CHAPTER NO. 614

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SENATE BILL NO. 235

INTRODUCED BY MCCALLUM

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Taxation.
January 29, 1979	Fiscal note requested.
February 2, 1979	Fiscal note returned.
March 7, 1979	Committee recommend bill do pass as amended. Report adopted.
March 9, 1979	Printed and placed on members' desks.
March 10, 1979	Second reading, do pass.
March 12, 1979	Considered correctly engrossed.
March 13, 1979	Third reading, passed. Transmitted to second house.
IN THE HOU	ISE
March 14, 1979	Introduced and referred to Committee on Taxation.
April 7, 1979	Committee recommend bill be concurred in. Report adopted.
April 9, 1979	Second reading, concurred in.
April 12, 1979	Third reading, concurred in.
IN THE SEN	IATE
April 12, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

LC 0242/01

1	INTRODUCED BY Maballum
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5	LAWS THAT PERMIT THE GOVERNING BODY OF A MUNICIPALITY TO
6	EXCEED EXISTING MILL LEVY LIMITS IN CERTAIN CASES; REPEALING
7	SECTION 7-6-4433, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 7-5-4431, MCA, is amended to read:
11	#7-6-4431. Authorization to exceed maximum mill levy
12	election required. {1}}Subjecttothe-conditions-of
13	subsection-{2},-whenever-the-council-ofanycityortown
14	shalldeemitnecessarytoraisemoney-by-taxationy-in
15	excess-cf-the-levy-now-allowed-by-lawy-for-anypurposefor
16	which-soid-city-or-town-is-authorized-to-expend-money-raised
17	bytoxotionins sid - -cityortownyit-shall-submit-the
19	qu estion-of-such-additional-levy-to-the-legal-voters-of-such
19	city-or-town-who-are-taxpaying-freeholdersthereinyeither
20	atthe-regular-annual-election-held-in-said-city-or-town-or
21	at-a-special-election-called-for-that-purpose-by-the-council
22	of-such-city-or-towns-If-the-majority-voting-on-the-question
23	are-in-favor-of-such-additional-levy-or-leviesy-the-cityor
24	towncouncilshallso-certify-and-such-additional-levy-or
25	levies-of-taxes-shall-be-made-by-the-cityortowncouncil

1	forthetyears <u>The governing body of a municipality may</u>
2	raise_money_by_taxation_for_the_support_of_municipal
3	<u>government services. facilities, or other capital projects</u>
4	in excess of the levy or levies allowed by law under the
5	following conditions:
6	(1) The governing body must pass a resolution
7	indicating its intent to exceed the current_statutory_mill
8	<u>levy on the approval of a majority of the qualified electors</u>
9	votinginan_election_under_subsection_(2)e_The_resolution
10	must_ioclude:
11	(a) the specific purpose for which the additional
12	money_will_be_used:
13	(b) the specific dollar amount to be raised; and
14	(c) the approximate number of mills required.
15	[2]Such-additional-levy-shall-not-exceed-5-mills+ The
16	governing body must submit the question of the additional
17	mill levy to the qualified electors of the municipality at a
18	regular election or a special election called for that
19	<u>purpose by the governing body. If the majority voting on the</u>
20	question_are in favor of the additional levy or levies. the
21	governing body is authorized to exceed the statutory mill
22	levy_limit_in_the_amount_specified_in_the_resolution."
23	Section 2. Section 7-6-4432, MCA, is amended to read:
24	#7-6-4432. Purpose of additional mill levy to be
25	stated. The submission of seid <u>the</u> question shall expressly
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INTRODUCED BILL

LC 0242/01

provide--for--whatstate the purpose such for which the 1 additional levy is to be made." 2 Section 3. Section 7-6-4434. NCA, is amended to read: 3 "7-6-4434. Notice of election on question of 4 additional mill levy. Where the question of making such an 5 additional levy is so submitted to the qualified electors, 6 7 notice thereof shall be given by publication for at least 30 days prior to such the election in every newspaper published 8 in soid-eity-or-town the municipality and by posting alike 9 notice for the same period of time in a public place in each 10 ward-of-said-city-or-town precinct within the municipality." 11 Section 4. Section 7-6-4435, MCA, is amended to read: 12 "7-6-4435. Form of ballot. (1) If at any time it is 13 desired to submit the guestion of additional levies for more 14 than one purpose, such propositions shall be submitted on 15 separate ballots. 16

17 (2) Each of the ballots shall be in substantially the18 following form:

19 Shall the city (or town) council governing body be 20 authorized to make a levy of (here insert the number) mills 21 taxes in addition to the regular levy now authorized by law 22 for the purpose of (here insert the purpose for which the 23 additional levy is to be made)?

