# HOUSE BILL NO. 717

INTRODUCED BY GRINDE, DEVLIN, WEEDING, ABRAMS, MAZUREK, DRISCOLL, GUTHRIE, SPAETH, MERCER, GOOD, WILLIAMS, COBB, SWYSGOOD, JENKINS, CAMPBELL, YELLOWTAIL, SIMPKINS, IVERSON, DEMARS, SCHYE, GILBERT, PATTERSON, HANNAH, BACHINI, PECK, MARKS

# IN THE HOUSE

FEBRUARY 15, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.

FEBRUARY 16, 1989 FIRST READING.

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MARCH 20, 1989 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

PRINTING REPORT.

MARCH 22, 1989 SECOND READING, DO PASS.

MARCH 23, 1989 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 91; NOES, 6.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 27, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.

FIRST READING.

IN THE HOUSE

APRIL 8, 1989 ON MOTION, RULES SUSPENDED TO ALLOW TO ALLOW TRANSMITTAL AFTER 83RD DAY

IN THE SENATE

APRIL 15, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED. APRIL 17, 1989 SECOND READING, CONCURRED IN.

APRIL 19, 1989 THIRD READING, CONCURRED IN. AYES, 49; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

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IN THE HOUSE

APRIL 20, 1989

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SECOND READING, AMENDMENTS CONCURRED IN.

RECEIVED FROM SENATE.

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 717 INTRODUCED BY 2 abram 3 riscoll - MERCER GOOD "AN ACT GENERALLY REVISING 4 A BILL FOR AN ACT ENTITLED: sheel Uellowterl Similar. MONTANA ECONOMIC DEVELOPMENT BOND ACT OF 1983; REVISING THE 5 BOND PROCEEDS FOR AGRICULTURAL PROJECTS; STATUTORILY USE 7 MULTPROPRIATING A PORTION OF THE BOND PROCEEDS TO THE BOARD OF 8 INVESTMENTS; AMENDING SECTIONS 17-5-1503 AND 17-7-502, MCA; 9 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 NEW SECTION. Section 1. Appropriation of bond proceeds. Proceeds of bonds deposited in the operating 13 account established in 17-5-1514(2)(c) are statutorily 14 15 appropriated, as provided in 17-7-502, to the board for the purpose of defraying the operational costs of the board and 16 the finance agreements contemplated under this part. 17 18 Section 2. Section 17-5-1503, MCA, is amended to read: "17-5-1503. Definitions. As used in this part, unless 19 20 the context requires otherwise, the following definitions 21 apply: 22 (1) "Board" means the board of investments created in 23 2-15-1808.

(2) "Bond" means any bond, note, debenture, interim
 certificate, or other evidence of financial indebtedness



1 issued by the board pursuant to this part.

2 (3) "Department" means the department of commerce
3 provided for in 2-15-1801.

4 (4) "Finance" means to supply capital and, in the case
5 of agricultural enterprises, to refinance a project and
6 project costs.

7 (4)(5) "Financial institution" means any bank, savings
8 and loan association, credit union, development credit
9 corporation, insurance company, investment company, trust
10 company, savings institution, or other financial institution
11 approved by the board.

12 (5)(6) "Local government" means the city in which the 13 project is located, if the project is located within an 14 incorporated municipality, or the county if the project is 15 located within the county but outside the boundaries of an 16 incorporated municipality.

17 (6)(7) "Major project" means a project whose cost or
 18 appraised value exceeds \$800,000.

19 (7)(8) "Project" means a project as defined in 20 90-5-101.

21 (8)(9) "Project costs" means the costs of acquiring or 22 improving any project, including the following:

23 (a) the actual cost of acquiring or improving real24 estate for any project;

25 (b) the actual cost of construction of all or any part

# -2-INTRODUCED BILL *HB 717*

1 of a project, including architects' and engineers' fees;

2 (c) all expenses in connection with the authorization,
3 sale, and issuance of the bonds to finance such acquisition
4 or improvement;

5 (d) bond reserves and premiums for insurance or 6 guaranty of loan payments or lease rentals pledged to pay 7 the bonds; **and** 

8 (e) the interest on such bonds for a reasonable time
9 prior to construction, during construction, and not
10 exceeding 6 months after completion of construction; and

11 (f) working capital for agricultural enterprise 12 projects for a period not to exceed 1 year."

