

HOUSE BILL NO. 10

INTRODUCED BY BERGSAGEL
BY REQUEST OF THE OFFICE OF BUDGET AND
PROGRAM PLANNING

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
JANUARY 4, 1993	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 22, 1993	PRINTING REPORT. SECOND READING, DO PASS AS AMENDED.
MARCH 23, 1993	ENGROSSING REPORT.
MARCH 24, 1993	THIRD READING, PASSED. AYES, 83; NOES, 16.
MARCH 25, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING.
APRIL 5, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 6, 1993	SECOND READING, CONCURRED IN.
APRIL 7, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1. RETURNED TO HOUSE.

IN THE HOUSE

APRIL 8, 1993	SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.
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1 HOUSE BILL NO. 10

2 INTRODUCED BY BERGSAGEL

3 BY REQUEST OF THE OFFICE OF BUDGET AND
4 PROGRAM PLANNING5
6 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL
7 OVERCHARGE MONEY FOR PROGRAMS ADMINISTERED BY THE STATE OF
8 MONTANA; CLARIFYING THAT ONLY INTEREST AND EARNINGS ARE
9 STATUTORILY APPROPRIATED; AND AMENDING SECTION 90-4-215,
10 MCA."11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 NEW SECTION. **Section 1. Policy.** [Sections 1 through
14 13] implement the policy stated in 90-4-210.15 NEW SECTION. **Section 2. Definitions.** As used in
16 [sections 1 through 13], the following definitions apply:17 (1) "Carryover" means unspent oil overcharge funds
18 previously appropriated and incorporated into an approved
19 program plan for one of the federal energy conservation
20 programs, but not included in unspent project funds as
21 defined in subsection (9).22 (2) "Cities service payments" means the oil overcharge
23 payments made to the U.S. treasury for distribution to the
24 state of Montana pursuant to the consent agreement between
25 cities service oil and gas and the U.S. department of

1 energy, as affirmed by the federal energy regulatory
2 commission, and includes any interest accrued on the
3 payments.

4 (3) "Diamond shamrock payments" means the oil
5 overcharge payments made to the U.S. treasury for
6 distribution to the state of Montana as the result of the
7 final settlement agreement in the U.S. district court for
8 the southern district of Ohio eastern division in Civil
9 Action No. C2-84-1432 and includes any interest accrued on
10 the payments.

11 (4) "Energy conservation and energy assistance account"
12 means the account established within the federal special
13 revenue fund established by 90-4-215.

14 (5) "Exxon payments" means the oil overcharge payments
15 made by the exxon corporation to the U.S. treasury for
16 distribution to the state of Montana pursuant to the order
17 of the U.S. district court for the District of Columbia in
18 Civil Action No. 78-1035 and includes any interest accrued
19 on the payments.

20 (6) "Getty oil payments" means the oil overcharge
21 payments made to the U.S. treasury for distribution to the
22 state of Montana pursuant to the order of disbursement
23 issued in Civil Action No. 77-347 (MMS) in the U.S. district
24 court for the district of Delaware and includes any interest
25 accrued on the payments.

1 (7) "Stripper well payments" means the oil overcharge
2 payments made to the U.S. treasury for distribution to the
3 state of Montana as the result of the final settlement
4 agreement in the U.S. district court for the district of
5 Kansas, Cause No. M.D.L. 378, and includes any interest
6 accrued on the payments. The term also includes but is not
7 limited to cities service payments, as defined in subsection
8 (2), getty oil payments, as defined in subsection (6),
9 texaco payments, as defined in subsection (8), and unspent
10 project funds, as defined in subsection (9).

11 (8) "Texaco payments" means the oil overcharge payments
12 made to the U.S. treasury for distribution to the state of
13 Montana pursuant to the texaco final consent order, 53 Fed.
14 Reg. 32929, August 29, 1988, and includes any interest
15 accrued on the payments.

16 (9) "Unspent project funds" means stripper well
17 payments that were not expended or otherwise legally
18 obligated during the 1993 biennium but that were
19 appropriated for the 1993 biennium in Chapter 553, Laws of
20 1991, in:

- 21 (a) section 5(1);
- 22 (b) section 6;
- 23 (c) section 7;
- 24 (d) section 9; and
- 25 (e) section 10(1).

1 NEW SECTION. **Section 3.** Deposit of oil overcharge
2 revenue. All funds from stripper well and exxon payments
3 must be deposited by the state treasurer in the federal
4 special revenue fund. All interest earned on any of these
5 funds or payments must also be deposited in the federal
6 special revenue fund.

7 NEW SECTION. **Section 4.** Low-income home weatherization
8 -- appropriation. There is appropriated \$700,000 from the
9 exxon payments transferred to the energy conservation and
10 energy assistance account to the department of social and
11 rehabilitation services for use in the home weatherization
12 program created in 90-4-201.

13 NEW SECTION. **Section 5.** Matching funds for low-income
14 energy assistance -- appropriation. (1) There is
15 appropriated \$100,000 from the stripper well payments
16 contained in the federal special revenue fund to the
17 department of social and rehabilitation services for the
18 purpose described in subsection (2).

19 (2) The department of social and rehabilitation
20 services shall match private contributions to energy share,
21 inc., to be used to assist persons not eligible for federal
22 low-income energy assistance whose income is less than 150%
23 of the federal poverty threshold published by the U. S.
24 bureau of the census in the most recent edition of its
25 publication, Poverty in the United States. All of the funds

1 appropriated to the department for this purpose under
2 subsection (1) must be used for clients' fuel bills or other
3 energy needs.

4 NEW SECTION. **Section 6.** Promotion of transportation
5 energy conservation and alternative fuels -- appropriation.
6 There is appropriated from the stripper well payments
7 contained in the federal special revenue fund \$260,000 to
8 the department of natural resources and conservation and
9 \$80,000 to the department of transportation for a
10 cooperative program between the departments to promote
11 transportation management and to foster expanded use of
12 alternative fuels.

13 NEW SECTION. **Section 7.** Petroleum substitutes from
14 agricultural and timber products -- appropriation. There is
15 appropriated \$150,000 from the stripper well payments
16 contained in the federal special revenue fund to the
17 department of natural resources and conservation to continue
18 development and demonstration of safflower oil as a fuel
19 additive or substitute that may reduce petroleum consumption
20 and result in a new potential cash crop for Montana farmers
21 and to develop and demonstrate technologies and processes
22 using waste from the pulp and paper industry and from
23 agricultural commodities to reduce the cost of ethanol
24 production. Money expended under this appropriation must be
25 matched at least dollar for dollar with private or federal

1 revenue, or both.

