

HOUSE BILL NO. 777

INTRODUCED BY CONNELLY, WALKER, MANNING, THOFT, SPAETH, BARDANOUE
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

MARCH 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 17, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 18, 1989	PRINTING REPORT.
MARCH 22, 1989	SECOND READING, DO PASS.
MARCH 23, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 77; NOES, 21.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 11, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 12, 1989	SECOND READING, CONCURRED IN AS AMENDED.
APRIL 13, 1989	THIRD READING, CONCURRED IN. AYES, 44; NOES, 4.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 15, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 17, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1
2
3
4
INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

1 page of

HOUSE BILL NO. 777
Connelly *Allen Rickman Manning* *Thompson*
Baranov

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS AND TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1991; TO PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; TO PROVIDE FOR A NEW AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 NEW SECTION. Section 1. Definitions. For the purposes of [this act], unless otherwise stated, the following
13 definitions apply:14 (1) "Agency" includes each state office, department, board, commission, council, committee, the university system,
15 or any other entity or instrumentality of the executive branch, office of the legislative branch, or office of the
16 judicial branch of state government.17 (2) "Approved budget amendment" means approval by the budget director of a request submitted through the
18 architecture and engineering division of the department of administration to transfer excess funds appropriated to a
19 capital project within an agency in order to increase the appropriations of another capital project within that agency
20 or to obtain financing to expand a project with funds that were not available for consideration by the legislature.21 (3) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation,
22 furnishing, or major repair projects authorized in [this act].

23 (4) "CPF" means the capital projects fund.

24 (5) "Major maintenance" means building maintenance or repair projects that are not needed on an annual or biennial
25 basis or are not the function of the permanent maintenance staff of the agency.

INTRODUCED BILL
HB 777

(6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance requirements and costs for the first 2 years of the schedule, developed for each state building, as determined by the department of administration. The plan must include a record of major maintenance performed in the previous biennium.

(7) "Other appropriated funds" means money other than general fund money or capital projects fund money, including special revenue fund money, that accrues to an agency under the provisions of law.

NEW SECTION. Section 2. **Expansion required to be authorized.** An existing capital project may not be expanded beyond the scope of the project as approved by the 51st legislature unless the capital project expansion is authorized by an approved budget amendment.

NEW SECTION. Section 3. **Federal funds for administration.** All federal funds received as a reimbursement for the cost of administering the federal funds when the cost was financed from the general fund revert to the general fund.

NEW SECTION. Section 4. **Reappropriation.** Notwithstanding any other provision of law, the remaining balances on capital projects previously appropriated are reappropriated until June 30, 1991, for the purposes for which originally appropriated.

NEW SECTION. Section 5. **Major maintenance plan -- requirements.** For all new construction proposals submitted to the legislature and for all existing applicable state buildings, as determined by the department of administration, each agency, in consultation with the architecture and engineering division of the department of administration, shall provide a major maintenance plan. This plan must be submitted by the agency to the department of administration by July 1 of each even-numbered year, along with the proposed long-range building program required under 17-7-202.

NEW SECTION. Section 6. **Capital projects appropriations.** The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	\$ 200,000	
Maintain Water Towers and Systems, Statewide	450,000	
DEPARTMENT OF AGRICULTURE -- PLANT INDUSTRY		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	DIVISION		
3	Remodel Grain Laboratory, Great Falls		45,500 State Special Revenue
4	DEPARTMENT OF EDUCATION		
5	Roof Repair, Academic Building, Montana School		
6	for the Deaf and Blind	10,000	
7	DEPARTMENT OF FAMILY SERVICES		
8	Replace/Repair Roof, Custer Lodge, Pine Hills		
9	School	155,000	
10	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
11	Fishing Access Sites Improvement, Statewide		183,000 State Special Revenue
12			300,000 Federal Special Revenue
13	Construct Region 2 Headquarters Storage,		
14	Missoula		25,920 State Special Revenue
15	Waterfowl Habitat Enhancement, Statewide		424,500 State Special Revenue
16	Boat Facilities, Statewide		54,923 State Special Revenue
17			163,770 Federal Special Revenue
18	State Park Maintenance and Development,		
19	Statewide		1,181,500 State Special Revenue
20			1,057,500 Federal Special Revenue
21	State Property Improvement, Statewide		165,037 State Special Revenue
22	Donation Authority, East Gallatin Park,		
23	Bozeman		100,000 Federal Special Revenue
24	Lake Elmo Improvements	150,000	150,000 Federal Special Revenue
25	DEPARTMENT OF HIGHWAYS		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	Maintenance Projects, Statewide		750,000 Highways State Special Revenue
3	Maintenance Section, Headquarters Complex,		
4	Bridger		140,460 Highways State Special Revenue
5	Construct Sandhouses, Statewide		118,800 Highways State Special Revenue
6	Headquarters Renovation, Glendive		72,480 Highways State Special Revenue
7	Construct Equipment Storage Additions,		
8	Statewide		419,480 Highways State Special Revenue
9	DEPARTMENT OF INSTITUTIONS		
10	Construct Low Security Housing Unit, MSP	1,184,600	
11	Building Modifications and Exterior Lighting,		
12	Center for the Aged	45,396	
13	Roof Replacement/Repair, Department of		
14	Institutions	352,500	
15	Boiler Room Water Softeners, Montana State		
16	Hospital, Galen	45,000	
17	Supplemental Appropriation for Montana		
18	Developmental Center	289,900	
19	Replace Hospital Floors, Montana State		
20	Hospital, Galen	20,000	
21	Correct Code Deficiencies, Montana State		
22	Hospital, Galen	15,000	
23	Remodel Unit 57 for Women's Correction Center,		
24	Montana State Hospital	45,000	
25	Supervisor Housing Units, Montana State Prison		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>	
2	Ranch		135,000	Ranch Internal Service Fund
3	Tin Cup Joe Irrigation System,			
4	Montana State Prison Ranch		200,000	Ranch Internal Service Fund
5	DEPARTMENT OF LABOR AND INDUSTRY			
6	Acquisition of Arcade Building, Lower Level,			
7	Helena		50,000	State Special Revenue
8	Power Supply Project, Workers' Compensation,			
9	Helena		26,000	State Special Revenue
10	HVAC Replacement and Major Maintenance, Helena			
11	Job			
12	Service		53,600	Federal Special Revenue
13	Repair Settling Damage, Great Falls Job			
14	Service		50,000	Federal Special Revenue
15	Heating Unit Replacement, Missoula Job Service		50,000	Federal Special Revenue
16	Construct/Purchase, Butte Job Service		211,000	Federal Special Revenue
17	Parking Lot Construction, Havre Job Service		10,000	Federal Special Revenue
18	Basement Renovation, Bozeman Job Service		100,000	Federal Special Revenue
19	DEPARTMENT OF STATE LANDS			
20	Interagency Fire Center and Hangar, Helena		54,800	Federal Special Revenue
21	Nursery Freezer and Cooler, Missoula		24,000	State Special Revenue
22	Nursery Shop Building, Missoula		101,000	State Special Revenue
23	Nursery Storage Building, Missoula		22,000	State Special Revenue
24	DEPARTMENT OF MILITARY AFFAIRS			
25	Construct M-1 Bays Statewide	30,000	1,340,000	Federal Special Revenue

Agency/Project	CPF	Other Appropriated Funds	
Remodel Missoula Armory and Study Armories, Statewide	12,000	80,000	Federal Special Revenue
Construct Livingston Armory	500,800	798,000	Federal Special Revenue
Federal Spending Authority		689,597	Federal Special Revenue
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION			
Oil and Gas Division Addition, Billings		116,950	Oil and Gas State Special Revenue
DEPARTMENT OF REVENUE			
Maintain Liquor Warehouse Roof		170,000	Enterprise Funds
MONTANA UNIVERSITY SYSTEM			
Carpet Replacement, Administration Building, Missoula Vo-Tech Center	80,000		
Replace Roofs, Montana University System	473,120		
Electrical Distribution System, Phase II, MSU	1,153,355	524,871	Auxiliary
Major Maintenance, Water Mains, University of Montana	130,000		
Exterior Door and Vestibules, Western Montana College	14,000		
Window Retrofit, Engineering Hall, Montana Tech	132,750		
Miscellaneous Projects, University of Montana		172,900	UM Building Fees
Centennial Mall, Montana State University		650,000	Private Endowments
NEW SECTION. Section 7. Capital improvements -- fish, wildlife, and parks. (1) The appropriation for improvements at Lake Elmo from the capital projects fund must be matched equally by local funds. The department of administration may expend only that portion of the appropriation that is equally matched on a cash basis. In-kind services may not be			

1 considered as a match.

2 (2) The appropriation to the department of fish, wildlife, and parks for state park maintenance and development
3 includes \$168,000 in highway gas tax funding and \$80,000 for improvements at Lewis and Clark caverns. The department may
4 spend up to \$500,000 of the appropriation for park maintenance and development for the Makoshika model parks program.

5 NEW SECTION. Section 8. **Land acquisition appropriation.** (1) The following money is appropriated to the department
6 of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition:

7	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
8	Wildlife Habitat Acquisition, Statewide		\$5,226,400 State Special Revenue
9	Bighorn Sheep Habitat Acquisition, Statewide		211,600 State Special Revenue
10	Fishing Access Site Acquisition, Statewide		525,755 State Special Revenue

11 (2) The following money is appropriated to the department of highways in the indicated amount for the purpose of
12 land acquisition:

13	Land Acquisition, Kalispell	80,000	Highways State Special Revenue
----	-----------------------------	--------	--------------------------------

14 NEW SECTION. Section 9. **Inspection and study of dams.** The following money is appropriated to the department of
15 fish, wildlife, and parks in the amounts indicated for the purposes of the inspection, study, and renovation of dams:

16	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
17	Engineering Study, Bearpaw Dam, Havre	\$25,000	State Special Revenue
18		75,000	Federal Special Revenue
19	Clearwater Fish Barrier Renovation/Removal,		
20	Seeley Lake	25,000	State Special Revenue
21		75,000	Federal Special Revenue
22	Dam Inspection, Statewide	30,000	State Special Revenue

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

25 NEW SECTION. Section 10. **Appropriation of excess capital projects fund.** The uncommitted cash balance remaining in

the capital projects fund, including any revenues received and prior year revenue adjustments and transfers during the 1990-91 biennium in excess of the appropriation balances remaining under [sections 4 and 6], are appropriated to the department of state lands for the indicated capital project:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
Maintenance and Improvement Projects, Statewide	\$34,200	

NEW SECTION. Section 11. **Reappropriation of unspent bond proceeds.** Funding for the following projects is appropriated from the unspent portion of the 1985 long-range building program bond proceeds issued to finance a swimming pool addition at western Montana college:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
MONTANA UNIVERSITY SYSTEM		

Physical Education Building Roof Replacement,

WMC

\$230,000

Planning Remodel of Student Union Building,

WMC

50,000

NEW SECTION. Section 12. **New agreement with the board of regents.** (1) For the funds authorized and appropriated by [this act] for the physical education building roof replacement and for planning the student union building remodel at western Montana college, the board of examiners and the board of regents shall enter into an agreement by which the board of regents shall pay the state treasurer, beginning in fiscal year 1990, an amount equal to 6.7% of each semiannual principal and interest payment due on the bonds. Such payments must continue until the bonds are paid in full.