Section 3. Section 17-7-502, MCA, is amended to read: "17-7-502. Statutory appropriations -- definition -requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be
effective, a statutory appropriation must comply with both
of the following provisions:

22 (a) The law containing the statutory authority must be23 listed in subsection (3).

(b) The law or portion of the law making a statutoryappropriation must specifically state that a statutory

1 appropriation is made as provided in this section.

(3) The following laws are the only laws containing 2 appropriations: 2-9-202; 2-17-105; 2-18-812; 3 statutory 10-3-203; 10-3-312; 10-3-314; 10 - 4 - 301: 13 - 37 - 304: 4 15-31-702; 15-36-112; 15-65-121; 15-70-101; 15-25-123: 5 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 6 19-9-1007; 19-10-205; 17-5-804: 19-8-504: 19-9-702: 7 19-11-513; 19-11-606: 19-10-305; 19-10-506; 19-11-512; 8 19-13-604; 20-4-109: 20-6-406; 20-8-111; q 19 - 12 - 301;10 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501; 39-71-2504; 53-6-150: 53-24-206: 67-3-205: 75-1-1101: 13 80-2-103; 80-2-228; 82-11-136; 75-7-305: 76-12-123: 12 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103; 13 [section 1]; section 13, House Bill No. 861, Laws of 1985; 14 and section 1, Chapter 454, Laws of 1987. 15

(4) There is a statutory appropriation to pay the 16 principal, interest, premiums, and costs of issuing, paying, 17 and securing all bonds, notes, or other obligations, as due, 18 that have been authorized and issued pursuant to the laws of 19 Agencies that have entered into agreements Montana. 20 authorized by the laws of Montana to pay the state 21 treasurer, for deposit in accordance with 17-2-101 through 22 17-2-107, as determined by the state treasurer, an amount 23 24 sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for 25

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such payments. (In subsection (3): pursuant to sec. 15, Ch.
 607, L. 1987, the inclusion of 15-65-121 terminates June 30,
 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
 1987, terminates July 1, 1988.)"

. . . . . .

7 <u>NEW SECTION.</u> Section 4. Codification instruction. 8 [Section 1] is intended to be codified as an integral part 9 of Title 17, chapter 5, part 15, and the provisions of Title 10 17, chapter 5, part 15, apply to [section 1].

11 <u>NEW SECTION.</u> Section 5. Extension of authority. Any 12 existing authority to make rules on the subject of the 13 provisions of [this act] is extended to the provisions of 14 [this act].

15 <u>NEW SECTION.</u> Section 6. Effective date. [This act] is
16 effective on passage and approval.

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#### APPROVED BY COMMITTEE ON APPROPRIATIONS

HOUSE BILL NO. 717 1 2 INTRODUCED BY rame manie Surgican 3 inoll MERCER GOOD A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING 4 MONTANA ECONOMIC DEVELOPMENT BOND ACT OF 1983; REVISING THE ALLO INFORMATION AND ACT OF 1983; REVISING THE USE OF BOND PROCEEDS FOR AGRICULTURAL PROJECTS; STATUTORILY 5 б 7 MORFFROPRIATING A PORTION OF THE BOND PROCEEDS TO THE BOARD OF INVESTMENTS: AMENDING SECTIONS 17-5-1503 AND 17-7-502, MCA; 8 9 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11

12 <u>NEW SECTION.</u> Section 1. Appropriation of bond 13 proceeds. Proceeds of bonds deposited in the operating 14 account established in 17-5-1514(2)(c) are statutorily 15 appropriated, as provided in 17-7-502, to the board for the 16 purpose of defraying the operational costs of the board and 17 the finance agreements contemplated under this part.

18 Section 2. Section 17-5-1503, MCA, is amended to read: 19 "17-5-1503. Definitions. As used in this part, unless 20 the context requires otherwise, the following definitions 21 apply:

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24 (2) "Bond" means any bond, note, debenture, interim25 certificate, or other evidence of financial indebtedness



3 provided for in 2-15-1801. 4 (4) "Finance" means to supply capital and, in the case 5 of agricultural enterprises, to refinance a project and 6 project costs. (4)(5) "Financial institution" means any bank, savings 7 8 and loan association, credit union, development credit 9 corporation, insurance company, investment company, trust 10 company, savings institution, or other financial institution approved by the board. 11 (f5)(6) "Local government" means the city in which the 12 project is located, if the project is located within an 13

(3) "Department" means the department of commerce

issued by the board pursuant to this part.