2 NEW SECTION. **Section 8.** Technical assistance to local
3 governments -- appropriation. There is appropriated \$235,000
4 from the stripper well payments contained in the federal
5 special revenue fund to the department of natural resources
6 and conservation to contract with a public or private entity
7 to provide technical assistance outreach to local government
8 entities for the purpose of identifying energy conservation
9 measures. Approximately \$215,000 of the appropriation must
10 be administered through the board of investments as an
11 energy conservation loan and bridge financing program for
12 energy improvements to local government buildings. A loan
13 contract to a local government under this section must
14 include provisions designed to use local government energy
15 savings to generate local funds to pay back loans for future
16 projects. A contract implementing a loan under this section
17 must be approved pursuant to 10 CFR 465.8.

18 NEW SECTION. **Section 9.** Agricultural energy
19 conservation program -- appropriation. There is appropriated
20 \$100,000 from the stripper well payments contained in the
21 federal special revenue fund to the department of natural
22 resources and conservation for use by the conservation
23 districts in funding local energy efficiency or renewable
24 energy projects, such as solar livestock watering systems,
25 stockwater tank insulation and solar heating, and farming

1 techniques, to more efficiently use irrigation water,
2 pesticides, and fertilizers.

3 NEW SECTION. **Section 10.** Institutional conservation
4 program -- appropriation. There is appropriated \$300,000
5 from the stripper well payments contained in the federal
6 special revenue fund to the department of natural resources
7 and conservation for use in the institutional conservation
8 program for schools and hospitals administered by the
9 department pursuant to 10 CFR 455.

10 NEW SECTION. **Section 11.** Carryover --
11 reappropriations. (1) There is appropriated \$40,000 of
12 carryover funds from the stripper well payments, \$70,000 of
13 carryover funds from the Exxon payments, and \$70,000 of
14 carryover funds from the diamond shamrock payments contained
15 in the federal special revenue fund to the department of
16 natural resources and conservation for use in the state
17 energy conservation program administered by the department
18 pursuant to 10 CFR 420.

19 (2) There is appropriated \$80,000 from the stripper
20 well payments contained in the federal special revenue fund
21 to the department of natural resources and conservation for
22 technical assistance to local governments through the energy
23 extension service program administered by the department
24 pursuant to 10 CFR 465 to augment the funds provided in
25 [section 8].

1 (3) There is appropriated \$200,000 from the stripper
2 well payments contained in the federal special revenue fund
3 to the department of natural resources and conservation for
4 use in the institutional conservation program for schools
5 and hospitals administered by the department pursuant to 10
6 CFR 455.

7 NEW SECTION. **Section 12.** Conditions applied to
8 appropriations. The appropriations made in [sections 4
9 through 11] are biennial appropriations.

10 (1) One-half of the total amount appropriated to each
11 program in [sections 4 through 10] is appropriated in fiscal
12 year 1994 and the remainder is appropriated in fiscal year
13 1995. As biennial appropriations, the unexpended funds
14 appropriated in fiscal year 1994 may be carried forward
15 within each program to fiscal year 1995.

16 (2) The appropriations in [section 11] are limited to
17 available funds. Carryover funds may not exceed the actual
18 amount of unspent funds available.

19 NEW SECTION. **Section 13.** Appropriations prioritized.

20 (1) The appropriations in [sections 5 through 10] are
21 approved in order of priority as they appear in [sections 5
22 through 10], with the appropriation in [section 5] having
23 the highest priority and the appropriation in [section 10]
24 having the lowest priority. If the U. S. department of
25 energy does not approve one or more of the programs that are

1 funded by [sections 5 through 10], any stripper well
2 payments that are not used to fund higher-priority programs
3 must be provided to lower-ranked programs up to the amounts
4 appropriated in [sections 1 through 12].

5 (2) If stripper well payments are insufficient to fully
6 fund the appropriations made in [sections 1 through 12],
7 allocations to the lowest-ranking program must be reduced
8 until the deficiency is eliminated. If the deficiency is in
9 excess of the appropriation to the lowest-ranking program,
10 allocation to the next lowest-ranking program must be
11 reduced until the deficiency is eliminated and so forth as
12 the programs are prioritized. These priorities must be
13 applied to one-half of the total amount appropriated in
14 [sections 5 through 10] for fiscal year 1994 and to the
15 remaining appropriation for fiscal year 1995.

16 (3) In order to provide continuity for the programs
17 when allocating the appropriations for each fiscal year of
18 the 1995 biennium, anticipated stripper well payments that
19 will be received under terms of the agreements during the
20 biennium may be considered as available to fund the
21 activities.

22 (4) The expenditure of money appropriated by [sections
23 1 through 12] may not exceed the amount of the stripper well
24 and exxon payments available in the biennium.

25 NEW SECTION. **Section 14. Coordination instruction.** If

1 ___ Bill No. ___ [LC 234] is passed and approved, the stripper
2 well payments appropriated in ___ Bill No. ___ [LC 234] have a
3 higher priority than any appropriation of stripper well
4 payments in [sections 5 through 10 of this act].

5 **Section 15.** Section 90-4-215, MCA, is amended to read:

6 "90-4-215. Account established -- use. (1) There is
7 created an energy conservation and energy assistance account
8 within the federal special revenue fund established in
9 17-2-102.

10 (2) The ~~amounts--deposited-in-the-account-and~~ interest
11 and earnings on the account are statutorily appropriated as
12 provided in 17-7-502 to the department of social and
13 rehabilitation services to fund its low-income energy
14 assistance and home weatherization programs created in
15 90-4-201. However, the department may use the principal of
16 the account only if the federal grants for either of those
17 programs is reduced below the federal fiscal year 1987 level
18 or pursuant to a specific legislative appropriation. The
19 department may not use the principal to increase
20 expenditures to either program above the level of the
21 federal grant for that program for federal fiscal year
22 1987."

