED WITH THE JUDICIAL BRANCH INFORMATION TECHNOLOGY PROJECT IN SUBSECTION (1). IF THIS APPROPRIATION IS NOT FULLY EXPENDED FOR OPERATING COSTS, THEN THE REMAINING FUNDS MAY BE USED TO COMPLETE THE JUDICIAL BRANCH PROJECT IN SUBSECTION (1).

**NEW SECTION. Section 17. Legislative consent.** The appropriations authorized in [sections 1 through ~~15~~ 14 15 16] constitute legislative consent for the capital projects contained in [sections 1 through ~~15~~ 14 15 16] within the meaning of 18-2-102.

**NEW SECTION. Section 18. Reappropriation of long-range information technology capital project funds.** The remaining balances for long-range information technology capital projects previously approved by the legislature and identified as long-range information technology capital projects in an appropriation act are reappropriated for the purposes of the original appropriation until the projects are completed.

**NEW SECTION. Section 19. Approval required.** Amounts appropriated by the legislature to executive branch agencies, other than the university system, for long-range information technology capital projects may not be encumbered until project and security plans are approved by the chief information officer and the budget director if the legislature directs these approvals as a condition on the appropriations in the bill making the appropriations.

**Section 20.** Section 2, Chapter 560, Laws of 2005, is amended to read:

**"Section 2. Capital projects appropriations and authorizations.** (1) Subject to [section 9(2)], the following money is appropriated for the indicated capital projects from the indicated sources to the department of administration. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer either or both the appropriations and authority among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources	
MONTANA SCHOOL FOR THE DEAF AND BLIND			
Facility Improvements, Montana School for the Deaf and Blind	\$398,000		
DEPARTMENT OF ADMINISTRATION			
Roof Repair and Replacement, Statewide	3,076,242	\$206,500	Federal Special Revenue
Repair/Preserve Building Exteriors, Statewide	497,500		
Window Repairs and Replacement, Statewide	1,268,625		
Deferred Maintenance, Montana Law Enforcement Academy	761,175		
Hazardous Materials Abatement, Statewide	497,500		
Code/Deferred Maintenance Projects, Statewide	1,255,989	90,000	Federal Special Revenue
Repair Deteriorated Campus Infrastructure,			

Statewide	547,250		
Major Maintenance and Repairs to State Capitol	497,500		
Upgrade Fire Alarm Systems, Statewide	398,000		
Repair Elevators, Capitol Complex	796,000		
Upgrade 1100 North Last Chance Gulch	1,201,960		
DPHHS Commodity Warehouse			
Expansion, Helena		2,000,000	Federal Special Revenue
Public Restrooms, Virginia City and Nevada City	99,450		
Public Safety Learning Center,			
Montana Law Enforcement Academy		3,450,000	Federal Special Revenue
Long-range Building Program Funding Interim Project	8,000		
<del>Capitol Annex or Alternatives Feasibility Study</del>		<del>500,000</del>	<del>Capitol Land Grant Funds</del>
<b>MONTANA HISTORICAL SOCIETY</b>			
Montana Historical Society Building, Helena		30,000,000	Donations and Grants
Authority is granted to the department of administration in the indicated amount for the construction of a new historical society building.			
<b>DEPARTMENT OF CORRECTIONS</b>			
Improve Water System, Montana State Prison	124,375		
Improve High-Side Kitchen Ventilation,			
Montana State Prison	116,714		
Improve Perimeter Security, Montana State Prison	1,393,000		
<b>DEPARTMENT OF FISH, WILDLIFE, AND PARKS</b>			
Hatchery Maintenance, Statewide		575,000	State Special Revenue

		575,000	Federal Special Revenue
Rose Creek Hatchery		1,700,000	State Special Revenue
Fort Peck Storage/Office Space		50,000	State Special Revenue
		150,000	Federal Special Revenue
Administrative Facilities Repair, Maintenance and Improvements		800,000	State Special Revenue
<b>DEPARTMENT OF MILITARY AFFAIRS</b>			
Federal Spending Authority		2,100,000	Federal Special Revenue
Western Montana Veterans' Cemetery, Missoula		3,200,000	Federal Special Revenue
Montana State Veterans' Cemetery Columbarium, Fort Harrison		500,000	Federal Special Revenue
<b>MONTANA UNIVERSITIES AND COLLEGES</b>			
ADA/Code/Deferred Maintenance Projects, Montana University System	1,393,000		
Upgrade Steam Distribution System, UM-Missoula	5,905,325	3,060,000	Auxiliary Funds
Upgrade HVAC Systems, Pershing and Brockman Halls, MSU-Northern	521,380		
Heating System Improvements, Academic Center and McMullen Halls, MSU-Billings	243,775		
Mining and Geology Building Mechanical System Renovation, UM-Butte	915,400		