14 incorporated municipality, or the county if the project is 15 located within the county but outside the boundaries of an 16 incorporated municipality.

17 (6)(7) "Major project" means a project whose cost or 18 appraised value exceeds \$800,000.

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20 90-5-101.

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1 of a project, including architects' and engineers' fees;

2 (c) all expenses in connection with the authorization,
3 sale, and issuance of the bonds to finance such acquisition
4 or improvement;

5 (d) bond reserves and premiums for insurance or
6 guaranty of loan payments or lease rentals pledged to pay
7 the bonds; and

8 (e) the interest on such bonds for a reasonable time
9 prior to construction, during construction, and not
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(2) Except as provided in subsection (4), to be
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of the following provisions:

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16 (4) There is a statutory appropriation to pay the 17 principal, interest, premiums, and costs of issuing, paying, 18 and securing all bonds, notes, or other obligations, as due, 19 that have been authorized and issued pursuant to the laws of 20 Montana. Agencies that have entered into agreements 21 authorized by the laws of Montana to pay the state 22 treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount 23 sufficient to pay the principal and interest as due on the 24 25 bonds or notes have statutory appropriation authority for

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such payments. (In subsection (3): pursuant to sec. 15, Ch.
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NEW SECTION. Section 4. Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 17, chapter 5, part 15, and the provisions of Title
17, chapter 5, part 15, apply to [section 1].

11 <u>NEW SECTION.</u> Section 5. Extension of authority. Any 12 existing authority to make rules on the subject of the 13 provisions of [this act] is extended to the provisions of 14 [this act].

NEW SECTION. Section 6. Effective date. [This act] is
effective on passage and approval.

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HOUSE BILL NO. 717 1 INTRODUCED BY 2 Lass Durysian 3 MERCER GOOD A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISE 4 The Cange of Ullowial Sonflow Jose INA ECONOMIC DEVELOPMENT BOND ACT OF 1983; Mais 5 OF BOLD PROCEEDS FOR AGRICULTURAL PROJECTS; STATUTORILY 6 APPROPRIATING A PORTION OF THE BOND PROCEEDS TO THE BOARD OF 711 INVESTMENTS: AMENDING SECTIONS 17-5-1503 AND 17-7-502, MCA; 8 9 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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Montana Legislative Council

1 issued by the board pursuant to this part.

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3 provided for in 2-15-1801.

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24 estate for any project;

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THIRD READING

HB 717

of a project, including architects' and engineers' fees; (c) all expenses in connection with the authorization, sale, and issuance of the bonds to finance such acquisition or improvement;

5 (d) bond reserves and premiums for insurance or
6 guaranty of loan payments or lease rentals pledged to pay
7 the bonds; and

8 (e) the interest on such bonds for a reasonable time
9 prior to construction, during construction, and not
10 exceeding 6 months after completion of construction; and

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12 projects for a period not to exceed 1 year."

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16 (4) There is a statutory appropriation to pay the 17 principal, interest, premiums, and costs of issuing, paying, 18 and securing all bonds, notes, or other obligations, as due, 19 that have been authorized and issued pursuant to the laws of 20 Montana. Agencies that have entered into agreements 21 authorized by the laws of Montana to pay the state 22 treasurer, for deposit in accordance with 17-2-101 through 23 17-2-107, as determined by the state treasurer, an amount 24 sufficient to pay the principal and interest as due on the 25 bonds or notes have statutory appropriation authority for

-3-

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such payments. (In subsection (3): pursuant to sec. 15, Ch.
 607, L. 1987, the inclusion of 15-65-121 terminates June 30,
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 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
 1987, terminates July 1, 1988.)"

NEW SECTION. Section 4. Codification instruction.
(Section 1) is intended to be codified as an integral part
of Title 17, chapter 5, part 15, and the provisions of Title
17, chapter 5, part 15, apply to [section 1].

11 <u>NEW SECTION.</u> Section 5. Extension of authority. Any 12 existing authority to make rules on the subject of the 13 provisions of [this act] is extended to the provisions of 14 [this act].

15 <u>NEW SECTION.</u> Section 6. Effective date. [This act] is 16 effective on passage and approval.