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 10

INTRODUCED BY BERGSAGEL

BY REQUEST OF THE OFFICE OF BUDGET AND

PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL
OVERCHARGE MONEY FOR PROGRAMS ADMINISTERED BY THE STATE OF
MONTANA; CLARIFYING THAT ONLY INTEREST AND EARNINGS ARE
STATUTORILY APPROPRIATED; AND ~~AMENDING SECTION 90-4-215, MCA~~
PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Policy. [Sections 1 through ~~13~~
14] implement the policy stated in 90-4-210.

NEW SECTION. **Section 2.** Definitions. As used in
[sections 1 through ~~13~~ 14], the following definitions apply:

(1) "Carryover" means unspent oil overcharge funds
previously appropriated and incorporated into an approved
program plan for one of the federal energy conservation
programs, but not included in unspent project funds as
defined in subsection ~~(9)~~ (8).

(2) "Cities service payments" means the oil overcharge
payments made to the U.S. treasury for distribution to the
state of Montana pursuant to the consent agreement between
cities service oil and gas and the U.S. department of

energy, as affirmed by the federal energy regulatory
commission, and includes any interest accrued on the
payments.

(3) "Diamond shamrock payments" means the oil
overcharge payments made to the U.S. treasury for
distribution to the state of Montana as the result of the
final settlement agreement in the U.S. district court for
the southern district of Ohio eastern division in Civil
Action No. C2-84-1432 and includes any interest accrued on
the payments.

~~(4) -- "Energy conservation and energy assistance account"~~
~~means the account established within the federal special~~
~~revenue fund established by 90-4-215.~~

~~(5)~~ (4) "Exxon payments" means the oil overcharge
payments made by the Exxon corporation to the U.S. treasury
for distribution to the state of Montana pursuant to the
order of the U.S. district court for the District of
Columbia in Civil Action No. 78-1035 and includes any
interest accrued on the payments.

~~(6)~~ (5) "Getty oil payments" means the oil overcharge
payments made to the U.S. treasury for distribution to the
state of Montana pursuant to the order of disbursement
issued in Civil Action No. 77-347 (MMS) in the U.S. district
court for the district of Delaware and includes any interest
accrued on the payments.

1 †7†(6) "Stripper well payments" means the oil
 2 overcharge payments made to the U.S. treasury for
 3 distribution to the state of Montana as the result of the
 4 final settlement agreement in the U.S. district court for
 5 the district of Kansas, Cause No. M.D.L. 378, and includes
 6 any interest accrued on the payments. The term also includes
 7 but is not limited to cities service payments, as defined in
 8 subsection (2), getty oil payments, as defined in subsection
 9 †6† (5), texaco payments, as defined in subsection †8† (7),
 10 and unspent project funds, as defined in subsection †9† (8).

11 †8†(7) "Texaco payments" means the oil overcharge
 12 payments made to the U.S. treasury for distribution to the
 13 state of Montana pursuant to the texaco final consent order,
 14 53 Fed. Reg. 32929, August 29, 1988, and includes any
 15 interest accrued on the payments.

16 †9†(8) "Unspent project funds" means stripper well
 17 payments that were not expended or otherwise legally
 18 obligated during the 1993 biennium but that were
 19 appropriated for the 1993 biennium in Chapter 553, Laws of
 20 1991, in:

- 21 (a) section 5(1);
- 22 (b) section 6;
- 23 (c) section 7;
- 24 (d) section 9; and
- 25 (e) section 10(1).

1 NEW SECTION. Section 3. Deposit of oil overcharge
 2 revenue. All funds from stripper well and exxon payments
 3 must be deposited by the state treasurer in the federal
 4 special revenue fund. All interest earned on any of these
 5 funds or payments must also be deposited in the federal
 6 special revenue fund.

7 NEW SECTION. Section 4. Low-income home weatherization
 8 -- appropriation. There is appropriated ~~\$700,000~~ \$275,000
 9 from the ~~exxon--payments---~~~~transferred---~~~~to---~~~~the---~~energy
 10 conservation--and--energy--assistance--account STRIPPER WELL
 11 PAYMENTS CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND to
 12 the department of social and rehabilitation services for use
 13 in the home weatherization program created in 90-4-201.

14 NEW SECTION. Section 5. Matching funds for low-income
 15 energy assistance -- appropriation. (1) There is
 16 appropriated \$100,000 from the stripper well payments
 17 contained in the federal special revenue fund to the
 18 department of social and rehabilitation services for the
 19 purpose described in subsection (2).

20 (2) The department of social and rehabilitation
 21 services shall match private contributions to energy share,
 22 inc., to be used to assist persons not eligible for federal
 23 low-income energy assistance whose income is less than 150%
 24 of the federal poverty threshold published by the U. S.
 25 bureau of the census in the most recent edition of its

publication, Poverty in the United States. All of the funds appropriated to the department for this purpose under subsection (1) must be used for clients' fuel bills or other energy needs.

NEW SECTION. Section 6. Promotion of transportation energy conservation and alternative fuels -- appropriation. There is appropriated from the stripper well payments contained in the federal special revenue fund \$260,000 to the department of natural resources and conservation and \$80,000 to the department of transportation for a cooperative program between the departments to promote transportation DEMAND management and to foster expanded use of alternative fuels.

NEW SECTION. Section 7. Petroleum substitutes from agricultural and timber products -- appropriation. There is appropriated \$150,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation to continue development and demonstration of safflower oil as a fuel additive or substitute that may reduce petroleum consumption and result in a new potential cash crop for Montana farmers and to develop and demonstrate technologies and processes using waste from the pulp and paper industry and from agricultural commodities to reduce the cost of ethanol production. Money expended under this appropriation must be

matched at least dollar for dollar with private or federal revenue, or both.

NEW SECTION. Section 8. Technical assistance to local governments -- appropriation. There is appropriated \$235,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation to contract with a public or private entity to provide technical assistance outreach to local government entities for the purpose of identifying energy conservation measures. Approximately \$215,000 of the appropriation must be administered through the board of investments as an energy conservation loan and bridge financing program for energy improvements to local government buildings. A loan contract to a local government under this section must include provisions designed to use local government energy savings to generate local funds to pay back loans for future projects. ~~A contract implementing a loan under this section must be approved pursuant to 18-CFR-465.07.~~

NEW SECTION. Section 9. Agricultural energy conservation program -- appropriation. There is appropriated \$100,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for use by the conservation districts in funding local energy efficiency or renewable energy projects, such as solar livestock watering systems,

stockwater tank insulation and solar heating, and farming techniques, to more efficiently use irrigation water, pesticides, and fertilizers.