24 FOR additional levy.

25 AGAINST additional levy."

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Section 5. Section 7-6-4436. MCA. is amended to read:
 "7-6-4436. Conduct of election. (1) The voters
 <u>electors</u> shall mark the ballot or ballots in the same manner
 as other ballots are marked under the election laws of this
 state.
 (2) The election shall be held and the votes canvassed

7 and returned as in other city-or-town municipal elections." 8 Section 6. Section 7-6-4437. MCA. is amended to read: 9 "7-6-4437. Use of proceeds from additional mill levy. (1) Except as provided in subsection (2), if authorized, the 10 money raised for-such by the additional levy shall be used 11 only for that specific purpose provided for in 7-6-4432. 12 (2) If any balance remains on hand after the purpose 13 14 for which said the levy was made has been accomplished, such 15 the balance may by vote of the council governing body be 16 transferred to any other fund of said-city-or-town the 17 municipality+*

18 Section 7. Repealer. Section 7-6-4433, MCA, is
19 repealed.

-End-

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STATE OF MONTANA

REQUEST NO. 159-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 29 , 19 79 , there is hereby submitted a Fiscal Note for <u>Senate Bill 235</u> , pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

SB 235 revises laws that permit the governing body of a municipality to exceed existing mill levy limits in certain cases.

LOCAL IMPACT:

The bill does not substantially change current law. Since the 5-mill levy is removed, there may be elections, but there is no way of forecasting same.

ihand L. Franz for

BUDGET DIRECTOR Office of Budget and Program Planning Date: ________

Approved by Committee on <u>Texation</u>

SENATE BILL NO. 235 -1 INTRODUCED BY MCCALLUM 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 4 5 LAWS THAT PERMIT THE GOVERNING BODY OF A MUNICIPALITY TO EXCEED EXISTING MILL LEVY LIMITS IN CERTAIN CASES; REPEALING 6 SECTION 7-6-4433, HCA." 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 7-6-4431, MCA, is amended to read: 10 11 "7-6-4431. Authorization to exceed maximum mill levy -- election required. (1)--Subject-to--the-conditions-of 12 13 subsection-{2}v-whenever-the-council-of--ony--city--or--town shall--deem--it--necessary--to--raise--soney-by-taxationy-in 14 excess-of-the-levy-new-allowed-by-lewy-for-eny--purpose--for 15 16 which-said-city-or-town-is-outhorized-to-expend-money-raised 17 by--taxation--in--said--city--or--towny--it-shail-submit-the 18 guestion-of-such-additional-lavy-to-the-legal-voters-of-such 19 city-or-town-who-sre-toxpoying-fresholders--thereiny-+either 20 at--the-regular-annual-election-held-in-said-city-or-town-or 21 at-a-special-election-colled-for-that-purpose-by-the-council 22 of-such-city-or-town-If-the-majority-voting-on-the-question 23 are-in-favor-of-such-additional-levy-or-leviesy-the-city--or 24 town--council--shall--so-certify-end-such-additional-levy-or 25 levies-of-taxes-shall-be-made-by-the-city--or--town--council

1	forthetyears Ibs governing body of a municipality may
2	<u>raise money by taxation for the support of municipal</u>
3	<u>covernment services. facilities.or other capital projects</u>
4	in excess of the levy or levies allowed by law under the
5	following conditions:
6	(1) The governing body must pass a resolution
7	indicating its intent to exceed the current statutory will
8	lexy on the approval of a majority of the qualified electors
9	voting_in_an_election_under_subsection_(2). The resolution
10	mist_include:
11	<u>fal the specific purpose for which the additional</u>
12	money_will_be_used:
13	(b) the specific dollar amount to be raised: and
14	(c) the approximate number of mills required: AND
15	101 THE SPECIFIC MILL LEVY LINITATION TO BE EXCEEDED.
16	<u>121Such-additional-lavy-shall-not-exceed-5-wills+ The</u>
17	governing body must submit the question of the additional
18	mill levy to the qualified electors of the municipality at a
19	THE NEXT regular PRIMARY DR GENERAL election or a special
20	election_colled_for_that_purpose_by_thegoverningbody QN
21	EITHER OOD NUMBERED OR EVEN NUMBERED YEARS. THE QUESTION MAY
22	NOT BE SUBMITTED MORE THAN ONCE IN ANY CALENDAR YEAR. If the
23	majority voting on the question are in favor of the
24	additional levy or levies: the governing body is _authorized
25	to exceed the statutory mill levy limit in the amount