(2) Until August 1, 1989, the investment income from investment of the unspent proceeds of the long-range building program bonds, series 1985A, issued to finance a swimming pool addition at western Montana college must be credited against the payment obligations of the board of regents under the July 24, 1985, agreement between the board of examiners and the board of regents.

(3) After the August 1, 1989, principal and interest payment is made on the bonds, the department of

administration shall transfer from the bond proceeds account to the capital projects fund all funds not appropriated in [section 11].

(4) The interest earnings on those funds appropriated to western Montana college that remain in the account after August 1, 1989, must be a credit against the payment obligations of the board of regents under the new agreement.

NEW SECTION. Section 13. **Disposition of unspent bond proceeds and related investment income.** Excess investment income and excess principal of bonds issued for a specific purpose or project may be placed in the debt service fund to retire bonds issued for the purpose or project.

NEW SECTION. Section 14. **Appropriation of bond proceeds and other funds.** The following money is appropriated from the other appropriated funds to the department of administration for the capital projects described in this section, contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 51st legislature and the board of examiners:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Region 7 Headquarters Construction, Miles City		\$ 950,000
Hatchery Construction and Renovations,		
Anaconda, Arlee, Lewistown		2,592,800

NEW SECTION. Section 15. **Authorization of bonds.** The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$3,542,800 for the projects described in [section 14] over and above the amount of general obligation long-range building program bonds outstanding on January 1, 1989, to be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds.

NEW SECTION. Section 16. **Agreement with the department of fish, wildlife, and parks.** For the proceeds of bonds or notes authorized and appropriated by [this act] for the construction of the region 7 headquarters or the renovation of fish hatcheries operated by the department of fish, wildlife, and parks, the board of examiners and the department of

1 fish, wildlife, and parks may enter into an agreement under the terms of which the department shall pay the state
2 treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount
3 sufficient to pay the principal and interest as due on the bonds or notes from which the appropriation was made and to
4 accumulate and maintain reserves required under such bonds. The agreement must further provide that income from the
5 investment of bond proceeds, unused principal, and the reserves not required for construction or renovation costs may be
6 credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves
7 during the first year the bonds are outstanding. Payments by the department must be made from funds available therefor.

8 NEW SECTION. Section 17. **Benefit of state.** The agreements made pursuant to [sections 12 and 16] are solely for
9 the benefit of the state of Montana and are not enforceable by bondholders or other third-party beneficiaries.

10 NEW SECTION. Section 18. **Department of fish, wildlife, and parks -- bond payment.** The department of fish,
11 wildlife, and parks shall transfer to the department of administration, prior to the payment date, sufficient funds to
12 retire \$3,542,800 of general obligation long-range building program bonds authorized by the 51st legislature and issued
13 by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

14 NEW SECTION. Section 19. **Fish hatchery reauthorization.** The appropriations for capital projects authorized in
15 section 5, House Bill No. 900, enacted by the 48th legislature, and in section 6, House Bill No. 5, enacted by the 50th
16 legislature, for the Creston Springs hatchery operated by the department of fish, wildlife, and parks are appropriated
17 through the biennium ending June 30, 1991, for a kokanee salmon facility.

18 NEW SECTION. Section 20. **Authorizing inmate labor for construction of prison projects.** For the purposes of
19 constructing a 96-man housing unit, ranch housing units, and the irrigation system at Montana state prison authorized in
20 [section 6], the department of institutions may use inmate labor to construct the projects and is exempt, for the
21 purposes of completing these projects, from the provisions of 53-1-301(1)(g). The department of administration may
22 exempt these projects from any provisions of Montana law relating to public bidding, bonding, workers' compensation
23 coverage, or labor and wage requirements.

24 NEW SECTION. Section 21. **Building demolition or sale and removal.** (1) The department of administration may
25 solicit bids for the demolition or for the sale and removal of the following buildings:

	<u>Building Name</u>
1	
2	Montana Developmental Center
3	Cottage No. 5
4	Old Administration Building
5	Old Laundry Storage
6	Tire/Rubber Storage
7	Garage
8	Hog House
9	Old Granary
10	Turkey House
11	Ranch House
12	Garage
13	Chicken House
14	Old Machine Shed
15	Root Cellar
16	Montana Veterans' Home
17	Old Main & Annex
18	Old Dorm
19	Boiler Room
20	Superintendent's Residence
21	Bolton
22	Former Children's Unit
23	Apartment Building "A"
24	W.S. Superintendent's Residence
25	Old Butcher Shop
	Byron Hall
	Former Lighthouse

1 Maintenance Shop

2 Lumber Storage

3 Old Barn

4 (2) The director of the department of institutions shall certify to the department of administration that each of
5 the buildings set forth in subsection (1) is surplus to the needs of the department and the state by reason of the
6 building's age, deteriorated physical condition, safety considerations, or license deficiencies and has no residual
7 economic or useful life. If the cost of repairing the deficiencies would preclude reasonable restoration and
8 refurbishing efforts, the director of the department of administration may grant an order to proceed with demolition if:

9 (a) a successful contractor or bidder agrees to demolish or remove the building and reclaim the building site
10 based on the salvage value of the building itself; and

11 (b) the demolition or removal of the building does not violate the provisions of the state antiquities law, as
12 provided in Title 22, chapter 3, part 4, relative to established heritage properties under state ownership.

13 (3) The director of the department of administration may permit the director of the department of institutions to
14 use the prison industries program, established in 53-1-301 through 53-1-304, to demolish and remove selected
15 institutional buildings listed in subsection (1). The proceeds from the sale of salvageable material obtained through
16 the demolition process must be deposited in the prison industries proprietary account. Permission may be granted only
17 after the office of budget and program planning and the legislative finance committee determine that the proceeds from
18 the sale of salvageable material will support the cost of demolition and removal.

19 NEW SECTION. Section 22. **Planning and design.** The department of administration may proceed with the planning and
20 design of capital projects prior to the receipt of other appropriated funds. The department may use interaccount loans
21 in accordance with 17-2-107 to pay such planning and design costs incurred prior to the receipt of other appropriated
22 funds.

23 NEW SECTION. Section 23. **Capital projects -- contingent funds.** If any capital project is financed in whole or in
24 part with appropriations contingent upon the receipt of other appropriated funds, the department of administration may
25 not let such projects for bid until the agency has submitted a financial plan for approval by the director of the

1 department of administration. No financial plan may be approved by the director if:

2 (1) the level of funding provided under the financial plan deviates substantially from the funding levels provided
3 in [this act] for that project; or

4 (2) the scope of the project must be substantially altered or revised from the preliminary plans presented for
5 that project in the 1989-91 long-range building program presented to the 51st legislature.

6 NEW SECTION. Section 24. **Legislative consent.** The appropriations authorized in [this act] constitute legislative
7 consent for the capital projects contained in [this act] within the meaning of 18-2-102.

8 NEW SECTION. Section 25. **Severability.** If a part of [this act] is invalid, all valid parts that are severable
9 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
10 remains in effect in all valid applications that are severable from the invalid applications.

11 NEW SECTION. Section 26. **Requirements for approval of state debt -- severability.** Because [section 15] authorizes
12 the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of [sections
13 14 through 18]. If [section 15] is not approved by the required vote, [sections 14 through 18] are void. The remaining
14 sections of [this act] are valid and remain in effect in all valid applications upon enactment.

15 NEW SECTION. Section 27. **Effective date.** [This act] is effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 777

INTRODUCED BY CONNELLY, WALKER, MANNING, THOFT, SPAETH, BARDANOUVE

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS AND TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1991; TO PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; TO PROVIDE FOR A NEW AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; 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 [this act], unless otherwise stated, the following definitions apply:

(1) "Agency" includes each state office, department, board, commission, council, committee, the university system, or any other entity or instrumentality of the executive branch, office of the legislative branch, or office of the judicial branch of state government.

(2) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency in order to increase the appropriations of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(3) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in [this act].

(4) "CPF" means the capital projects fund.

(5) "Major maintenance" means building maintenance or repair projects that are not needed on an annual or biennial basis or are not the function of the permanent maintenance staff of the agency.



Montana Legislative Council

SECOND READING

HB 777

(6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance requirements and costs for the first 2 years of the schedule, developed for each state building, as determined by the department of administration. The plan must include a record of major maintenance performed in the previous biennium.

(7) "Other appropriated funds" means money other than general fund money or capital projects fund money, including special revenue fund money, that accrues to an agency under the provisions of law.

NEW SECTION. Section 2. **Expansion required to be authorized.** An existing capital project may not be expanded beyond the scope of the project as approved by the 51st legislature unless the capital project expansion is authorized by an approved budget amendment.

NEW SECTION. Section 3. **Federal funds for administration.** All federal funds received as a reimbursement for the cost of administering the federal funds when the cost was financed from the general fund revert to the general fund.

NEW SECTION. Section 4. **Reappropriation.** Notwithstanding any other provision of law, the remaining balances on capital projects previously appropriated are reappropriated until June 30, 1991, for the purposes for which originally appropriated.

NEW SECTION. Section 5. **Major maintenance plan -- requirements.** For all new construction proposals submitted to the legislature and for all existing applicable state buildings, as determined by the department of administration, each agency, in consultation with the architecture and engineering division of the department of administration, shall provide a major maintenance plan. This plan must be submitted by the agency to the department of administration by July 1 of each even-numbered year, along with the proposed long-range building program required under 17-7-202.