-End-

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# SENATE STANDING COMMITTEE REPORT

April 14, 1989

MR. PRESIDENT: We, your committee on Finance and Claims, having had under consideration HB 717 (third reading copy -- blue), respectfully report that HB 717 be amended and as so amended be concurred in;

Sponsor: Grinde (Devlin)

1. Title, lines 4 and 5. Strike: "GENERALLY" on line 4 through "1983;" on line 5

2. Title, line 6.
Following: "PROJECTS;"
Strike: "STATUTORILY" on line 6 through "INVESTMENTS;" on line 8

3. Title, line 8. Strike: "SECTIONS" Insert: "SECTION" Strike: "AND 17-7-502"

4. Page 1, lines 12 through 17. Strike: strike section 1 in its entirety Renumber: subsequent section

5. Page 3, line 13 through page 5, line 10. Strike: sections 3 and 4 in their entirety Renumber: subsequent sections

AND AS AMENDED BE CONCURRED IN

Signed

Pete Story, Chai/rman

SENATE *H B 7/7*  #

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HB 0717/02

1	HOUSE BILL NO. 717	1	(1) "Board" means the board of investments created in
2	INTRODUCED BY GRINDE, DEVLIN, WEEDING, ABRAMS, MAZUREK,	2	2-15-1808.
3	DRISCOLL, GUTHRIE, SPAETH, MERCER, GOOD, WILLIAMS, COBB,	3	(2) "Bond" means any bond, note, debenture, interim
4	SWYSGOOD, JENKINS, CAMPBELL, YELLOWTAIL, SIMPKINS,	4	certificate, or other evidence of financial indebtedness
5	IVERSON, DEMARS, SCHYE, GILBERT, PATTERSON,	5	issued by the board pursuant to this part.
6	HANNAH, BACHINI, PECK, MARKS	6	(3) "Department" means the department of commerce
7		7	provided for in 2-15-1801.
8	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY-REVISINGTHE	8	(4) "Finance" means to supply capital and, in the case
9	MONTANAECONOMIC-DEVELOPMENT-BOND-ACT-OP-1983; REVISING THE	9	of agricultural enterprises, to refinance a project and
10	USE OF BOND PROCEEDS FOR AGRICULTURAL PROJECTS; STATUTORILY	10	project costs.
11	APPROPRIATING-A-PORTION-OP-THE-BOND-PROCE: ∋S-TO-THE-BOARD-OF	11	<pre>(4)(5) "Financial institution" means any bank, savings</pre>
12	INVESTMENTS; AMENDING SECTION 17-5-1503 AND	12	and loan association, credit union, development credit
13	17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	13	corporation, insurance company, investment company, trust
14		14	company, savings institution, or other financial institution
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	approved by the board.
16	NEW-SECTION: Section-1: Appropriation of bond	16	(5) "Local government" means the city in which the
17	proceedsProceeds-ofbondsdepositedintheoperating	17	project is located, if the project is located within an
18	accountestablishedin-17-5-1514(2)(c)arestatutorily	18	incorporated municipality, or the county if the project is
19	appropriated,-as-provided-in-i7-7-502,-to-the-board-forthe	19	located within the county but outside the boundaries of an
20	purposeof-defraying-the-operational-costs-of-the-board-and	20	incorporated municipality.
21	the-finance-agreements-contemplated-under-this-part;	21	<pre>t6)(7) "Major project" means a project whose cost or</pre>
22	Section 1. Section 17-5-1503, MCA, is amended to read:	22	appraised value exceeds \$800,000.
23	<b>*17-5-1503. Definitions. As used</b> in this part, unless	23	<del>(7)<u>(8)</u> "Project" means a project as defined in</del>
24	the context requires otherwise, the following definitions	24	90-5-101.
25	apply:	25	<pre>(8)(9) "Project costs" means the costs of acquiring or</pre>
	Contana Legislative Council		-2- REFERENCE BILL AS AMENDED



### HB 0717/02

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6	(c) all expenses in connection with the authorization,
7	sale, and issuance of the bonds to finance such acquisition
8	or improvement;
9	(d) bond reserves and premiums for insurance or
10	guaranty of loan payments or lease rentals pledged to pay

improving any project, including the following:

(a) the actual cost of acquiring or improving real

(b) the actual cost of construction of all or any part

of a project, including architects' and engineers' fees;

11 the bonds; and

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12 (e) the interest on such bonds for a reasonable time
13 prior to construction, during construction, and not
14 exceeding 6 months after completion of construction; and

15 (f) working capital for agricultural enterprise 16 projects for a period not to exceed 1 year."