-2- SECOND READING

1	specified in the resolution FOR A PERIOD_NOT_ID_EXCEED_2
2	YEARS.
3	Section 2. Section 7-6-4432, MCA, is amended to read:
4	#7-6-4432. Purpose of additional mill levy to be
5	stated. The submission of sold the question shall expressly
6	provide-for-whot <u>state</u> the purpose such <u>for</u> which the
7	additional levy is to be made."
8	Section 3. Section 7-6-4434, MCA, is amended to read:
9	"7-6-4434. Notice of election on question of
10	additional mill levy. Where the question of making such an
11	additional levy is so submitted <u>to the qualified electors</u> ,
12	notice thereof shall be given by-publication-for-at-least-30
13	days-prior-to-such <u>the</u> election-in-every-newspaper-publis hed
14	insaid-city-or-town <u>the_municipality</u> and-by-posting-a-like
15	notice-for-the-some-period-of-time-in-s-public-place-in-each
16	word-of-seid-city-or-town precinct-within-themunicipalitys
17	IN. THE MANNER PRESCRIBED BY LAW FOR NOTICING OF ELECTIONS."
18	Section 4. Section 7-6-4435, MCA, is amended to read:
19	#7-6-4435。 Form of ballot。 {1} If at any time it is
20	desired to submit the question of additional levies for more
21	than one purpose, such propositions shall be submitted on
22	separate ballots.
23	(2) Each of the ballots shall be in substantially the
24	following form:
25	Shall the city (or town) council governing body be
	-3 SB 235

1 authorized to make a levy of (here insert the number) mills 2 taxes in addition to the regular levy now authorized by law for the purpose of (here insert the purpose for which the 3 additional levy is to be made AND THE PERIOD FOR WHICH II 4 SHALL BE IN EFFECT)? 5 FOR additional levy. 6 AGAINST additional levy." 7 8 Section 5. Section 7-6-4436, MCA, is amended to read: 9 *7-6-4436. Conduct of election. (1) The voters 10 electors shall mark the ballot or ballots in the same manner as other ballots are marked under the election laws of this 11 12 state. (2) The election shall be held and the votes canvassed 13 14 and returned as in other city-or-town municipal elections." 15 Section 6. Section 7-6-4437, MCA, is amended to read: "7-6-4437. Use of proceeds from additional mill levy. 16 17 (1) Except as provided in subsection (2), if authorized, the money raised for-such by the additional levy shall be used 18 only for that specific purpose provided for in 7-6-4432. 19 20 (2) If any balance remains on hand after the purpose for which said the levy was made has been accomplished, such 21 the balance may by vote of the council governing body be 22 23 transferred to any other fund of said--city--or--town the municipality." 24

25 SECTION 7. THERE IS A NEW MCA SECTION THAT READS:

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-End-

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SB 0235/02

1 SENATE BILL NO. 235 2 INTRODUCED BY MCCALLUM 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 4 LAWS THAT PERMIT THE GOVERNING BODY OF A MUNICIPALITY TO 5 EXCEED EXISTING MILL LEVY LIMITS IN CERTAIN CASES; REPEALING 6 SECTION 7-6-4433. MCA.* 7 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 7-6-4431, MCA, is amended to read: 10 11 "7-6-4431. Authorization to exceed maximum mill levy 12 -- election required. {1}--Subject--to--the-conditions-of 13 subsection-f2}y-whenever-the-council-of--any--city--or--town 14 shall--deem--it--necessary--to--raise--money-by-texation+-in excess-of-the-tevy-now-attowed-by-tawy-for-any--purpose--for 15 which-said-city-or-town-is-authorized-to-expend-money-raised 16 17 by--taxation--in--said--city--or--towny--it-shall-submit-the question-of-such-odditions}-tevy-to-the-tegst-voters-of-such 18 city-or-town-who-are-taxpaying-freeholders--thereiny--either 19 20 at--the-regular-annual-election-held-in-said-city-or-town-or st-a-special-election-colled-for-thot-purpose-by-the-council 21 22 of-such-city-or-towns-if-the-majority-voting-on-the-question 23 are-in-favor-of-such-additional-lavy-or-laviesy-the-city--or 24 town--council--shall--so-certify-and-such-additional-levy-or 25 tevies-of-taxes-shall-be-made-by-the-city--or--town--council