NEW SECTION. Section 10. ~~Institutional~~ conservation program ENERGY-EFFICIENT HOME MORTGAGE RESERVE ACCOUNT -- appropriation. There is appropriated \$300,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation ~~for--use~~ TO ESTABLISH AN ENERGY-EFFICIENT HOME MORTGAGE RESERVE ACCOUNT THAT WOULD ENABLE THE BOARD OF HOUSING TO SELL BONDS AND OFFER LOANS FOR ENERGY-EFFICIENT NEW HOMES COSTING MORE THAN THE FHA LIMIT. THESE FUNDS MUST BE MATCHED AT LEAST DOLLAR FOR DOLLAR FROM UTILITY OR OTHER CONTRIBUTIONS. IF THE BOARD OF HOUSING DOES NOT ISSUE BONDS TO ESTABLISH THE ENERGY-EFFICIENT HOME MORTGAGE PROGRAM BY JULY 1, 1994, THEN THE FUNDS APPROPRIATED IN THIS SECTION MAY BE USED in the institutional conservation program for schools and hospitals administered by the department pursuant to 10 CFR 455.

NEW SECTION. SECTION 11. NORTHERN MONTANA COLLEGE TRACTOR RESOURCE CENTER -- APPROPRIATION. THERE IS APPROPRIATED \$125,000 FROM THE STRIPPER WELL PAYMENTS CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND TO NORTHERN MONTANA COLLEGE TO SUPPORT THE IMPLEMENTATION PHASE OF NORTHERN MONTANA COLLEGE'S TRACTOR RESOURCE CENTER.

NEW SECTION. Section 12. Carryover --

reappropriations. (1) There is appropriated ~~\$40,000~~ \$20,000 of carryover funds from the stripper well payments, ~~\$70,000~~ \$35,000 of carryover funds from the Exxon payments, and ~~\$70,000~~ \$75,000 of carryover funds from the diamond shamrock payments contained in the federal special revenue fund to the department of natural resources and conservation for use in the state energy conservation program administered by the department pursuant to 10 CFR 420.

(2) There is appropriated \$80,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for technical assistance to local governments through the energy extension service program administered by the department pursuant to 10 CFR 465 to augment the funds provided in [section 8].

(3) There is appropriated \$200,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for use in the institutional conservation program for schools and hospitals administered by the department pursuant to 10 CFR 455.

NEW SECTION. Section 13. Conditions applied to appropriations. The appropriations made in [sections 4 through ~~11~~ 12] are biennial appropriations.

(1) One-half of the total amount appropriated to each program in [sections 4 through ~~10~~ 9 AND 11] is appropriated in fiscal year 1994 and the remainder is appropriated in fiscal year 1995. As biennial appropriations, the unexpended funds appropriated in fiscal year 1994 may be carried forward within each program to fiscal year 1995.

(2) THE TOTAL AMOUNT APPROPRIATED IN [SECTION 10] IS APPROPRIATED IN FISCAL YEAR 1994. AS A BIENNIAL APPROPRIATION, ANY UNEXPENDED FUNDS IN FISCAL YEAR 1994 MAY BE CARRIED FORWARD TO FISCAL YEAR 1995.

~~(2)~~(3) The appropriations in [section ~~11~~ 12] are limited to available funds. Carryover EXPENDITURES OF CARRYOVER funds may not exceed the actual amount of unspent funds available.

NEW SECTION. Section 14. Appropriations prioritized.

(1) The appropriations in [sections 5 4 through ~~10~~ 11] are approved in order of priority as they appear in [sections 5 4 through ~~10~~ 11], with the appropriation in [section 5 4] having the highest priority and the appropriation in [section ~~10~~ 11] having the lowest priority. If the U. S. department of energy does not approve one or more of the programs that are funded by [sections 5 4 through ~~10~~ 11], any stripper well payments that are not used to fund higher-priority programs must be provided to lower-ranked programs up to the amounts appropriated in [sections ~~1~~ 4

through ~~12~~ 11].

(2) If stripper well payments are insufficient to fully fund the appropriations made in [sections ~~1~~ 4 through ~~12~~ 11], allocations to the lowest-ranking program must be reduced until the deficiency is eliminated. If the deficiency is in excess of the appropriation to the lowest-ranking program, allocation to the next lowest-ranking program must be reduced until the deficiency is eliminated and so forth as the programs are prioritized. These priorities must be applied to one-half of the total amount appropriated in [sections 5 4 through ~~10~~ 9 AND 11] AND TO THE TOTAL AMOUNT APPROPRIATED IN [SECTION 10] for fiscal year 1994 and to the remaining appropriation for fiscal year 1995.

(3) In order to provide continuity for the programs when allocating the appropriations for each fiscal year of the 1995 biennium, anticipated stripper well payments that will be received under terms of the agreements during the biennium may be considered as available to fund the activities.

(4) The expenditure of money appropriated by [sections ~~1~~ 4 through ~~12~~ 11] may not exceed the amount of the stripper well and-exxon payments available in the biennium.

NEW SECTION. Section 15. Coordination instruction. If House Bill No. 97 is passed and approved, the stripper well

payments appropriated in House Bill No. 97 have a higher priority than any appropriation of stripper well payments in [sections 5 4 through 10 11 of this act].

Section 15. ~~Section 90-4-215, MCA, is amended to read:~~

~~"90-4-215. Account established ---- use:--(1)--There is created an energy conservation and energy assistance account within the federal special revenue fund established in 17-2-102.~~

~~(2)--The amounts deposited in the account and interest and earnings on the account are statutorily appropriated as provided in 17-7-502 to the department of social and rehabilitation services to fund its low income energy assistance and home weatherization programs created in 90-4-201. However, the department may use the principal of the account only if the federal grants for either of those programs is reduced below the federal fiscal year 1987 level or pursuant to a specific legislative appropriation. The department may not use the principal to increase expenditures to either program above the level of the federal grant for that program for federal fiscal year 1987."~~

NEW SECTION. SECTION 16. EFFECTIVE DATE. [THIS ACT] IS
EFFECTIVE JULY 1, 1993.