NEW SECTION. Section 6. **Capital projects appropriations.** The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	\$ 200,000	
Maintain Water Towers and Systems, Statewide	450,000	
DEPARTMENT OF AGRICULTURE -- PLANT INDUSTRY		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	DIVISION		
3	Remodel Grain Laboratory, Great Falls		45,500 State Special Revenue
4	DEPARTMENT OF EDUCATION		
5	Roof Repair, Academic Building, Montana School		
6	for the Deaf and Blind	10,000	
7	DEPARTMENT OF FAMILY SERVICES		
8	Replace/Repair Roof, Custer Lodge, Pine Hills		
9	School	155,000	
10	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
11	Fishing Access Sites Improvement, Statewide		183,000 State Special Revenue
12			300,000 Federal Special Revenue
13	Construct Region 2 Headquarters Storage,		
14	Missoula		25,920 State Special Revenue
15	Waterfowl Habitat Enhancement, Statewide		424,500 State Special Revenue
16	Boat Facilities, Statewide		54,923 State Special Revenue
17			163,770 Federal Special Revenue
18	State Park Maintenance and Development,		
19	Statewide		1,181,500 State Special Revenue
20			1,057,500 Federal Special Revenue
21	State Property Improvement, Statewide		165,037 State Special Revenue
22	Donation Authority, East Gallatin Park,		
23	Bozeman		100,000 Federal Special Revenue
24	Lake Elmo Improvements	150,000	150,000 Federal Special Revenue
25	DEPARTMENT OF HIGHWAYS		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	Maintenance Projects, Statewide		750,000 Highways State Special Revenue
3	Maintenance Section, Headquarters Complex,		
4	Bridger		140,460 Highways State Special Revenue
5	Construct Sandhouses, Statewide		118,800 Highways State Special Revenue
6	Headquarters Renovation, Glendive		72,480 Highways State Special Revenue
7	Construct Equipment Storage Additions,		
8	Statewide		419,480 Highways State Special Revenue
9	DEPARTMENT OF INSTITUTIONS		
10	Construct Low Security Housing Unit, MSP	1,184,600	
11	Building Modifications and Exterior Lighting,		
12	Center for the Aged	45,396	
13	Roof Replacement/Repair, Department of		
14	Institutions	352,500	
15	Boiler Room Water Softeners, Montana State		
16	Hospital, Galen	45,000	
17	Supplemental Appropriation for Montana		
18	Developmental Center	289,900	
19	Replace Hospital Floors, Montana State		
20	Hospital, Galen	20,000	
21	Correct Code Deficiencies, Montana State		
22	Hospital, Galen	15,000	
23	Remodel Unit 57 for Women's Correction Center,		
24	Montana State Hospital	45,000	
25	Supervisor-Housing-Units;-Montana-State-Prison		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>	
1				
2	Ranch		135,888	Ranch-Internat-Service-Fund
3	Fin-Eup-Joe-Irrigation-System;--Montana--State			
4	Prison-Ranch		288,888	Ranch-Internat-Service-Fund
5	DEPARTMENT OF LABOR AND INDUSTRY			
6	Acquisition of Arcade Building, Lower Level,			
7	Helena		50,000	State Special Revenue
8	Power Supply Project, Workers' Compensation,			
9	Helena		26,000	State Special Revenue
10	HVAC Replacement and Major Maintenance, Helena			
11	Job			
12	Service		53,600	Federal Special Revenue
13	Repair Settling Damage, Great Falls Job			
14	Service		50,000	Federal Special Revenue
15	Heating Unit Replacement, Missoula Job Service		50,000	Federal Special Revenue
16	Construct/Purchase, Butte Job Service		211,000	Federal Special Revenue
17	Parking Lot Construction, Havre Job Service		10,000	Federal Special Revenue
18	Basement Renovation, Bozeman Job Service		100,000	Federal Special Revenue
19	DEPARTMENT OF STATE LANDS			
20	Interagency Fire Center and Hangar, Helena		54,800	Federal Special Revenue
21	Nursery Freezer and Cooler, Missoula		24,000	State Special Revenue
22	Nursery Shop Building, Missoula		101,000	State Special Revenue
23	Nursery Storage Building, Missoula		22,000	State Special Revenue
24	DEPARTMENT OF MILITARY AFFAIRS			
25	Construct M-1 Bays Statewide	30,000	1,340,000	Federal Special Revenue

Agency/Project	CPF	Other Appropriated Funds
Remodel Missoula Armory and Study Armories,		
Statewide	12,000	80,000 Federal Special Revenue
Construct Livingston Armory	500,800	798,000 Federal Special Revenue
Federal Spending Authority		689,597 Federal Special Revenue
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
Oil and Gas Division Addition, Billings		116,950 Oil and Gas State Special Revenue
DEPARTMENT OF REVENUE		
Maintain Liquor Warehouse Roof		170,000 Enterprise Funds
MONTANA UNIVERSITY SYSTEM		
Carpet Replacement, Administration Building,		
Missoula Vo-Tech Center	80,000	
Replace Roofs, Montana University System	473,120	
Electrical Distribution System, Phase II, MSU	1,153,355	524,871 Auxiliary
Major Maintenance, Water Mains, University of		
Montana	130,000	
Exterior Door and Vestibules, Western Montana		
College	14,000	
Window Retrofit, Engineering Hall, Montana		
Tech	132,750	
Miscellaneous Projects, University of Montana		172,900 UM Building Fees
Centennial Mall, Montana State University		650,000 Private Endowments
<u>NEW SECTION. SECTION 7. CAPITAL IMPROVEMENTS APPROPRIATION TO THE MONTANA STATE PRISON RANCH. THE FOLLOWING MONEY</u>		
<u>IS APPROPRIATED TO MONTANA STATE PRISON IN THE INDICATED AMOUNTS FOR THE PURPOSES OF MAKING CAPITAL IMPROVEMENTS TO THE</u>		
<u>MONTANA STATE PRISON RANCH AND DAIRY:</u>		

<u>Agency/Project</u>	<u>Other Appropriated Funds</u>	
<u>SUPERVISOR HOUSING UNITS, MONTANA STATE PRISON</u>		
<u>RANCH</u>	<u>\$135,000</u>	<u>RANCH INTERNAL SERVICE FUND</u>
<u>TIN CUP JOE IRRIGATION SYSTEM, MONTANA STATE</u>		
<u>PRISON RANCH</u>	<u>200,000</u>	<u>RANCH INTERNAL SERVICE FUND</u>
<u>NEW SECTION.</u> Section 8. Capital improvements -- fish, wildlife, and parks. (1) The appropriation for improvements at Lake Elmo from the capital projects fund must be matched equally by local funds. The department of administration may expend only that portion of the appropriation that is equally matched on a cash basis. In-kind services may not be considered as a match.		

10 (2) The appropriation to the department of fish, wildlife, and parks for state park maintenance and development
11 includes \$168,000 in highway gas tax funding and \$80,000 for improvements at Lewis and Clark caverns. The department may
12 spend up to \$500,000 of the appropriation for park maintenance and development for the Makoshika model parks program.

13 NEW SECTION. Section 9. Land acquisition appropriation. (1) The following money is appropriated to the department
14 of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition:

15	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
16	Wildlife Habitat Acquisition, Statewide	\$5,226,400	State Special Revenue
17	Bighorn Sheep Habitat Acquisition, Statewide	211,600	State Special Revenue
18	Fishing Access Site Acquisition, Statewide	525,755	State Special Revenue

19 (2) The following money is appropriated to the department of highways in the indicated amount for the purpose of
20 land acquisition:

21 Land Acquisition, Kalispell	80,000	Highways State Special Revenue
--------------------------------	--------	--------------------------------

22 NEW SECTION. Section 10. **Inspection and study of dams.** (1) The following money is appropriated to the department
23 of fish, wildlife, and parks in the amounts indicated for the purposes of the inspection, study, and renovation of dams:

24	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
25	Engineering Study, Bearpaw Dam, Havre		\$25,000 State Special Revenue

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
		75,000 Federal Special Revenue
Clearwater Fish Barrier Renovation/Removal,		
Seeley Lake		25,000 State Special Revenue
		75,000 Federal Special Revenue
Dam Inspection, Statewide		30,000 State Special Revenue

(2) THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE PRISON IN THE AMOUNT INDICATED FOR THE PURPOSE OF THE INSPECTION, STUDY, AND RENOVATION OF DAMS ON THE MONTANA STATE PRISON RANCH AND DAIRY:

<u>Agency/Project</u>	<u>Other Appropriated Funds</u>
POWELL RESERVOIR DAM AND OTHER RANCH RESERVOIR	
DAMS	\$110,000 RANCH INTERNAL SERVICE FUND

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

NEW SECTION. Section 11. Appropriation of excess capital projects fund. The uncommitted cash balance remaining in the capital projects fund, including any revenues received and prior year revenue adjustments and transfers during the 1990-91 biennium in excess of the appropriation balances remaining under [sections 4 and 6], are appropriated to the department of state lands for the indicated capital project:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
Maintenance and Improvement Projects, Statewide	\$34,200	

NEW SECTION. Section 12. Reappropriation of unspent bond proceeds. Funding for the following projects is appropriated from the unspent portion of the 1985 long-range building program bond proceeds issued to finance a swimming pool addition at western Montana college:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
MONTANA UNIVERSITY SYSTEM		
Physical Education Building Roof Replacement,		

1	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
2	WMC		\$230,000
3	Planning Remodel of Student Union Building,		
4	WMC		50,000

5 **NEW SECTION.** Section 13. **New agreement with the board of regents.** (1) For the funds authorized and appropriated

6 by [this act] for the physical education building roof replacement and for planning the student union building remodel

7 at western Montana college, the board of examiners and the board of regents shall enter into an agreement by which the

8 board of regents shall pay the state treasurer, beginning in fiscal year 1990, an amount equal to 6.7% of each

9 semiannual principal and interest payment due on the bonds. Such payments must continue until the bonds are paid in

10 full.

11 (2) Until August 1, 1989, the investment income from investment of the unspent proceeds of the long-range building

12 program bonds, series 1985A, issued to finance a swimming pool addition at western Montana college must be credited

13 against the payment obligations of the board of regents under the July 24, 1985, agreement between the board of

14 examiners and the board of regents.

15 (3) After the August 1, 1989, principal and interest payment is made on the bonds, the department of

16 administration shall transfer from the bond proceeds account to the capital projects fund all funds not appropriated in

17 [section ++ 12].

18 (4) The interest earnings on those funds appropriated to western Montana college that remain in the account after

19 August 1, 1989, must be a credit against the payment obligations of the board of regents under the new agreement.

20 **NEW SECTION.** Section 14. **Disposition of unspent bond proceeds and related investment income.** Excess investment

21 income and excess principal of bonds issued for a specific purpose or project may be placed in the debt service fund to

22 retire bonds issued for the purpose or project.