1	forthatyeary The gaverning body of a municipality may
2	raise money by taxation for the support of municipal
3	<u>government</u> , services, facilities, or other capital projects
4	in excess of the levy or levies allowed by law under the
5	following conditions;
6	<u>(1) The governing body must pass a resolution</u>
7	indicating its intent to exceed the current_statutory_will
8	<u>levy on the approval of a majority of the qualified electors</u>
9	voting in an election under subsection (2). The resolution
10	<u>must_include:</u>
11	<u>[a] the specific purpose for which the additional</u>
12	money will be used:
13	(b) the specific dollar amount to be raised; and
14	<pre>(c)the_approximate_number_of_mills_required:_AND</pre>
15	1D] THE SPECIFIC MILL LEVY LIMITATION TO BE EXCEEDED.
16	[2]Such-additional-levy-shall-not-exceed-5-mills+ <u>The</u>
17	governing body must submit the question of the additional
16	will_levy_to_the_qualified_electors_of_the_municipality_at_m
19	IHE NEXI regular PRIMARY OR GENERAL election or-acapecial
20	election-colled_for_that_purpose_by_thegoverningbody ON
21	LITHER_DDD_NUBBERED_OR_EVEN_NUBBERED_YEARS. THE_QUESTION_MAY
22	NOT BE SUBMITIED MORE THAN ONCE IN ANY CALENDAR YEAR. If the
23	majority_voting_on_the_question_are_in_fayor_of_the
24	additional_levy_or_levies.the_governing_body_isauthorized
25	to exceed the statutory mill levy limit in the amount

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THIRD READING

1	specified_in_the_resolution FOR_A_PERIODNOTIDEXCEED2	1	authorized to make a levy of (here insert the number) mills
2	YEARS."	2	taxes in addition to the regular levy now authorized by law
3	Section 2. Section 7-6-4432, MCA. is amended to read:	3	for the purpose of (here insert the purpose for which the
4	"7-6-4432. Purpose of additional mill levy to be	4	additional levy is to be made <u>AND_IHE_PERIODFORWHICH_II</u>
5	stated. The submission of anid the question shall expressly	5	SHALL_BE_IN_EEFECI)?
6	provide-for-what state the purpose such for which the	6	FOR additional levy.
7	additional levy is to be made."	7	AGAINST additional levy."
6	Section 3. Section 7+6-4434, MCA, is amended to read:	8	Section 5. Section 7-6-4436, MCA, is amended to read:
9	"7-6-4434. Notice of election on question of	9	"7-6-4436. Conduct of election. (1) The voters
10	additional mill levy. Where the question of making such <u>an</u>	10	electors shall mark the ballot or ballots in the same manner
11	additional levy is so submitted to the qualified electors,	11	as other ballots are marked under the election laws of this
12	notice thereof shall be given b y-publication-for-at-least-30	12	state.
13	days-prior-to-such <u>the</u> election-in-every-new spaper-published	13	(2) The election shall be held and the votes canvassed
14	insaid-city-or-town <u>the municipality</u> and-by-posting-n-like	14	and returned as in other city-or-town <u>municipal</u> elections."
15	n atice-for-the-same-period-of-time-in-a-publi c-place-in-each	15	Section 6. Section 7-6-4437, MCA, is amended to read:
16	ward-of-said-city-or-town precinct-within-themunicipalitym	16	"7-6-4437。 Use of proceeds from additional mill levy。
17	INIHE_NANNER_PRESCRIBED_BY_LAW_EDR_NOTICING_DE_ELECTIONS.**	17	(1) Except as provided in subsection (2), if authorized, the
18	Section 4. Section 7-6-4435, MCA, is amended to read:	18	money raised for-such <u>by the</u> additional levy shall be used
19	<pre>#7-6-4435. Form of ballot. (1) If at any time it is</pre>	19	only for that specific purpose provided for in 7-6-4432.
20	desired to submit the question of additional levies for more	20	(2) If any balance remains on hand after the purpose
21	than one purpose, such propositions shall be submitted on	21	for which soid the levy was made has been accomplished, such
22	separate ballots.	22	the balance may by vote of the council governing body be
23	(2) Each of the ballots shall be in substantially the	23	transferred to any other fund of said-city-or-town <u>the</u>
24	following form:	24	<pre>sunicipality."</pre>
25	Shall the city (or town) council governing_body be	25	SECTION 7. THERE IS A NEW MCA SECTION THAT READS:

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Emergency provisions not affected. Nothing in [this
 act] shall affect the emergency expenditures provided by
 law.
 Section 8. Repealer. Section 7-6-4433. MCA, is
 repealed.