Upgrade Health Sciences HVAC System, Phase 2, UM-Missoula	965,150		
Renovate Domestic Water Distribution System, UM-Dillon	182,185		
Classroom/Laboratory Upgrades, Montana University System	995,000		
Facility Repairs and Improvements, MSU-Billings	542,275		
Heating Plant Phase 3, MSU-Bozeman	945,250		
Renovate HVAC Systems, Science Complex 3rd and 4th Floors, UM-Missoula	606,950		
Water/Sewer System Repairs and Maintenance, MSU-Bozeman	248,750	250,000	Auxiliary Funds
Upgrade Primary Electrical Distribution, MSU-Bozeman	746,250	750,000	Auxiliary Funds
Facility Repairs and Improvements, MSU-Agricultural Experiment Stations	477,600		
MSU-Agricultural Experiment Station Projects	646,750		
Campus Improvements, MSU-Northern	636,800	300,000	Auxiliary Funds
New Construction, Consolidate Campus, UM-Missoula College of Technology		24,500,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing a new university of Montana-Missoula college of technology.

Native American Study Center, UM-Missoula	2,500,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing the Native American center. This authority augments \$3,500,000 of existing authority for this capital improvement.

New Gallery Space, UM-Missoula	6,000,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing new gallery space.

New Forestry Complex, UM-Missoula	20,000,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new forestry complex.

MBMG/Petroleum Building, UM-Tech, Butte	5,400,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing the MBMG/petroleum building.

Research Lab Facility, UM-Missoula	3,000,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing the research lab facility. Any increase in costs for the operations and maintenance of the research lab facility must be paid by the university of Montana with nonstate revenue.

Law Building ADA Improvements/

Renovation/Expansion, UM-Missoula	500,000
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This state money augments \$5,000,000 of existing authority for this project.

School of Journalism Building, UM-Missoula	500,000
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This state money augments \$12,000,000 of existing authority for this project.

VisComm Black Box Theater,

MSU-Bozeman	2,750,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new viscomm black box theater.

Animal Bioscience Building, MSU-Bozeman	7,500,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new animal bioscience building.

This authority augments \$5,000,000 of existing authority for this capital improvement.

Museum of the Rockies, MSU-Bozeman	12,000,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing improvements to the museum of the rockies.

Native American Student Center, MSU-Bozeman	8,000,000	Federal Special Revenue, Donations, Grants, and Higher Education Funds
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new Native American student center.

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Facility Improvements, Montana

State Hospital, Warm Springs	592,523	
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Facility Improvements, Montana

Developmental Center, Boulder	218,044	
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Demolish Abandoned Buildings,

Public Health and Human Services	1,741,250	
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Stabilize Old Administration Building, Montana

Developmental Center, Boulder	179,100	
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Housing for High-Risk Behaviors	2,529,290	
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Special Care Unit Renovations,

Eastern Montana Veterans' Home, Glendive	475,000	State Special Revenue
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Facility Renovation and Improvements,

Montana Veterans' Home, Columbia Falls	465,000	State Special Revenue
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Construct Chapel, Montana State Hospital,

Warm Springs	350,000	Donations and Grants
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Authority is granted to the department of administration in the indicated amount for the purpose of constructing the chapel at the Montana state



hospital in Warm Springs.

DEPARTMENT OF TRANSPORTATION

Equipment Storage Buildings, Statewide	635,000	State Special Revenue
Chiller/Cooling Towers Replacement, Helena Headquarters	350,000	State Special Revenue
Office Addition, Billings	500,000	State Special Revenue

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Replace Clearwater Unit Fire Cache	248,750
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OFFICE OF THE GOVERNOR

Historic and Cultural Properties Interim Study	20,000
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(2) (a) For the purpose of constructing a privately funded chapel at the Montana state hospital in Warm Springs, the department of administration may waive, in whole or in part, the requirements pertaining to:

- (i) bidding and bonding for state building projects in Title 18;
- (ii) labor requirements in Title 18; and
- (iii) contractor registration in Title 39.

(b) The waiver pursuant to subsection (2)(a) may be exercised in the following circumstances:

- (i) to obtain the volunteer services and donated materials from members of the public, civic organizations, and other entities;
- (ii) to obtain the compensated services of contractors who are donating significant amounts of labor, time, and materials; and
- (iii) to meet the terms and conditions for receipt of major sums of money from private or public funding sources, including individual donations.

(3) (a) For the purpose of selling the Jocko fish hatchery to the Confederated Salish and Kootenai tribes and in exchange for constructing and improving the fish hatchery at the Rose Creek hatchery, the department of fish, wildlife, and parks may waive, in whole or in part, the requirements pertaining to:

(i) public bids for land disposal in 87-1-209(3); and

(ii) the real property trust fund in 87-1-601.