23 **NEW SECTION.** Section 15. **Appropriation of bond proceeds and other funds.** The following money is appropriated from

24 the other appropriated funds to the department of administration for the capital projects described in this section,

25 contingent upon the respective authorization and sale of general obligation long-range building program bonds by the

51st legislature and the board of examiners:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Region 7 Headquarters Construction, Miles City		\$ 950,000
Hatchery Construction and Renovations, Anaconda, Arlee, Lewistown		2,592,800

NEW SECTION. Section 16. **Authorization of bonds.** The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$3,542,800 for the projects described in [section +4 15] over and above the amount of general obligation long-range building program bonds outstanding on January 1, 1989, to be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds.

NEW SECTION. Section 17. **Agreement with the department of fish, wildlife, and parks.** For the proceeds of bonds or notes authorized and appropriated by [this act] for the construction of the region 7 headquarters or the renovation of fish hatcheries operated by the department of fish, wildlife, and parks, the board of examiners and the department of fish, wildlife, and parks may enter into an agreement under the terms of which the department shall pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes from which the appropriation was made and to accumulate and maintain reserves required under such bonds. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for construction or renovation costs may be credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves during the first year the bonds are outstanding. Payments by the department must be made from funds available therefor.

NEW SECTION. Section 18. **Benefit of state.** The agreements made pursuant to [sections +2-and-+6 13 AND 17] are solely for the benefit of the state of Montana and are not enforceable by bondholders or other third-party beneficiaries.

NEW SECTION. Section 19. **Department of fish, wildlife, and parks -- bond payment.** The department of fish, wildlife, and parks shall transfer to the department of administration, prior to the payment date, sufficient funds to retire \$3,542,800 of general obligation long-range building program bonds authorized by the 51st legislature and issued by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

NEW SECTION. Section 20. **Fish hatchery reauthorization.** The appropriations for capital projects authorized in section 5, House Bill No. 900, enacted by the 48th legislature, and in section 6, House Bill No. 5, enacted by the 50th legislature, for the Creston Springs hatchery operated by the department of fish, wildlife, and parks are appropriated through the biennium ending June 30, 1991, for a kokanee salmon facility.

NEW SECTION. Section 21. **Authorizing inmate labor for construction of prison projects.** For the purposes of constructing a 96-man housing unit; AUTHORIZED IN [SECTION 6]; THE ranch housing units; and the irrigation system at Montana state prison authorized in {section-6}; [SECTION 7]; AND THE INSPECTION, STUDY, AND RENOVATION OF DAMS AT MONTANA STATE PRISON AUTHORIZED IN [SECTION 10(2)]; the department of institutions may use inmate labor to construct the projects and is exempt, for the purposes of completing these projects, from the provisions of 53-1-301(1)(g). The department of administration may exempt these projects from any provisions of Montana law relating to public bidding, bonding, workers' compensation coverage, or labor and wage requirements.

NEW SECTION. Section 22. **Building demolition or sale and removal.** (1) The department of administration may solicit bids for the demolition or for the sale and removal of the following buildings:

	<u>Building Name</u>
Montana Developmental Center	Cottage No. 5
	Old Administration Building
	Old Laundry Storage
	Tire/Rubber Storage
	Garage
	Hog House
	Old Granary

1		Turkey House
2		Ranch House
3		Garage
4		Chicken House
5		Old Machine Shed
6		Root Cellar
7	Montana Veterans' Home	Old Main & Annex
8		Old Dorm
9		Boiler Room
10		Superintendent's Residence
11	Montana State Hospital	Bolton
12		Former Children's Unit
13		Apartment Building "A"
14		W.S. Superintendent's Residence
15		Old Butcher Shop
16		Byron Hall
17		Former Lighthouse
18		Maintenance Shop
19		Lumber Storage
20		Old Barn

21 (2) The director of the department of institutions shall certify to the department of administration that each of
 22 the buildings set forth in subsection (1) is surplus to the needs of the department and the state by reason of the
 23 building's age, deteriorated physical condition, safety considerations, or license deficiencies and has no residual
 24 economic or useful life. If the cost of repairing the deficiencies would preclude reasonable restoration and
 25 refurbishing efforts, the director of the department of administration may grant an order to proceed with demolition if:

(a) a successful contractor or bidder agrees to demolish or remove the building and reclaim the building site based on the salvage value of the building itself; and

(b) the demolition or removal of the building does not violate the provisions of the state antiquities law, as provided in Title 22, chapter 3, part 4, relative to established heritage properties under state ownership.

(3) The director of the department of administration may permit the director of the department of institutions to use the prison industries program, established in 53-1-301 through 53-1-304, to demolish and remove selected institutional buildings listed in subsection (1). The proceeds from the sale of salvageable material obtained through the demolition process must be deposited in the prison industries proprietary account. Permission may be granted only after the office of budget and program planning and the legislative finance committee determine that the proceeds from the sale of salvageable material will support the cost of demolition and removal.

NEW SECTION. SECTION 23. SALE OF STATE LANDS AT MONTANA STATE PRISON. PURSUANT TO THE PROVISIONS OF 77-2-302 REQUIRING THAT THE BOARD OF LAND COMMISSIONERS CONSULT WITH AN APPROPRIATE LEGISLATIVE COMMITTEE PRIOR TO THE SALE OF BUILDINGS FORMERLY USED BY A STATE INSTITUTION, THE BOARD IS HEREBY AUTHORIZED TO SELL THE FOLLOWING PROPERTY IF IT DETERMINES THIS SALE TO BE IN THE BEST INTEREST OF THE STATE. SALE PROCEEDS MUST BE DEPOSITED IN THE CAPITAL PROJECTS FUNDS. THE BOARD IS AUTHORIZED TO PAY COSTS OF NECESSARY SURVEYS, APPRAISALS, AND ALL OTHER COSTS ASSOCIATED WITH THE SALE OF LAND FROM THE PROCEEDS OF THE SALE. THE LAND THAT MAY BE SOLD IS APPROXIMATELY 10 ACRES OF LAND FORMERLY KNOWN AS THE BRATTEN RANCH, WITH APPROXIMATELY 14 STRUCTURES. THIS PROPERTY BORDERS ON MAIN STREET IN THE CITY OF DEER LODGE, A MONTANA POWER SUBSTATION, AND THE DEPARTMENT OF HIGHWAYS GARAGE.

NEW SECTION. Section 24. Planning and design. The department of administration may proceed with the planning and design of capital projects prior to the receipt of other appropriated funds. The department may use interaccount loans in accordance with 17-2-107 to pay such planning and design costs incurred prior to the receipt of other appropriated funds.

NEW SECTION. Section 25. Capital projects -- contingent funds. If any capital project is financed in whole or in part with appropriations contingent upon the receipt of other appropriated funds, the department of administration may not let such projects for bid until the agency has submitted a financial plan for approval by the director of the

1 department of administration. No financial plan may be approved by the director if:

2 (1) the level of funding provided under the financial plan deviates substantially from the funding levels provided
3 in [this act] for that project; or

4 (2) the scope of the project must be substantially altered or revised from the preliminary plans presented for
5 that project in the 1989-91 long-range building program presented to the 51st legislature.

6 NEW SECTION. Section 26. **Legislative consent.** The appropriations authorized in [this act] constitute legislative
7 consent for the capital projects contained in [this act] within the meaning of 18-2-102.

8 NEW SECTION. Section 27. **Severability.** If a part of [this act] is invalid, all valid parts that are severable
9 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
10 remains in effect in all valid applications that are severable from the invalid applications.

11 NEW SECTION. Section 28. **Requirements for approval of state debt -- severability.** Because [section 15 16]
12 authorizes the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of
13 [sections 14-through-18 15 THROUGH 19]. If [section 15 16] is not approved by the required vote, [sections 14-through-18
14 15 THROUGH 19] are void. The remaining sections of [this act] are valid and remain in effect in all valid applications
15 upon enactment.

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

-End-

HOUSE BILL NO. 777

INTRODUCED BY CONNELLY, WALKER, MANNING, THOFT, SPAETH, BARDANOUVE

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS AND TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1991; TO PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; TO PROVIDE FOR A NEW AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; 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 [this act], unless otherwise stated, the following definitions apply:

(1) "Agency" includes each state office, department, board, commission, council, committee, the university system, or any other entity or instrumentality of the executive branch, office of the legislative branch, or office of the judicial branch of state government.

(2) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency in order to increase the appropriations of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(3) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in [this act].

(4) "CPF" means the capital projects fund.

(5) "Major maintenance" means building maintenance or repair projects that are not needed on an annual or biennial basis or are not the function of the permanent maintenance staff of the agency.



HB 777
THIRD READING

(6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance requirements and costs for the first 2 years of the schedule, developed for each state building, as determined by the department of administration. The plan must include a record of major maintenance performed in the previous biennium.

(7) "Other appropriated funds" means money other than general fund money or capital projects fund money, including special revenue fund money, that accrues to an agency under the provisions of law.

NEW SECTION. Section 2. Expansion required to be authorized. An existing capital project may not be expanded beyond the scope of the project as approved by the 51st legislature unless the capital project expansion is authorized by an approved budget amendment.

NEW SECTION. Section 3. Federal funds for administration. All federal funds received as a reimbursement for the cost of administering the federal funds when the cost was financed from the general fund revert to the general fund.

NEW SECTION. Section 4. Reappropriation. Notwithstanding any other provision of law, the remaining balances on capital projects previously appropriated are reappropriated until June 30, 1991, for the purposes for which originally appropriated.

NEW SECTION. Section 5. Major maintenance plan -- requirements. For all new construction proposals submitted to the legislature and for all existing applicable state buildings, as determined by the department of administration, each agency, in consultation with the architecture and engineering division of the department of administration, shall provide a major maintenance plan. This plan must be submitted by the agency to the department of administration by July 1 of each even-numbered year, along with the proposed long-range building program required under 17-7-202.