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-End-

SB 0235/03

1	SENATE BILL NO. 235
2	INTRODUCED BY HCCALLUM
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5	LAWS THAT PERMIT THE GOVERNING BOD, DF A MUNICIPALITY TO
6	EXCEED EXISTING MILL LEVY LIMITS IN CERTAIN CASES; REPEALING
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17	bytexetioninsaidcityortownyit-shall-submit-the
18	question-of-such-additional-levy-to-the-legal-voters-of-such
19	city-or-town-who-are-taxpaying-freeholdersthareinyeither
20	atthe-regular-annual-election-held-in-said-city-or-town-or
21	at-a-special-election-called-for-that-purpose-by-the-council
22	of-such-city-or-townw-if-the-majority-voting-on-the-question
23	are-in-favor-of-such-additional-levy-or-leviesy-the-cityor
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25	levies-of-taxes-shall-be-made-by-the-city ortowncouncil

1	forthotyeory The governing body of a municipality may
2	raise money by taxation for the support of municipal
3	<u>covernment_servicesfacilities.or_other_capital_projects</u>
4	in excess of the levy or levies allowed by law under the
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6	(1) The governing body must pass a resolution
7	indicating its intent to exceed the current_statutory_mill
8	<u>levy_on_the_approval_of_a_majority_of_the_qualified_electors</u>
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10	must_include:
11	(a) the specific purpose for which the additional
12	money_will_be_used:
13	(b)tbe_specific_dollar_amount_to_be_raised: end
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15	10)THESPECIFIC_MILL_LEYY_LIMITATION_TO_BE_EXCEEDED.
16	<u>[2]</u> 5uch-additional-levy-shall-not-exceed-5-mills* <u>The</u>
17	governing body must submit the question of the additional
18	mill levy to the qualified electors of the municipality at a
19	IHE_NEXI regular PRIMARY_OR_GENERAL election programmerial
20	election_called_for_that_purpose_by_thegoverningbody DN
21	EITHER_DOD_NUMBERED_OR_EVEN_NUMBERED_YEARS. THE_QUESTION_MAY
22	NOI BE SUBBILLED MORE THAN ONCE IN ANY CALENDAR YEAR. If the
23	majority_voting_on_the_question_are_in_favor_of_the
24	additional levy or levies. the governing body is _authorized
25	toexceed_the_statutory_mill_levy_limit_in_the_amount

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SB 235

1	specified in the resolution FDR A PERIOD_NOI_IO_EXCEED_2
2	YEARS."
3	Section 2. Section 7-6-4432, MCA, is amended to read:
4	"7-6-4432。 Purpose of additional mill levy to be
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15	notice-for-the-same-period-of-time-in-o-public-place-in-each
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17	IN_THE MANNER_PRESCRIBED_BY_LAW_EOB_NOTICING_OF_ELECTIONS.*
18	Section 4. Section 7-6-4435, MCA, is amended to read:
19	"7-6-4435. Form of ballot. (1) If at any time it is
20	desired to submit the question of additional levies for more
21	than one purpose, such propositions shall be submitted on
22	separate ballots.
23	(2) Each of the ballots shall be in substantially the
24	following form:
25	Shall the city (or town) council governingbody be

1	authorized to make a levy of (here insert the number) mills
2	taxes in addition to the regular levy now authorized by law
3	for the purpose of (here insert the purpose for which the
4	additional levy is to be made <u>AND_THE_PERIOD_FOR_HHICH_II</u>
5	SHALL BE IN EFFECI)?
6	FOR additional levy.
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11	as other ballots are marked under the election laws of this
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15	Section 6. Section 7-6-4437, MCA, is amended to read:
16	*7-6-4437. Use of proceeds from additiona? mill levy.
17	{1} Except as provided in subsection (2), if authorized, the
18	money raised for-such by the additional levy shall be used
19	only for that specific purpose provided for in 7-6-4432.
20	(2) If any balance remains on hand after the purpose
21	for which said the levy was made has been accomplished, such
22	<pre>the balance may by vote of the council governing body be</pre>
23	transferred to any other fund of saidcityortown <u>the</u>
24	municipality."
25	SECTION 7. THERE IS A NEW MCA SECTION THAT READS:

SECTION 7. THERE IS A NEW MCA SECTION THAT READS:

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SB 235

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Emergency provisions not affected. Nothing in [this
 act] shall affect the emergency expenditures provided by
 law.
 Section 8. Repealer. Section 7-6-4433, MCA, is
 repealed.

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-End-