17Section-3.--Section-17-7-502,-MCA,-is-amended-to--read:18"17-7-502,--Statutory-...ppropriations----definition---19requisites-for-validity,---(t)-A-statutory-appropriation--is20an--appropriation--made--by--permanent--law--that-authorizes21spending-by-a-state-agency-without-the-need-for--a--biennial22tegislative-appropriation-or-budget-amendment-

23 (2)--Except-as-provided-in--subsection--(4);--to--be
 24 effective;-a-statutory-appropriation-must-comply--with--both
 25 of-the-following-provisions;

1	<del>(a)The-law-containing-the-statutory-authority-must-be</del>
2	listed-in-subsection-(3);
3	<pre>(b)Thelawor-portion-of-the-law-making-a-statutory</pre>
4	appropriationmustspecificallystatethatastatutory
5	appropriation-is-made-as-provided-in-this-section-
6	<pre>t3;Thefollowinglawsare-the-only-laws-containing</pre>
7	statutoryappropriations:2-9-202;2-17-105;2-18-812;
8	10-3-203;10-3-312;10-3-314;10-4-301;13-37-304;
9	15-25-123;15-31-702;15-36-112;15-65-121;15-70-101;
10	16-1-404; <del>16-1-410;-16-1-411;-17-3-212;-17-5-404;-1</del> 7-5-424;
11	17-5-804;19-8-504;19-9-702;19-9-1007;19-10-205;
12	±9-±0-305;±9-±0-506;±9-±±-5±2;±9-±±-5±3;±9-±±-606;
13	±9-±2-30±;±9-±3-604;20-4-±09;20-6-406;20-8-±±±;
14	<del>23-5-610;23-5-1027;33-31-212;33-31-401;37-51-501;</del>
15	39-71-2504;53-6-150;53-24-206;67-3-205;75-1-1101;
16	75-7-305776-12-123780-2-103780-2-22882-11-1367
17	90-3-3017-90-3-3027-90-3-4127-90- <b>4-</b> 2157-90-9-3067-90-15-1037
18	<pre>fsection-11; section-13, House-Bill-No861; baws-of1985;</pre>
19	and section-17-Chapter-4547-Laws-of-1987-
20	(4)Thereisastatutoryappropriationto-pay-the
21	principal;-interest;-premiums;-and-costs-of-issuing;-paying;
22	and-securing-all-bonds;-notes;-or-other-obligations;-as-duc;
23	that-have-been-authorized-and-issued-pursuant-to-the-laws-of
24	Montana:Agenciesthathaveenteredintoagreements
25	authorizedbythelawsofMontanatopaythestate

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1 treasurer;-for-deposit-in-accordance-with--17-2-101--through 17-2-1077--as--determined--by-the-state-treasurer7-an-amount 2 3 sufficient-to-pay-the-principal-and-interest-as-due--on--the bonds--or--notes--have-statutory-appropriation-authority-for 4 5 such-payments---(in-subsection-(3):-pursuant-to-sec--15--Ch-6 6077-L-19877-the-inclusion-of-15-65-121-terminates-June-307 7 1989;-pursuant-to-sec-l07-Ch--6647-b--19877--the--inclusion 8 of-39-71-2504-terminates-June-307-19917-and-pursuant-to-sect 9 67--Ch---4547--b--19877-the-inclusion-of-sec--17-Ch--4547-b-10 19877-terminates-July-17-1988-)"

11 <u>NEW-SECTION, --Section-4.-Codification----instruction</u> 12 {Section--1}--is-intended-to-be-codified-as-an-integral-part 13 of-Title-17,-chapter-5,-part-15,-and-the-provisions-of-Title 14 17,-chapter-5,-part-15,-apply-to-{section-1};

15 <u>NEW SECTION.</u> Section 2. Extension of authority. Any 16 existing authority to make rules on the subject of the 17 provisions of [this act] is extended to the provisions of 18 [this act].

19 <u>NEW SECTION.</u> Section 3. Effective date. [This act] is
20 effective on passage and approval.

-End-

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