-End-

HOUSE BILL NO. 10

INTRODUCED BY BERGSAGEL

BY REQUEST OF THE OFFICE OF BUDGET AND

PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL OVERCHARGE MONEY FOR PROGRAMS ADMINISTERED BY THE STATE OF MONTANA; ~~ELABORATING THAT ONLY INTEREST AND EARNINGS ARE STATUTORILY APPROPRIATED~~; AND AMENDING SECTION 90-4-215, MCA PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Policy. [Sections 1 through 13 14] implement the policy stated in 90-4-210.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 13 14], the following definitions apply:

(1) "Carryover" means unspent oil overcharge funds previously appropriated and incorporated into an approved program plan for one of the federal energy conservation programs, but not included in unspent project funds as defined in subsection (9) (8).

(2) "Cities service payments" means the oil overcharge payments made to the U.S. treasury for distribution to the state of Montana pursuant to the consent agreement between cities service oil and gas and the U.S. department of

energy, as affirmed by the federal energy regulatory commission, and includes any interest accrued on the payments.

(3) "Diamond shamrock payments" means the oil overcharge payments made to the U.S. treasury for distribution to the state of Montana as the result of the final settlement agreement in the U.S. district court for the southern district of Ohio eastern division in Civil Action No. C2-84-1432 and includes any interest accrued on the payments.

~~(4) "Energy conservation and energy assistance account" means the account established within the federal special revenue fund established by 90-4-215.~~

~~(5) (4) "Exxon payments" means the oil overcharge payments made by the Exxon corporation to the U.S. treasury for distribution to the state of Montana pursuant to the order of the U.S. district court for the District of Columbia in Civil Action No. 78-1035 and includes any interest accrued on the payments.~~

~~(6) (5) "Getty oil payments" means the oil overcharge payments made to the U.S. treasury for distribution to the state of Montana pursuant to the order of disbursement issued in Civil Action No. 77-347 (MMS) in the U.S. district court for the district of Delaware and includes any interest accrued on the payments.~~

1 †7†(6) "Stripper well payments" means the oil
2 overcharge payments made to the U.S. treasury for
3 distribution to the state of Montana as the result of the
4 final settlement agreement in the U.S. district court for
5 the district of Kansas, Cause No. M.D.L. 378, and includes
6 any interest accrued on the payments. The term also includes
7 but is not limited to cities service payments, as defined in
8 subsection (2), Getty oil payments, as defined in subsection
9 †6† (5), Texaco payments, as defined in subsection †0† (7),
10 and unspent project funds, as defined in subsection †9† (8).

11 †0†(7) "Texaco payments" means the oil overcharge
12 payments made to the U.S. treasury for distribution to the
13 state of Montana pursuant to the Texaco final consent order,
14 53 Fed. Reg. 32929, August 29, 1988, and includes any
15 interest accrued on the payments.

16 †9†(8) "Unspent project funds" means stripper well
17 payments that were not expended or otherwise legally
18 obligated during the 1993 biennium but that were
19 appropriated for the 1993 biennium in Chapter 553, Laws of
20 1991, in:

- 21 (a) section 5(1);
- 22 (b) section 6;
- 23 (c) section 7;
- 24 (d) section 9; and
- 25 (e) section 10(1).

1 NEW SECTION. Section 3. Deposit of oil overcharge
2 revenue. All funds from stripper well and Exxon payments
3 must be deposited by the state treasurer in the federal
4 special revenue fund. All interest earned on any of these
5 funds or payments must also be deposited in the federal
6 special revenue fund.

7 NEW SECTION. Section 4. Low-income home weatherization
8 -- appropriation. There is appropriated \$700,000 \$275,000
9 from the Exxon--payments---transferred---to---the---energy
10 conservation--and--energy--assistance--account STRIPPER WELL
11 PAYMENTS CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND to
12 the department of social and rehabilitation services for use
13 in the home weatherization program created in 90-4-201.

14 NEW SECTION. Section 5. Matching funds for low-income
15 energy assistance -- appropriation. (1) There is
16 appropriated \$100,000 from the stripper well payments
17 contained in the federal special revenue fund to the
18 department of social and rehabilitation services for the
19 purpose described in subsection (2).

20 (2) The department of social and rehabilitation
21 services shall match private contributions to energy share,
22 inc., to be used to assist persons not eligible for federal
23 low-income energy assistance whose income is less than 150%
24 of the federal poverty threshold published by the U. S.
25 bureau of the census in the most recent edition of its

publication, Poverty in the United States. All of the funds appropriated to the department for this purpose under subsection (1) must be used for clients' fuel bills or other energy needs.

NEW SECTION. **Section 6.** Promotion of transportation energy conservation and alternative fuels -- appropriation. There is appropriated from the stripper well payments contained in the federal special revenue fund \$260,000 to the department of natural resources and conservation and \$80,000 to the department of transportation for a cooperative program between the departments to promote transportation DEMAND management and to foster expanded use of alternative fuels.

NEW SECTION. **Section 7.** Petroleum substitutes from agricultural and timber products -- appropriation. There is appropriated \$150,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation to continue development and demonstration of safflower oil as a fuel additive or substitute that may reduce petroleum consumption and result in a new potential cash crop for Montana farmers and to develop and demonstrate technologies and processes using waste from the pulp and paper industry and from agricultural commodities to reduce the cost of ethanol production. Money expended under this appropriation must be

matched at least dollar for dollar with private or federal revenue, or both.

NEW SECTION. **Section 8.** Technical assistance to local governments -- appropriation. There is appropriated \$235,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation to contract with a public or private entity to provide technical assistance outreach to local government entities for the purpose of identifying energy conservation measures. Approximately \$215,000 of the appropriation must be administered through the board of investments as an energy conservation loan and bridge financing program for energy improvements to local government buildings. A loan contract to a local government under this section must include provisions designed to use local government energy savings to generate local funds to pay back loans for future projects. ~~A contract implementing a loan under this section must be approved pursuant to 10-CFR-465.8.~~

NEW SECTION. **Section 9.** Agricultural energy conservation program -- appropriation. There is appropriated \$100,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for use by the conservation districts in funding local energy efficiency or renewable energy projects, such as solar livestock watering systems,

stockwater tank insulation and solar heating, and farming techniques to more efficiently use irrigation water, pesticides, and fertilizers.