NEW SECTION. Section 6. Capital projects appropriations. The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	\$ 200,000	
Maintain Water Towers and Systems, Statewide	450,000	
DEPARTMENT OF AGRICULTURE -- PLANT INDUSTRY		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	DIVISION		
3	Remodel Grain Laboratory, Great Falls		45,500 State Special Revenue
4	DEPARTMENT OF EDUCATION		
5	Roof Repair, Academic Building, Montana School		
6	for the Deaf and Blind	10,000	
7	DEPARTMENT OF FAMILY SERVICES		
8	Replace/Repair Roof, Custer Lodge, Pine Hills		
9	School	155,000	
10	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
11	Fishing Access Sites Improvement, Statewide		183,000 State Special Revenue
12			300,000 Federal Special Revenue
13	Construct Region 2 Headquarters Storage,		
14	Missoula		25,920 State Special Revenue
15	Waterfowl Habitat Enhancement, Statewide		424,500 State Special Revenue
16	Boat Facilities, Statewide		54,923 State Special Revenue
17			163,770 Federal Special Revenue
18	State Park Maintenance and Development,		
19	Statewide		1,181,500 State Special Revenue
20			1,057,500 Federal Special Revenue
21	State Property Improvement, Statewide		165,037 State Special Revenue
22	Donation Authority, East Gallatin Park,		
23	Bozeman		100,000 Federal Special Revenue
24	Lake Elmo Improvements	150,000	150,000 Federal Special Revenue
25	DEPARTMENT OF HIGHWAYS		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
2	Maintenance Projects, Statewide		750,000 Highways State Special Revenue
3	Maintenance Section, Headquarters Complex,		
4	Bridger		140,460 Highways State Special Revenue
5	Construct Sandhouses, Statewide		118,800 Highways State Special Revenue
6	Headquarters Renovation, Glendive		72,480 Highways State Special Revenue
7	Construct Equipment Storage Additions,		
8	Statewide		419,480 Highways State Special Revenue
9	DEPARTMENT OF INSTITUTIONS		
10	Construct Low Security Housing Unit, MSP	1,184,600	
11	Building Modifications and Exterior Lighting,		
12	Center for the Aged	45,396	
13	Roof Replacement/Repair, Department of		
14	Institutions	352,500	
15	Boiler Room Water Softeners, Montana State		
16	Hospital, Galen	45,000	
17	Supplemental Appropriation for Montana		
18	Developmental Center	289,900	
19	Replace Hospital Floors, Montana State		
20	Hospital, Galen	20,000	
21	Correct Code Deficiencies, Montana State		
22	Hospital, Galen	15,000	
23	Remodel Unit 57 for Women's Correction Center,		
24	Montana State Hospital	45,000	
25	Supervisor-Housing-Units,-Montana-State-Prison		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
2	Ranch		195,888 Ranch-Internat-Service-Fund
3	Fin-Gap-Joe-Irrigation-System;--Montana--State		
4	Prison-Ranch		288,888 Ranch-Internat-Service-Fund
5	DEPARTMENT OF LABOR AND INDUSTRY		
6	Acquisition of Arcade Building, Lower Level,		
7	Helena		50,000 State Special Revenue
8	Power Supply Project, Workers' Compensation,		
9	Helena		26,000 State Special Revenue
10	HVAC Replacement and Major Maintenance, Helena		
11	Job		
12	Service		53,600 Federal Special Revenue
13	Repair Settling Damage, Great Falls Job		
14	Service		50,000 Federal Special Revenue
15	Heating Unit Replacement, Missoula Job Service		50,000 Federal Special Revenue
16	Construct/Purchase, Butte Job Service		211,000 Federal Special Revenue
17	Parking Lot Construction, Havre Job Service		10,000 Federal Special Revenue
18	Basement Renovation, Bozeman Job Service		100,000 Federal Special Revenue
19	DEPARTMENT OF STATE LANDS		
20	Interagency Fire Center and Hangar, Helena		54,800 Federal Special Revenue
21	Nursery Freezer and Cooler, Missoula		24,000 State Special Revenue
22	Nursery Shop Building, Missoula		101,000 State Special Revenue
23	Nursery Storage Building, Missoula		22,000 State Special Revenue
24	DEPARTMENT OF MILITARY AFFAIRS		
25	Construct M-1 Bays Statewide	30,000	1,340,000 Federal Special Revenue

Agency/Project	CPF	Other Appropriated Funds
Remodel Missoula Armory and Study Armories, Statewide	12,000	80,000 Federal Special Revenue
Construct Livingston Armory	500,800	798,000 Federal Special Revenue
Federal Spending Authority		689,597 Federal Special Revenue
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
Oil and Gas Division Addition, Billings		116,950 Oil and Gas State Special Revenue
DEPARTMENT OF REVENUE		
Maintain Liquor Warehouse Roof		170,000 Enterprise Funds
MONTANA UNIVERSITY SYSTEM		
Carpet Replacement, Administration Building, Missoula Vo-Tech Center	80,000	
Replace Roofs, Montana University System	473,120	
Electrical Distribution System, Phase II, MSU	1,153,355	524,871 Auxiliary
Major Maintenance, Water Mains, University of Montana	130,000	
Exterior Door and Vestibules, Western Montana College	14,000	
Window Retrofit, Engineering Hall, Montana Tech	132,750	
Miscellaneous Projects, University of Montana		172,900 UM Building Fees
Centennial Mall, Montana State University		650,000 Private Endowments
<u>NEW SECTION. SECTION 7. CAPITAL IMPROVEMENTS APPROPRIATION TO THE MONTANA STATE PRISON RANCH. THE FOLLOWING MONEY</u>		
<u>IS APPROPRIATED TO MONTANA STATE PRISON IN THE INDICATED AMOUNTS FOR THE PURPOSES OF MAKING CAPITAL IMPROVEMENTS TO THE</u>		
<u>MONTANA STATE PRISON RANCH AND DAIRY:</u>		

Agency/Project	Other Appropriated Funds	
<u>SUPERVISOR HOUSING UNITS, MONTANA STATE PRISON</u>		
<u>RANCH</u>	<u>\$135,000</u>	<u>RANCH INTERNAL SERVICE FUND</u>
<u>TIN CUP JOE IRRIGATION SYSTEM, MONTANA STATE</u>		
<u>PRISON RANCH</u>	<u>200,000</u>	<u>RANCH INTERNAL SERVICE FUND</u>
<p><u>NEW SECTION.</u> Section 8. Capital improvements -- fish, wildlife, and parks. (1) The appropriation for improvements at Lake Elmo from the capital projects fund must be matched equally by local funds. The department of administration may expend only that portion of the appropriation that is equally matched on a cash basis. In-kind services may not be considered as a match.</p>		

10 (2) The appropriation to the department of fish, wildlife, and parks for state park maintenance and development
11 includes \$168,000 in highway gas tax funding and \$80,000 for improvements at Lewis and Clark caverns. The department may
12 spend up to \$500,000 of the appropriation for park maintenance and development for the Makoshika model parks program.

13 NEW SECTION. Section 9. Land acquisition appropriation. (1) The following money is appropriated to the department
14 of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition:

15	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
16	Wildlife Habitat Acquisition, Statewide	\$5,226,400	State Special Revenue
17	Bighorn Sheep Habitat Acquisition, Statewide	211,600	State Special Revenue
18	Fishing Access Site Acquisition, Statewide	525,755	State Special Revenue

19 (2) The following money is appropriated to the department of highways in the indicated amount for the purpose of
20 land acquisition:

21	Land Acquisition, Kalispell	80,000	Highways State Special Revenue
----	-----------------------------	--------	--------------------------------

22 NEW SECTION. Section 10. Inspection and study of dams. (1) The following money is appropriated to the department
23 of fish, wildlife, and parks in the amounts indicated for the purposes of the inspection, study, and renovation of dams:

24	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
25	Engineering Study, Bearpaw Dam, Havre		\$25,000 State Special Revenue

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
		75,000 Federal Special Revenue
Clearwater Fish Barrier Renovation/Removal,		
Seeley Lake		25,000 State Special Revenue
		75,000 Federal Special Revenue
Dam Inspection, Statewide		30,000 State Special Revenue

(2) THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE PRISON IN THE AMOUNT INDICATED FOR THE PURPOSE OF THE INSPECTION, STUDY, AND RENOVATION OF DAMS ON THE MONTANA STATE PRISON RANCH AND DAIRY:

<u>Agency/Project</u>	<u>Other Appropriated Funds</u>
<u>POWELL RESERVOIR DAM AND OTHER RANCH RESERVOIR</u>	
<u>DAMS</u>	<u>\$110,000 RANCH INTERNAL SERVICE FUND</u>

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

NEW SECTION. Section 11. Appropriation of excess capital projects fund. The uncommitted cash balance remaining in the capital projects fund, including any revenues received and prior year revenue adjustments and transfers during the 1990-91 biennium in excess of the appropriation balances remaining under [sections 4 and 6], are appropriated to the department of state lands for the indicated capital project:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
Maintenance and Improvement Projects, Statewide	\$34,200	

NEW SECTION. Section 12. Reappropriation of unspent bond proceeds. Funding for the following projects is appropriated from the unspent portion of the 1985 long-range building program bond proceeds issued to finance a swimming pool addition at western Montana college:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
MONTANA UNIVERSITY SYSTEM		
Physical Education Building Roof Replacement,		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	WMC		\$230,000
3	Planning Remodel of Student Union Building,		
4	WMC		50,000
5	<u>NEW SECTION.</u> Section 13. New agreement with the board of regents. (1) For the funds authorized and appropriated		
6	by [this act] for the physical education building roof replacement and for planning the student union building remodel		
7	at western Montana college, the board of examiners and the board of regents shall enter into an agreement by which the		
8	board of regents shall pay the state treasurer, beginning in fiscal year 1990, an amount equal to 6.7% of each		
9	semiannual principal and interest payment due on the bonds. Such payments must continue until the bonds are paid in		
10	full.		
11	(2) Until August 1, 1989, the investment income from investment of the unspent proceeds of the long-range building		
12	program bonds, series 1985A, issued to finance a swimming pool addition at western Montana college must be credited		
13	against the payment obligations of the board of regents under the July 24, 1985, agreement between the board of		
14	examiners and the board of regents.		
15	(3) After the August 1, 1989, principal and interest payment is made on the bonds, the department of		
16	administration shall transfer from the bond proceeds account to the capital projects fund all funds not appropriated in		
17	[section 11 12].		
18	(4) The interest earnings on those funds appropriated to western Montana college that remain in the account after		
19	August 1, 1989, must be a credit against the payment obligations of the board of regents under the new agreement.		
20	<u>NEW SECTION.</u> Section 14. Disposition of unspent bond proceeds and related investment income. Excess investment		
21	income and excess principal of bonds issued for a specific purpose or project may be placed in the debt service fund to		
22	retire bonds issued for the purpose or project.		
23	<u>NEW SECTION.</u> Section 15. Appropriation of bond proceeds and other funds. The following money is appropriated from		
24	the other appropriated funds to the department of administration for the capital projects described in this section,		
25	contingent upon the respective authorization and sale of general obligation long-range building program bonds by the		

1 51st legislature and the board of examiners:

2	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
3	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
4	Region 7 Headquarters Construction, Miles City		\$ 950,000
5	Hatchery Construction and Renovations,		
6	Anaconda, Arlee, Lewistown		2,592,800

7 NEW SECTION. Section 16. Authorization of bonds. The board of examiners is authorized to issue and sell general
 8 obligation long-range building program bonds in an amount not exceeding \$3,542,800 for the projects described in
 9 [section 14 15] over and above the amount of general obligation long-range building program bonds outstanding on January
 10 1, 1989, to be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The
 11 authority granted to the board by this section is in addition to any other authorization to the board to issue and sell
 12 general obligation long-range building program bonds.