(b) The waiver pursuant to subsection (3)(a) may be exercised only under the circumstances described in subsection (3)(a). The waiver does not affect the department's requirement to obtain full market value pursuant to Article X, section 11, of the Montana constitution."

**NEW SECTION. SECTION 21. APPROPRIATION.** THERE IS APPROPRIATED FROM THE STATE GENERAL FUND TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE 2009 BIENNIUM \$3 MILLION TO BE USED TO FUND THE COSTS OF ACQUIRING, CONSTRUCTING, AND INSTALLING ENERGY SAVING EQUIPMENT, SYSTEMS, AND IMPROVEMENTS IN EXISTING STATE BUILDINGS, STRUCTURES, AND FACILITIES BY THE ENERGY CONSERVATION PROGRAM. THE FUNDS MAY BE USED ONLY TO FUND PROJECTS FOR WHICH THE DEPARTMENT OF ENVIRONMENTAL QUALITY DETERMINES THAT ENERGY COST SAVINGS FROM THE PROJECT WILL EQUAL OR EXCEED THE COSTS OF THE PROJECT, INCLUDING THE COSTS OF THE INVESTMENT-GRADE ENERGY AUDIT ON AND DESIGN OF THE PROJECT, WITHIN 15 YEARS AFTER INSTALLATION OR CONSTRUCTION.

**NEW SECTION. SECTION 22. ENERGY CONSERVATION REPAYMENT ACCOUNT.** (1) THERE IS AN ENERGY CONSERVATION REPAYMENT ACCOUNT IN THE STATE SPECIAL REVENUE FUND ESTABLISHED IN 17-2-102.

(2) THERE MUST BE DEPOSITED IN THE ENERGY CONSERVATION REPAYMENT ACCOUNT:

(A) THE AMOUNT OF ENERGY COSTS SAVED AS A RESULT OF THE ACQUISITION, INSTALLATION, AND CONSTRUCTION OF ENERGY SAVING EQUIPMENT, SYSTEMS, OR IMPROVEMENTS IN STATE BUILDINGS, FACILITIES, OR STRUCTURES USING GENERAL FUND APPROPRIATIONS TO THE ENERGY CONSERVATION PROGRAM UNTIL TOTAL PAYMENTS TO THE ACCOUNT FOR A PROJECT EQUAL THE COST OF THE PROJECT, INCLUDING THE COST OF THE INVESTMENT GRADE ENERGY AUDIT ON THE PROJECT AND THE DESIGN OF THE PROJECT; AND

(B) INTEREST EARNED ON THE ACCOUNT.

(3) MONEY IN THE ENERGY CONSERVATION REPAYMENT ACCOUNT IS AVAILABLE TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY BY APPROPRIATION TO FUND THE COSTS OF THE ENERGY CONSERVATION PROGRAM.

NEW SECTION. Section 23. Repealer. Section 8, Chapter 560, Laws of 2005, is repealed is repealed.

NEW SECTION. Section 24. Codification instruction. (1) [Sections 17 and 18] ~~16 AND 17 17 AND 18 18 AND 19~~ are intended to be codified as an integral part of Title 2, chapter 17, part 5, and the provisions of Title 2, chapter 17, part 5, apply to [sections 17 and 18] ~~16 AND 17 17 AND 18 18 AND 19~~.

(2) [SECTION 22] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 90, CHAPTER 4, PART 6, AND THE PROVISIONS OF TITLE 90, CHAPTER 4, PART 6, APPLY TO [SECTION 22].

NEW SECTION. Section 25. Coordination instruction. If Senate Bill No. 79 is not passed and approved containing transfers from the state general fund of \$7.15 million in fiscal year 2008 and \$7.15 million in fiscal year 2009 to the long-range building program account in the capital projects fund type, then there is transferred from the state general fund \$7.15 million in fiscal year 2008 and \$7.15 million in fiscal year 2009 to the long-range building program account in the capital projects fund type.

NEW SECTION. Section 26. Coordination instruction. If House Bill No. 116 is passed and approved WITH A REDUCTION TO THE FUTURE FISHERIES RESOURCE INDEMNITY TRUST INTEREST EARNINGS DISTRIBUTION, then the appropriation for future fisheries in [section 4 of this act] is ~~appropriated from the fish, wildlife, and parks state special revenue account established in 87-1-601.~~ REDUCED BY A LIKE AMOUNT.

NEW SECTION. Section 27. Coordination instruction. If House Bill No. 791 is passed and approved, then [section ~~3(3)~~ ~~3(2)~~ 3(4) of this act] is void and the provisions of House Bill No. 791 are applied to the transfers in [section 3 of this act].

NEW SECTION. Section 28. 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 29. Effective date.** [This act] is effective on passage and approval.

- END -