NEW SECTION. Section 10. ~~Institutional~~ conservation program ENERGY-EFFICIENT HOME MORTGAGE RESERVE ACCOUNT -- appropriation. There is appropriated \$300,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation ~~for--use~~ TO ESTABLISH AN ENERGY-EFFICIENT HOME MORTGAGE RESERVE ACCOUNT THAT WOULD ENABLE THE BOARD OF HOUSING TO SELL BONDS AND OFFER LOANS FOR ENERGY-EFFICIENT NEW HOMES COSTING MORE THAN THE FHA LIMIT. THESE FUNDS MUST BE MATCHED AT LEAST DOLLAR FOR DOLLAR FROM UTILITY OR OTHER CONTRIBUTIONS. IF THE BOARD OF HOUSING DOES NOT ISSUE BONDS TO ESTABLISH THE ENERGY-EFFICIENT HOME MORTGAGE PROGRAM BY JULY 1, 1994, THEN THE FUNDS APPROPRIATED IN THIS SECTION MAY BE USED in the institutional conservation program for schools and hospitals administered by the department pursuant to 10 CFR 455.

NEW SECTION. SECTION 11. NORTHERN MONTANA COLLEGE TRACTOR RESOURCE CENTER -- APPROPRIATION. THERE IS APPROPRIATED \$125,000 FROM THE STRIPPER WELL PAYMENTS CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND TO NORTHERN MONTANA COLLEGE TO SUPPORT THE IMPLEMENTATION PHASE OF NORTHERN MONTANA COLLEGE'S TRACTOR RESOURCE CENTER.

NEW SECTION. Section 12. Carryover --

reappropriations. (1) There is appropriated ~~\$40,000~~ \$20,000 of carryover funds from the stripper well payments, ~~\$70,000~~ \$35,000 of carryover funds from the exxon payments, and ~~\$70,000~~ \$75,000 of carryover funds from the diamond shamrock payments contained in the federal special revenue fund to the department of natural resources and conservation for use in the state energy conservation program administered by the department pursuant to 10 CFR 420.

(2) There is appropriated \$80,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for technical assistance to local governments through the energy extension service program administered by the department pursuant to 10 CFR 465 to augment the funds provided in [section 8].

(3) There is appropriated \$200,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for use in the institutional conservation program for schools and hospitals administered by the department pursuant to 10 CFR 455.

NEW SECTION. Section 13. Conditions applied to appropriations. The appropriations made in [sections 4 through ~~11~~ 12] are biennial appropriations.

(1) One-half of the total amount appropriated to each program in [sections 4 through ~~10~~ 9 AND 11] is appropriated in fiscal year 1994 and the remainder is appropriated in fiscal year 1995. As biennial appropriations, the unexpended funds appropriated in fiscal year 1994 may be carried forward within each program to fiscal year 1995.

(2) THE TOTAL AMOUNT APPROPRIATED IN [SECTION 10] IS APPROPRIATED IN FISCAL YEAR 1994. AS A BIENNIAL APPROPRIATION, ANY UNEXPENDED FUNDS IN FISCAL YEAR 1994 MAY BE CARRIED FORWARD TO FISCAL YEAR 1995.

~~(2)(3)~~ The appropriations in [section ~~11~~ 12] are limited to available funds. Carryover EXPENDITURES OF CARRYOVER funds may not exceed the actual amount of unspent funds available.

NEW SECTION. Section 14. Appropriations prioritized.

(1) The appropriations in [sections 5 4 through ~~10~~ 11] are approved in order of priority as they appear in [sections 5 4 through ~~10~~ 11], with the appropriation in [section 5 4] having the highest priority and the appropriation in [section ~~10~~ 11] having the lowest priority. If the U. S. department of energy does not approve one or more of the programs that are funded by [sections 5 4 through ~~10~~ 11], any stripper well payments that are not used to fund higher-priority programs must be provided to lower-ranked programs up to the amounts appropriated in [sections ~~1~~ 4

through ~~12~~ 11].

(2) If stripper well payments are insufficient to fully fund the appropriations made in [sections ~~1~~ 4 through ~~12~~ 11], allocations to the lowest-ranking program must be reduced until the deficiency is eliminated. If the deficiency is in excess of the appropriation to the lowest-ranking program, allocation to the next lowest-ranking program must be reduced until the deficiency is eliminated and so forth as the programs are prioritized. These priorities must be applied to one-half of the total amount appropriated in [sections 5 4 through ~~10~~ 9 AND 11] AND TO THE TOTAL AMOUNT APPROPRIATED IN [SECTION 10] for fiscal year 1994 and to the remaining appropriation for fiscal year 1995.

(3) In order to provide continuity for the programs when allocating the appropriations for each fiscal year of the 1995 biennium, anticipated stripper well payments that will be received under terms of the agreements during the biennium may be considered as available to fund the activities.

(4) The expenditure of money appropriated by [sections ~~1~~ 4 through ~~12~~ 11] may not exceed the amount of the stripper well ~~and-exxon~~ payments available in the biennium.

NEW SECTION. Section 15. Coordination instruction. If House Bill No. 97 is passed and approved, the stripper well

payments appropriated in House Bill No. 97 have a higher priority than any appropriation of stripper well payments in [sections 5 4 through 10 11 of this act].

Section 15. ~~Section 98-4-215, MCA, is amended to read:~~

~~"98-4-215. Account established-----use. (1) There is created an energy conservation and energy assistance account within the federal special revenue fund established in 17-2-102.~~

~~(2) The amounts deposited in the account and interest and earnings on the account are statutorily appropriated as provided in 17-7-502 to the department of social and rehabilitation services to fund its low income energy assistance and home weatherization programs created in 98-4-201. However, the department may use the principal of the account only if the federal grants for either of those programs is reduced below the federal fiscal year 1987 level or pursuant to a specific legislative appropriation. The department may not use the principal to increase expenditures to either program above the level of the federal grant for that program for federal fiscal year 1987."~~

NEW SECTION. SECTION 16. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 1993.

-End-

HOUSE BILL NO. 10

INTRODUCED BY BERGSAGEL

BY REQUEST OF THE OFFICE OF BUDGET AND

PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL OVERCHARGE MONEY FOR PROGRAMS ADMINISTERED BY THE STATE OF MONTANA; ~~CLARIFYING THAT ONLY INTEREST AND EARNINGS ARE STATUTORILY APPROPRIATED; AND AMENDING SECTION 90-4-215, MCA PROVIDING AN EFFECTIVE DATE.~~"

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

NEW SECTION. Section 1. Policy. [Sections 1 through 13 14] implement the policy stated in 90-4-210.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 13 14], the following definitions apply:

(1) "Carryover" means unspent oil overcharge funds previously appropriated and incorporated into an approved program plan for one of the federal energy conservation programs, but not included in unspent project funds as defined in subsection (9) (8).