13 NEW SECTION. Section 17. Agreement with the department of fish, wildlife, and parks. For the proceeds of bonds or
 14 notes authorized and appropriated by [this act] for the construction of the region 7 headquarters or the renovation of
 15 fish hatcheries operated by the department of fish, wildlife, and parks, the board of examiners and the department of
 16 fish, wildlife, and parks may enter into an agreement under the terms of which the department shall pay the state
 17 treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount
 18 sufficient to pay the principal and interest as due on the bonds or notes from which the appropriation was made and to
 19 accumulate and maintain reserves required under such bonds. The agreement must further provide that income from the
 20 investment of bond proceeds, unused principal, and the reserves not required for construction or renovation costs may be
 21 credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves
 22 during the first year the bonds are outstanding. Payments by the department must be made from funds available therefor.

23 NEW SECTION. Section 18. Benefit of state. The agreements made pursuant to [sections 12-and-16 13 AND 17] are
 24 solely for the benefit of the state of Montana and are not enforceable by bondholders or other third-party
 25 beneficiaries.

1 NEW SECTION. Section 19. Department of fish, wildlife, and parks -- bond payment. The department of fish,
2 wildlife, and parks shall transfer to the department of administration, prior to the payment date, sufficient funds to
3 retire \$3,542,800 of general obligation long-range building program bonds authorized by the 51st legislature and issued
4 by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

5 NEW SECTION. Section 20. Fish hatchery reauthorization. The appropriations for capital projects authorized in
6 section 5, House Bill No. 900, enacted by the 48th legislature, and in section 6, House Bill No. 5, enacted by the 50th
7 legislature, for the Creston Springs hatchery operated by the department of fish, wildlife, and parks are appropriated
8 through the biennium ending June 30, 1991, for a kokanee salmon facility.

9 NEW SECTION. Section 21. Authorizing inmate labor for construction of prison projects. For the purposes of
10 constructing a 96-man housing unit; AUTHORIZED IN [SECTION 6]; THE ranch housing units; and the irrigation system at
11 Montana state prison authorized in {section-6}; [SECTION 7]; AND THE INSPECTION, STUDY, AND RENOVATION OF DAMS AT
12 MONTANA STATE PRISON AUTHORIZED IN [SECTION 10(2)]; the department of institutions may use inmate labor to construct the
13 projects and is exempt, for the purposes of completing these projects, from the provisions of 53-1-301(1)(g). The
14 department of administration may exempt these projects from any provisions of Montana law relating to public bidding,
15 bonding, workers' compensation coverage, or labor and wage requirements.

16 NEW SECTION. Section 22. Building demolition or sale and removal. (1) The department of administration may
17 solicit bids for the demolition or for the sale and removal of the following buildings:

18	<u>Building Name</u>
19	Montana Developmental Center
20	Cottage No. 5
21	Old Administration Building
22	Old Laundry Storage
23	Tire/Rubber Storage
24	Garage
25	Hog House
	Old Granary

1		Turkey House
2		Ranch House
3		Garage
4		Chicken House
5		Old Machine Shed
6		Root Cellar
7	Montana Veterans' Home	Old Main & Annex
8		Old Dorm
9		Boiler Room
10		Superintendent's Residence
11	Montana State Hospital	Bolton
12		Former Children's Unit
13		Apartment Building "A"
14		W.S. Superintendent's Residence
15		Old Butcher Shop
16		Byron Hall
17		Former Lighthouse
18		Maintenance Shop
19		Lumber Storage
20		Old Barn

21 (2) The director of the department of institutions shall certify to the department of administration that each of
 22 the buildings set forth in subsection (1) is surplus to the needs of the department and the state by reason of the
 23 building's age, deteriorated physical condition, safety considerations, or license deficiencies and has no residual
 24 economic or useful life. If the cost of repairing the deficiencies would preclude reasonable restoration and
 25 refurbishing efforts, the director of the department of administration may grant an order to proceed with demolition if:

1 (a) a successful contractor or bidder agrees to demolish or remove the building and reclaim the building site
2 based on the salvage value of the building itself; and

3 (b) the demolition or removal of the building does not violate the provisions of the state antiquities law, as
4 provided in Title 22, chapter 3, part 4, relative to established heritage properties under state ownership.

5 (3) The director of the department of administration may permit the director of the department of institutions to
6 use the prison industries program, established in 53-1-301 through 53-1-304, to demolish and remove selected
7 institutional buildings listed in subsection (1). The proceeds from the sale of salvageable material obtained through
8 the demolition process must be deposited in the prison industries proprietary account. Permission may be granted only
9 after the office of budget and program planning and the legislative finance committee determine that the proceeds from
10 the sale of salvageable material will support the cost of demolition and removal.

11 NEW SECTION. SECTION 23. SALE OF STATE LANDS AT MONTANA STATE PRISON. PURSUANT TO THE PROVISIONS OF 77-2-302
12 REQUIRING THAT THE BOARD OF LAND COMMISSIONERS CONSULT WITH AN APPROPRIATE LEGISLATIVE COMMITTEE PRIOR TO THE SALE OF
13 BUILDINGS FORMERLY USED BY A STATE INSTITUTION, THE BOARD IS HEREBY AUTHORIZED TO SELL THE FOLLOWING PROPERTY IF IT
14 DETERMINES THIS SALE TO BE IN THE BEST INTEREST OF THE STATE. SALE PROCEEDS MUST BE DEPOSITED IN THE CAPITAL PROJECTS
15 FUNDS. THE BOARD IS AUTHORIZED TO PAY COSTS OF NECESSARY SURVEYS, APPRAISALS, AND ALL OTHER COSTS ASSOCIATED WITH THE
16 SALE OF LAND FROM THE PROCEEDS OF THE SALE. THE LAND THAT MAY BE SOLD IS APPROXIMATELY 10 ACRES OF LAND FORMERLY KNOWN
17 AS THE BRATTEN RANCH, WITH APPROXIMATELY 14 STRUCTURES. THIS PROPERTY BORDERS ON MAIN STREET IN THE CITY OF DEER LODGE,
18 A MONTANA POWER SUBSTATION, AND THE DEPARTMENT OF HIGHWAYS GARAGE.

19 NEW SECTION. Section 24. Planning and design. The department of administration may proceed with the planning and
20 design of capital projects prior to the receipt of other appropriated funds. The department may use interaccount loans
21 in accordance with 17-2-107 to pay such planning and design costs incurred prior to the receipt of other appropriated
22 funds.

23 NEW SECTION. Section 25. Capital projects -- contingent funds. If any capital project is financed in whole or in
24 part with appropriations contingent upon the receipt of other appropriated funds, the department of administration may
25 not let such projects for bid until the agency has submitted a financial plan for approval by the director of the

1 department of administration. No financial plan may be approved by the director if:

2 (1) the level of funding provided under the financial plan deviates substantially from the funding levels provided
3 in [this act] for that project; or

4 (2) the scope of the project must be substantially altered or revised from the preliminary plans presented for
5 that project in the 1989-91 long-range building program presented to the 51st legislature.

6 NEW SECTION. Section 26. **Legislative consent.** The appropriations authorized in [this act] constitute legislative
7 consent for the capital projects contained in [this act] within the meaning of 18-2-102.

8 NEW SECTION. Section 27. **Severability.** If a part of [this act] is invalid, all valid parts that are severable
9 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
10 remains in effect in all valid applications that are severable from the invalid applications.

11 NEW SECTION. Section 28. **Requirements for approval of state debt -- severability.** Because [section 15 16]
12 authorizes the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of
13 [sections 14-through-18 15 THROUGH 19]. If [section 15 16] is not approved by the required vote, [sections 14-through-18
14 15 THROUGH 19] are void. The remaining sections of [this act] are valid and remain in effect in all valid applications
15 upon enactment.

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

-End-

SENATE STANDING COMMITTEE REPORT

April 8, 1989

MR. PRESIDENT:

We, your committee on Finance and Claims, having had under consideration HB 777 (third reading copy -- blue), respectfully report that HB 777 be amended and as so amended be concurred in:

Sponsor: Connelly (Manning)

1. Page 3, line 12.

Strike: "300,000"

Insert: "549,000"

2. Page 3, line 20.

Strike: "1,057,500"

Insert: "1,137,500"

3. Page 3, lines 23 and 24.

Strike: "Federal Special Revenue"

Insert: "State Special Revenue"

4. Page 7, line 11.

Following: "caverns"

Insert: "and at least \$330,000 for improvements and repairs at Canyon Ferry, which includes \$80,000 from bureau of reclamation funds"

5. Page 8, line 14.

Insert: "NEW SECTION. Section 11. River restoration. The following money is appropriated to the department of fish, wildlife, and parks for river restoration:

Agency/Project
River Restoration

CPF

Other Appropriated Funds
168,000 State Special Revenue"

Renumber: subsequent sections

AND AS AMENDED BE CONCURRED IN

Signed: _____


Pete Story, Chairman

SENATE
HB 777

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 11, 1989 2:47 pm

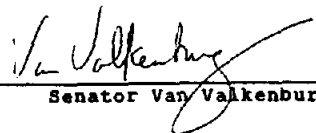
Mr. Chairman: I move to amend HB 777 (third reading copy -- blue)
as follows:

1. Page 6, line 21.
Strike: "172,000"
Insert: "217,039"

ADOPT

REJECT

Signed:


Senator Van Valkenburg

#1
cwhb777.411

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 11, 1989 2:49 pm

Mr. Chairman: I move to amend HB 777 (third reading copy -- blue)
as follows:

1. Page 7, line 14.
Following: "acquisition"
Insert: ", land leasing, or easement purchase"

ADOPT

REJECT

Signed:


Senator Jenkins

#2
SENATE
HB 777

HOUSE BILL NO. 777

INTRODUCED BY CONNELLY, WALKER, MANNING, THOFT, SPAETH, BARDANOUVE
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS AND TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1991; TO PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; TO PROVIDE FOR A NEW AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; 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 [this act], unless otherwise stated, the following definitions apply:

(1) "Agency" includes each state office, department, board, commission, council, committee, the university system, or any other entity or instrumentality of the executive branch, office of the legislative branch, or office of the judicial branch of state government.

(2) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency in order to increase the appropriations of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(3) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in [this act].

(4) "CPF" means the capital projects fund.