(2) "Cities service payments" means the oil overcharge payments made to the U.S. treasury for distribution to the state of Montana pursuant to the consent agreement between cities service oil and gas and the U.S. department of

energy, as affirmed by the federal energy regulatory commission, and includes any interest accrued on the payments.

(3) "Diamond shamrock payments" means the oil overcharge payments made to the U.S. treasury for distribution to the state of Montana as the result of the final settlement agreement in the U.S. district court for the southern district of Ohio eastern division in Civil Action No. C2-84-1432 and includes any interest accrued on the payments.

~~(4) "Energy conservation and energy assistance account" means the account established within the federal special revenue fund established by 90-4-215.~~

~~(5) (4)~~ "Exxon payments" means the oil overcharge payments made by the Exxon corporation to the U.S. treasury for distribution to the state of Montana pursuant to the order of the U.S. district court for the District of Columbia in Civil Action No. 78-1035 and includes any interest accrued on the payments.

~~(6) (5)~~ "Getty oil payments" means the oil overcharge payments made to the U.S. treasury for distribution to the state of Montana pursuant to the order of disbursement issued in Civil Action No. 77-347 (MMS) in the U.S. district court for the district of Delaware and includes any interest accrued on the payments.

1 †7†(6) "Stripper well payments" means the oil
 2 overcharge payments made to the U.S. treasury for
 3 distribution to the state of Montana as the result of the
 4 final settlement agreement in the U.S. district court for
 5 the district of Kansas, Cause No. M.D.L. 378, and includes
 6 any interest accrued on the payments. The term also includes
 7 but is not limited to cities service payments, as defined in
 8 subsection (2), getty oil payments, as defined in subsection
 9 †6† (5), texaco payments, as defined in subsection †8† (7),
 10 and unspent project funds, as defined in subsection †9† (8).

11 †8†(7) "Texaco payments" means the oil overcharge
 12 payments made to the U.S. treasury for distribution to the
 13 state of Montana pursuant to the texaco final consent order,
 14 53 Fed. Reg. 32929, August 29, 1988, and includes any
 15 interest accrued on the payments.

16 †9†(8) "Unspent project funds" means stripper well
 17 payments that were not expended or otherwise legally
 18 obligated during the 1993 biennium but that were
 19 appropriated for the 1993 biennium in Chapter 553, Laws of
 20 1991, in:

- 21 (a) section 5(1);
- 22 (b) section 6;
- 23 (c) section 7;
- 24 (d) section 9; and
- 25 (e) section 10(1).

1 **NEW SECTION. Section 3. Deposit of oil overcharge**
 2 revenue. All funds from stripper well and exxon payments
 3 must be deposited by the state treasurer in the federal
 4 special revenue fund. All interest earned on any of these
 5 funds or payments must also be deposited in the federal
 6 special revenue fund.

7 **NEW SECTION. Section 4. Low-income home weatherization**
 8 -- appropriation. There is appropriated ~~\$700,000~~ \$275,000
 9 from the exxon--payments---transferred---to---the---energy
 10 conservation--and--energy--assistance--account STRIPPER WELL
 11 PAYMENTS CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND to
 12 the department of social and rehabilitation services for use
 13 in the home weatherization program created in 90-4-201.

14 **NEW SECTION. Section 5. Matching funds for low-income**
 15 energy assistance -- appropriation. (1) There is
 16 appropriated \$100,000 from the stripper well payments
 17 contained in the federal special revenue fund to the
 18 department of social and rehabilitation services for the
 19 purpose described in subsection (2).

20 (2) The department of social and rehabilitation
 21 services shall match private contributions to energy share,
 22 inc., to be used to assist persons not eligible for federal
 23 low-income energy assistance whose income is less than 150%
 24 of the federal poverty threshold published by the U. S.
 25 bureau of the census in the most recent edition of its

1 publication, Poverty in the United States. All of the funds
2 appropriated to the department for this purpose under
3 subsection (1) must be used for clients' fuel bills or other
4 energy needs.

5 NEW SECTION. Section 6. Promotion of transportation
6 energy conservation and alternative fuels -- appropriation.
7 There is appropriated from the stripper well payments
8 contained in the federal special revenue fund \$260,000 to
9 the department of natural resources and conservation and
10 \$80,000 to the department of transportation for a
11 cooperative program between the departments to promote
12 transportation DEMAND management and to foster expanded use
13 of alternative fuels.

14 NEW SECTION. Section 7. Petroleum substitutes from
15 agricultural and timber products -- appropriation. There is
16 appropriated \$150,000 from the stripper well payments
17 contained in the federal special revenue fund to the
18 department of natural resources and conservation to continue
19 development and demonstration of safflower oil as a fuel
20 additive or substitute that may reduce petroleum consumption
21 and result in a new potential cash crop for Montana farmers
22 and to develop and demonstrate technologies and processes
23 using waste from the pulp and paper industry and from
24 agricultural commodities to reduce the cost of ethanol
25 production. Money expended under this appropriation must be

1 matched at least dollar for dollar with private or federal
2 revenue, or both.

3 NEW SECTION. Section 8. Technical assistance to local
4 governments -- appropriation. There is appropriated \$235,000
5 from the stripper well payments contained in the federal
6 special revenue fund to the department of natural resources
7 and conservation to contract with a public or private entity
8 to provide technical assistance outreach to local government
9 entities for the purpose of identifying energy conservation
10 measures. Approximately \$215,000 of the appropriation must
11 be administered through the board of investments as an
12 energy conservation loan and bridge financing program for
13 energy improvements to local government buildings. A loan
14 contract to a local government under this section must
15 include provisions designed to use local government energy
16 savings to generate local funds to pay back loans for future
17 projects. ~~A contract implementing a loan under this section~~
18 ~~must be approved pursuant to 10 CFR 465.8.~~

19 NEW SECTION. Section 9. Agricultural energy
20 conservation program -- appropriation. There is appropriated
21 \$100,000 from the stripper well payments contained in the
22 federal special revenue fund to the department of natural
23 resources and conservation for use by the conservation
24 districts in funding local energy efficiency or renewable
25 energy projects, such as solar livestock watering systems,

stockwater tank insulation and solar heating, and farming techniques, to more efficiently use irrigation water, pesticides, and fertilizers.

NEW SECTION. Section 10. ~~Institutional~~ conservation program ENERGY-EFFICIENT HOME MORTGAGE RESERVE ACCOUNT -- appropriation. There is appropriated \$300,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for ~~use~~ TO ESTABLISH AN ENERGY-EFFICIENT HOME MORTGAGE RESERVE ACCOUNT THAT WOULD ENABLE THE BOARD OF HOUSING TO SELL BONDS AND OFFER LOANS FOR ENERGY-EFFICIENT NEW HOMES COSTING MORE THAN THE FHA LIMIT. THESE FUNDS MUST BE MATCHED AT LEAST DOLLAR FOR DOLLAR FROM UTILITY OR OTHER CONTRIBUTIONS. IF THE BOARD OF HOUSING DOES NOT ISSUE BONDS TO ESTABLISH THE ENERGY-EFFICIENT HOME MORTGAGE PROGRAM BY JULY 1, 1994, THEN THE FUNDS APPROPRIATED IN THIS SECTION MAY BE USED in the institutional conservation program for schools and hospitals administered by the department pursuant to 10 CFR 455.

NEW SECTION. SECTION 11. NORTHERN MONTANA COLLEGE TRACTOR RESOURCE CENTER -- APPROPRIATION. THERE IS APPROPRIATED \$125,000 FROM THE STRIPPER WELL PAYMENTS CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND TO NORTHERN MONTANA COLLEGE TO SUPPORT THE IMPLEMENTATION PHASE OF NORTHERN MONTANA COLLEGE'S TRACTOR RESOURCE CENTER.

NEW SECTION. Section 12. Carryover --

reappropriations. (1) There is appropriated ~~\$40,000~~ \$20,000 of carryover funds from the stripper well payments, ~~\$70,000~~ \$35,000 of carryover funds from the Exxon payments, and ~~\$70,000~~ \$75,000 of carryover funds from the diamond shamrock payments contained in the federal special revenue fund to the department of natural resources and conservation for use in the state energy conservation program administered by the department pursuant to 10 CFR 420.

(2) There is appropriated \$80,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for technical assistance to local governments through the energy extension service program administered by the department pursuant to 10 CFR 465 to augment the funds provided in [section 8].

(3) There is appropriated \$200,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation for use in the institutional conservation program for schools and hospitals administered by the department pursuant to 10 CFR 455.

NEW SECTION. Section 13. Conditions applied to appropriations. The appropriations made in [sections 4 through ~~11~~ 12] are biennial appropriations.

(1) One-half of the total amount appropriated to each program in [sections 4 through ~~10~~ 9 AND 11] is appropriated in fiscal year 1994 and the remainder is appropriated in fiscal year 1995. As biennial appropriations, the unexpended funds appropriated in fiscal year 1994 may be carried forward within each program to fiscal year 1995.

(2) THE TOTAL AMOUNT APPROPRIATED IN [SECTION 10] IS APPROPRIATED IN FISCAL YEAR 1994. AS A BIENNIAL APPROPRIATION, ANY UNEXPENDED FUNDS IN FISCAL YEAR 1994 MAY BE CARRIED FORWARD TO FISCAL YEAR 1995.

(2)(3) The appropriations in [section ~~11~~ 12] are limited to available funds. Carryover EXPENDITURES OF CARRYOVER funds may not exceed the actual amount of unspent funds available.

NEW SECTION. Section 14. Appropriations prioritized.

(1) The appropriations in [sections 5 4 through ~~10~~ 11] are approved in order of priority as they appear in [sections 5 4 through ~~10~~ 11], with the appropriation in [section 5 4] having the highest priority and the appropriation in [section ~~10~~ 11] having the lowest priority. If the U. S. department of energy does not approve one or more of the programs that are funded by [sections 5 4 through ~~10~~ 11], any stripper well payments that are not used to fund higher-priority programs must be provided to lower-ranked programs up to the amounts appropriated in [sections ~~1~~ 4

through ~~12~~ 11].

(2) If stripper well payments are insufficient to fully fund the appropriations made in [sections ~~1~~ 4 through ~~12~~ 11], allocations to the lowest-ranking program must be reduced until the deficiency is eliminated. If the deficiency is in excess of the appropriation to the lowest-ranking program, allocation to the next lowest-ranking program must be reduced until the deficiency is eliminated and so forth as the programs are prioritized. These priorities must be applied to one-half of the total amount appropriated in [sections 5 4 through ~~10~~ 9 AND 11] AND TO THE TOTAL AMOUNT APPROPRIATED IN [SECTION 10] for fiscal year 1994 and to the remaining appropriation for fiscal year 1995.

(3) In order to provide continuity for the programs when allocating the appropriations for each fiscal year of the 1995 biennium, anticipated stripper well payments that will be received under terms of the agreements during the biennium may be considered as available to fund the activities.

(4) The expenditure of money appropriated by [sections ~~1~~ 4 through ~~12~~ 11] may not exceed the amount of the stripper well ~~and-exxon~~ payments available in the biennium.

NEW SECTION. Section 15. Coordination instruction. If House Bill No. 97 is passed and approved, the stripper well

payments appropriated in House Bill No. 97 have a higher priority than any appropriation of stripper well payments in [sections 5 4 through 10 11 of this act].

Section 15. ~~Section 98-4-215, MCA, is amended to read:~~

~~"98-4-215. Account established. (1) There is created an energy conservation and energy assistance account within the federal special revenue fund established in 17-2-102.~~

~~(2) The amounts deposited in the account and interest and earnings on the account are statutorily appropriated as provided in 17-7-502 to the department of social and rehabilitation services to fund its low income energy assistance and home weatherization programs created in 98-4-201. However, the department may use the principal of the account only if the federal grants for either of those programs is reduced below the federal fiscal year 1987 level or pursuant to a specific legislative appropriation. The department may not use the principal to increase expenditures to either program above the level of the federal grant for that program for federal fiscal year 1987."~~

NEW SECTION. SECTION 16. EFFECTIVE DATE. [THIS ACT] IS
EFFECTIVE JULY 1, 1993.

-End-