(5) "Major maintenance" means building maintenance or repair projects that are not needed on an annual or biennial basis or are not the function of the permanent maintenance staff of the agency.

**HB 777**

Montana Legislative Council

REFERENCE BILL

AS AMENDED

(6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance requirements and costs for the first 2 years of the schedule, developed for each state building, as determined by the department of administration. The plan must include a record of major maintenance performed in the previous biennium.

(7) "Other appropriated funds" means money other than general fund money or capital projects fund money, including special revenue fund money, that accrues to an agency under the provisions of law.

NEW SECTION. Section 2. **Expansion required to be authorized.** An existing capital project may not be expanded beyond the scope of the project as approved by the 51st legislature unless the capital project expansion is authorized by an approved budget amendment.

NEW SECTION. Section 3. **Federal funds for administration.** All federal funds received as a reimbursement for the cost of administering the federal funds when the cost was financed from the general fund revert to the general fund.

NEW SECTION. Section 4. **Reappropriation.** Notwithstanding any other provision of law, the remaining balances on capital projects previously appropriated are reappropriated until June 30, 1991, for the purposes for which originally appropriated.

NEW SECTION. Section 5. **Major maintenance plan -- requirements.** For all new construction proposals submitted to the legislature and for all existing applicable state buildings, as determined by the department of administration, each agency, in consultation with the architecture and engineering division of the department of administration, shall provide a major maintenance plan. This plan must be submitted by the agency to the department of administration by July 1 of each even-numbered year, along with the proposed long-range building program required under 17-7-202.

NEW SECTION. Section 6. **Capital projects appropriations.** The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	\$ 200,000	
Maintain Water Towers and Systems, Statewide	450,000	
DEPARTMENT OF AGRICULTURE -- PLANT INDUSTRY		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	DIVISION		
3	Remodel Grain Laboratory, Great Falls		45,500 State Special Revenue
4	DEPARTMENT OF EDUCATION		
5	Roof Repair, Academic Building, Montana School		
6	for the Deaf and Blind	10,000	
7	DEPARTMENT OF FAMILY SERVICES		
8	Replace/Repair Roof, Custer Lodge, Pine Hills		
9	School	155,000	
10	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
11	Fishing Access Sites Improvement, Statewide		183,000 State Special Revenue
12			988,868 Federal Special Revenue
13			<u>549,000</u>
14	Construct Region 2 Headquarters Storage,		
15	Missoula		25,920 State Special Revenue
16	Waterfowl Habitat Enhancement, Statewide		424,500 State Special Revenue
17	Boat Facilities, Statewide		54,923 State Special Revenue
18			163,770 Federal Special Revenue
19	State Park Maintenance and Development,		
20	Statewide		1,181,500 State Special Revenue
21			1,057,588 Federal Special Revenue
22			<u>1,137,500</u>
23	State Property Improvement, Statewide		165,037 State Special Revenue
24	Donation Authority, East Gallatin Park,		
25	Bozeman		100,000 Federal-Special-Revenue

Agency/Project	CPF	Other Appropriated Funds
		<u>STATE SPECIAL REVENUE</u>
Lake Elmo Improvements	150,000	150,000 Federal-Special-Revenue
		<u>STATE SPECIAL REVENUE</u>
DEPARTMENT OF HIGHWAYS		
Maintenance Projects, Statewide		750,000 Highways State Special Revenue
Maintenance Section, Headquarters Complex,		
Bridger		140,460 Highways State Special Revenue
Construct Sandhouses, Statewide		118,800 Highways State Special Revenue
Headquarters Renovation, Glendive		72,480 Highways State Special Revenue
Construct Equipment Storage Additions,		
Statewide		419,480 Highways State Special Revenue
DEPARTMENT OF INSTITUTIONS		
Construct Low Security Housing Unit, MSP	1,184,600	
Building Modifications and Exterior Lighting,		
Center for the Aged	45,396	
Roof Replacement/Repair, Department of		
Institutions	352,500	
Boiler Room Water Softeners, Montana State		
Hospital, Galen	45,000	
Supplemental Appropriation for Montana		
Developmental Center	289,900	
Replace Hospital Floors, Montana State		
Hospital, Galen	20,000	
Correct Code Deficiencies, Montana State		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	Hospital, Galen	15,000	
3	Remodel Unit 57 for Women's Correction Center,		
4	Montana State Hospital	45,000	
5	Supervisor-Housing-Units;--Montana-State-Prison		
6	Ranch		195,000 Ranch-Internat-Service-Fund
7	Fin-Eop-Joe-Irrigation-System;--Montana--State		
8	Prison-Ranch		200,000 Ranch-Internat-Service-Fund
9	DEPARTMENT OF LABOR AND INDUSTRY		
10	Acquisition of Arcade Building, Lower Level,		
11	Helena		50,000 State Special Revenue
12	Power Supply Project, Workers' Compensation,		
13	Helena		26,000 State Special Revenue
14	HVAC Replacement and Major Maintenance, Helena		
15	Job		
16	Service		53,600 Federal Special Revenue
17	Repair Settling Damage, Great Falls Job		
18	Service		50,000 Federal Special Revenue
19	Heating Unit Replacement, Missoula Job Service		50,000 Federal Special Revenue
20	Construct/Purchase, Butte Job Service		211,000 Federal Special Revenue
21	Parking Lot Construction, Havre Job Service		10,000 Federal Special Revenue
22	Basement Renovation, Bozeman Job Service		100,000 Federal Special Revenue
23	DEPARTMENT OF STATE LANDS		
24	Interagency Fire Center and Hangar, Helena		54,800 Federal Special Revenue
25	Nursery Freezer and Cooler, Missoula		24,000 State Special Revenue

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>	
1				
2	Nursery Shop Building, Missoula		101,000	State Special Revenue
3	Nursery Storage Building, Missoula		22,000	State Special Revenue
4	DEPARTMENT OF MILITARY AFFAIRS			
5	Construct M-1 Bays Statewide	30,000	1,340,000	Federal Special Revenue
6	Remodel Missoula Armory and Study Armories,			
7	Statewide	12,000	80,000	Federal Special Revenue
8	Construct Livingston Armory	500,800	798,000	Federal Special Revenue
9	Federal Spending Authority		689,597	Federal Special Revenue
10	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION			
11	Oil and Gas Division Addition, Billings		116,950	Oil and Gas State Special Revenue
12	DEPARTMENT OF REVENUE			
13	Maintain Liquor Warehouse Roof		170,000	Enterprise Funds
14	MONTANA UNIVERSITY SYSTEM			
15	Carpet Replacement, Administration Building,			
16	Missoula Vo-Tech Center	80,000		
17	Replace Roofs, Montana University System	473,120		
18	Electrical Distribution System, Phase II, MSU	1,153,355	524,871	Auxiliary
19	Major Maintenance, Water Mains, University of			
20	Montana	130,000		
21	Exterior Door and Vestibules, Western Montana			
22	College	14,000		
23	Window Retrofit, Engineering Hall, Montana			
24	Tech	132,750		
25	Miscellaneous Projects, University of Montana		172,900	UM Building Fees

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
		<u>217,039</u>
Centennial Mall, Montana State University		650,000 Private Endowments

NEW SECTION. SECTION 7. CAPITAL IMPROVEMENTS APPROPRIATION TO THE MONTANA STATE PRISON RANCH. THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE PRISON IN THE INDICATED AMOUNTS FOR THE PURPOSES OF MAKING CAPITAL IMPROVEMENTS TO THE MONTANA STATE PRISON RANCH AND DAIRY:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
SUPERVISOR HOUSING UNITS, MONTANA STATE PRISON RANCH		<u>\$135,000 RANCH INTERNAL SERVICE FUND</u>
TIN CUP JOE IRRIGATION SYSTEM, MONTANA STATE PRISON RANCH		<u>200,000 RANCH INTERNAL SERVICE FUND</u>

NEW SECTION. Section 8. Capital improvements -- fish, wildlife, and parks. (1) The appropriation for improvements at Lake Elmo from the capital projects fund must be matched equally by local funds. The department of administration may expend only that portion of the appropriation that is equally matched on a cash basis. In-kind services may not be considered as a match.

(2) The appropriation to the department of fish, wildlife, and parks for state park maintenance and development includes \$168,000 in highway gas tax funding and \$80,000 for improvements at Lewis and Clark caverns AND AT LEAST \$330,000 FOR IMPROVEMENTS AND REPAIRS AT CANYON FERRY, WHICH INCLUDES \$80,000 FROM BUREAU OF RECLAMATION FUNDS. The department may spend up to \$500,000 of the appropriation for park maintenance and development for the Makoshika model parks program.

NEW SECTION. Section 9. Land acquisition appropriation. (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, OR EASEMENT PURCHASE:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
Wildlife Habitat Acquisition, Statewide		\$5,226,400 State Special Revenue

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
1			
2	Bighorn Sheep Habitat Acquisition, Statewide		211,600 State Special Revenue
3	Fishing Access Site Acquisition, Statewide		525,755 State Special Revenue

4 (2) The following money is appropriated to the department of highways in the indicated amount for the purpose of
5 land acquisition:

6	Land Acquisition, Kalispell	80,000	Highways State Special Revenue
---	-----------------------------	--------	--------------------------------

7 NEW SECTION. Section 10. Inspection and study of dams. (1) The following money is appropriated to the department
8 of fish, wildlife, and parks in the amounts indicated for the purposes of the inspection, study, and renovation of dams:

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
9			
10	Engineering Study, Bearpaw Dam, Havre	\$25,000	State Special Revenue
11		75,000	Federal Special Revenue
12	Clearwater Fish Barrier Renovation/Removal,		
13	Seeley Lake	25,000	State Special Revenue
14		75,000	Federal Special Revenue
15	Dam Inspection, Statewide	30,000	State Special Revenue

16 (2) THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE PRISON IN THE AMOUNT INDICATED FOR THE PURPOSE OF THE
17 INSPECTION, STUDY, AND RENOVATION OF DAMS ON THE MONTANA STATE PRISON RANCH AND DAIRY:

	<u>Agency/Project</u>	<u>Other Appropriated Funds</u>
18		
19	<u>POWELL RESERVOIR DAM AND OTHER RANCH RESERVOIR</u>	
20	<u>DAMS</u>	<u>\$110,000 RANCH INTERNAL SERVICE FUND</u>

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

23 NEW SECTION. SECTION 11. RIVER RESTORATION. THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF FISH,
24 WILDLIFE, AND PARKS FOR RIVER RESTORATION:

1	<u>AGENCY/PROJECT</u>	<u>CPF</u>	<u>OTHER APPROPRIATED FUNDS</u>
2	<u>RIVER RESTORATION</u>	<u>—</u>	<u>\$168,000 STATE SPECIAL REVENUE</u>
3	<u>NEW SECTION.</u> Section 12. Appropriation of excess capital projects fund. The uncommitted cash balance remaining in		
4	the capital projects fund, including any revenues received and prior year revenue adjustments and transfers during the		
5	1990-91 biennium in excess of the appropriation balances remaining under [sections 4 and 6], are appropriated to the		
6	department of state lands for the indicated capital project:		

7	<u>Agency/Project</u>	<u>CPE</u>	<u>Other Appropriated Funds</u>
8	Maintenance and Improvement Projects, Statewide	\$34,200	
9	<u>NEW SECTION.</u> Section 13. Reappropriation of unspent bond proceeds. Funding for the following projects is		
10	appropriated from the unspent portion of the 1985 long-range building program bond proceeds issued to finance a swimming		
11	pool addition at western Montana college:		

	<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
12			
13	MONTANA UNIVERSITY SYSTEM		
14	Physical Education Building Roof Replacement,		
15	WMC		\$230,000
16	Planning Remodel of Student Union Building,		
17	WMC		50,000
18	<u>NEW SECTION.</u> Section 14. New agreement with the board of regents. (1) For the funds authorized and appropriated		
19	by [this act] for the physical education building roof replacement and for planning the student union building remodel		
20	at western Montana college, the board of examiners and the board of regents shall enter into an agreement by which the		
21	board of regents shall pay the state treasurer, beginning in fiscal year 1990, an amount equal to 6.7% of each		
22	semiannual principal and interest payment due on the bonds. Such payments must continue until the bonds are paid in		
23	full.		
24	(2) Until August 1, 1989, the investment income from investment of the unspent proceeds of the long-range building		
25	program bonds, series 1985A, issued to finance a swimming pool addition at western Montana college must be credited		

against the payment obligations of the board of regents under the July 24, 1985, agreement between the board of examiners and the board of regents.

(3) After the August 1, 1989, principal and interest payment is made on the bonds, the department of administration shall transfer from the bond proceeds account to the capital projects fund all funds not appropriated in [section ~~11~~ 12 13].

(4) The interest earnings on those funds appropriated to western Montana college that remain in the account after August 1, 1989, must be a credit against the payment obligations of the board of regents under the new agreement.

NEW SECTION. Section 15. **Disposition of unspent bond proceeds and related investment income.** Excess investment income and excess principal of bonds issued for a specific purpose or project may be placed in the debt service fund to retire bonds issued for the purpose or project.

NEW SECTION. Section 16. **Appropriation of bond proceeds and other funds.** The following money is appropriated from the other appropriated funds to the department of administration for the capital projects described in this section, contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 51st legislature and the board of examiners:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Region 7 Headquarters Construction, Miles City		\$ 950,000
Hatchery Construction and Renovations,		
Anaconda, Arlee, Lewistown		2,592,800

NEW SECTION. Section 17. **Authorization of bonds.** The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$3,542,800 for the projects described in [section ~~14~~ 15 16] over and above the amount of general obligation long-range building program bonds outstanding on January 1, 1989, to be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds.

1 NEW SECTION. Section 18. **Agreement with the department of fish, wildlife, and parks.** For the proceeds of bonds or
 2 notes authorized and appropriated by [this act] for the construction of the region 7 headquarters or the renovation of
 3 fish hatcheries operated by the department of fish, wildlife, and parks, the board of examiners and the department of
 4 fish, wildlife, and parks may enter into an agreement under the terms of which the department shall pay the state
 5 treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount
 6 sufficient to pay the principal and interest as due on the bonds or notes from which the appropriation was made and to
 7 accumulate and maintain reserves required under such bonds. The agreement must further provide that income from the
 8 investment of bond proceeds, unused principal, and the reserves not required for construction or renovation costs may be
 9 credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves
 10 during the first year the bonds are outstanding. Payments by the department must be made from funds available therefor.

11 NEW SECTION. Section 19. **Benefit of state.** The agreements made pursuant to [sections ~~12-and-16~~ 13-AND-17 14 AND
 12 18] are solely for the benefit of the state of Montana and are not enforceable by bondholders or other third-party
 13 beneficiaries.

14 NEW SECTION. Section 20. **Department of fish, wildlife, and parks bond payment.** The department of fish,
 15 wildlife, and parks shall transfer to the department of administration, prior to the payment date, sufficient funds to
 16 retire \$3,542,800 of general obligation long-range building program bonds authorized by the 51st legislature and issued
 17 by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

18 NEW SECTION. Section 21. **Fish hatchery reauthorization.** The appropriations for capital projects authorized in
 19 section 5, House Bill No. 900, enacted by the 48th legislature, and in section 6, House Bill No. 5, enacted by the 50th
 20 legislature, for the Creston Springs hatchery operated by the department of fish, wildlife, and parks are appropriated
 21 through the biennium ending June 30, 1991, for a kokanee salmon facility.

22 NEW SECTION. Section 22. **Authorizing inmate labor for construction of prison projects.** For the purposes of
 23 constructing a 96-man housing unit; AUTHORIZED IN [SECTION 6]; THE ranch housing units; and the irrigation system at
 24 Montana state prison authorized in ~~[section-6];~~ [SECTION 7]; AND THE INSPECTION, STUDY, AND RENOVATION OF DAMS AT
 25 MONTANA STATE PRISON AUTHORIZED IN [SECTION 10(2)]; the department of institutions may use inmate labor to construct the

1 projects and is exempt, for the purposes of completing these projects, from the provisions of 53-1-301(1)(g). The
 2 department of administration may exempt these projects from any provisions of Montana law relating to public bidding,
 3 bonding, workers' compensation coverage, or labor and wage requirements.

4 NEW SECTION. Section 23. Building demolition or sale and removal. (1) The department of administration may
 5 solicit bids for the demolition or for the sale and removal of the following buildings:

	<u>Building Name</u>
6	
7	Montana Developmental Center
8	Cottage No. 5
9	Old Administration Building
10	Old Laundry Storage
11	Tire/Rubber Storage
12	Garage
13	Hog House
14	Old Granary
15	Turkey House
16	Ranch House
17	Garage
18	Chicken House
19	Old Machine Shed
20	Root Cellar
21	Old Main & Annex
22	Old Dorm
23	Boiler Room
24	Superintendent's Residence
25	Montana State Hospital
	Bolton
	Former Children's Unit

Apartment Building "A"
 W.S. Superintendent's Residence
 Old Butcher Shop
 Byron Hall
 Former Lighthouse
 Maintenance Shop
 Lumber Storage
 Old Barn

(2) The director of the department of institutions shall certify to the department of administration that each or the buildings set forth in subsection (1) is surplus to the needs of the department and the state by reason of the building's age, deteriorated physical condition, safety considerations, or license deficiencies and has no residual economic or useful life. If the cost of repairing the deficiencies would preclude reasonable restoration and refurbishing efforts, the director of the department of administration may grant an order to proceed with demolition if:

(a) a successful contractor or bidder agrees to demolish or remove the building and reclaim the building site based on the salvage value of the building itself; and

(b) the demolition or removal of the building does not violate the provisions of the state antiquities law, as provided in Title 22, chapter 3, part 4, relative to established heritage properties under state ownership.

(3) The director of the department of administration may permit the director of the department of institutions to use the prison industries program, established in 53-1-301 through 53-1-304, to demolish and remove selected institutional buildings listed in subsection (1). The proceeds from the sale of salvageable material obtained through the demolition process must be deposited in the prison industries proprietary account. Permission may be granted only after the office of budget and program planning and the legislative finance committee determine that the proceeds from the sale of salvageable material will support the cost of demolition and removal.

NEW SECTION. SECTION 24. SALE OF STATE LANDS AT MONTANA STATE PRISON. PURSUANT TO THE PROVISIONS OF 77-2-302
REQUIRING THAT THE BOARD OF LAND COMMISSIONERS CONSULT WITH AN APPROPRIATE LEGISLATIVE COMMITTEE PRIOR TO THE SALE OF

BUILDINGS FORMERLY USED BY A STATE INSTITUTION, THE BOARD IS HEREBY AUTHORIZED TO SELL THE FOLLOWING PROPERTY IF IT DETERMINES THIS SALE TO BE IN THE BEST INTEREST OF THE STATE. SALE PROCEEDS MUST BE DEPOSITED IN THE CAPITAL PROJECTS FUNDS. THE BOARD IS AUTHORIZED TO PAY COSTS OF NECESSARY SURVEYS, APPRAISALS, AND ALL OTHER COSTS ASSOCIATED WITH THE SALE OF LAND FROM THE PROCEEDS OF THE SALE. THE LAND THAT MAY BE SOLD IS APPROXIMATELY 10 ACRES OF LAND FORMERLY KNOWN AS THE BRATTEN RANCH, WITH APPROXIMATELY 14 STRUCTURES. THIS PROPERTY BORDERS ON MAIN STREET IN THE CITY OF DEER LODGE, A MONTANA POWER SUBSTATION, AND THE DEPARTMENT OF HIGHWAYS GARAGE.

NEW SECTION. Section 25. Planning and design. The department of administration may proceed with the planning and design of capital projects prior to the receipt of other appropriated funds. The department may use interaccount loans in accordance with 17-2-107 to pay such planning and design costs incurred prior to the receipt of other appropriated funds.

NEW SECTION. Section 26. Capital projects -- contingent funds. If any capital project is financed in whole or in part with appropriations contingent upon the receipt of other appropriated funds, the department of administration may not let such projects for bid until the agency has submitted a financial plan for approval by the director of the department of administration. No financial plan may be approved by the director if:

(1) the level of funding provided under the financial plan deviates substantially from the funding levels provided in [this act] for that project; or

(2) the scope of the project must be substantially altered or revised from the preliminary plans presented for that project in the 1989-91 long-range building program presented to the 51st legislature.

NEW SECTION. Section 27. Legislative consent. The appropriations authorized in [this act] constitute legislative consent for the capital projects contained in [this act] within the meaning of 18-2-102.

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. Requirements for approval of state debt -- severability. Because [section 15 to 17] authorizes the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of

1 [sections ~~14--through--18~~ ~~15--THROUGH--19~~ 16 THROUGH 20]. If [section ~~15~~ 16 17] is not approved by the required vote,
2 [sections ~~14-through-18~~ ~~15-THROUGH-19~~ 16 THROUGH 20] are void. The remaining sections of [this act] are valid and remain
3 in effect in all valid applications upon enactment.

4 NEW SECTION. Section 30. Effective date. [This act] is effective on passage and approval.

-End-