

HOUSE BILL NO. 11

INTRODUCED BY J. KEANE

BY REQUEST OF THE DEPARTMENT OF COMMERCE AND THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY GRANTS FOR FINANCIAL ASSISTANCE TO LOCAL GOVERNMENT INFRASTRUCTURE PROJECTS THROUGH THE TREASURE STATE ENDOWMENT PROGRAM; AUTHORIZING GRANTS FROM THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT; PLACING CONDITIONS ON GRANTS AND FUNDS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR INFRASTRUCTURE PROJECTS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR INFRASTRUCTURE PLANNING GRANTS; APPROPRIATING MONEY FROM THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM STATE SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER PROJECTS; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. SECTION 1. APPROPRIATIONS FOR TREASURE STATE ENDOWMENT PROGRAM GRANTS. (1)**

THERE IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE \$15,925,000 FOR THE BIENNIUM BEGINNING JULY 1, 2017, FROM THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT TO FINANCE TREASURE STATE ENDOWMENT PROGRAM GRANTS AUTHORIZED BY SUBSECTION (2).

(2) THE FOLLOWING APPLICANTS AND PROJECTS ARE AUTHORIZED FOR GRANTS AND LISTED IN THE ORDER OF THEIR PRIORITY:

<u>OTHER INFRASTRUCTURE APPLICANT (PROJECT TYPE)</u>	<u>GRANT AMOUNT</u>
<u>1. SANDERS COUNTY SEWER DISTRICT (WASTEWATER)</u>	<u>\$750,000</u>
<u>2. BEAVERHEAD COUNTY JACKSON WATER AND SEWER DISTRICT (WATER)</u>	<u>\$294,000</u>
<u>3. DENTON, TOWN OF (WATER)</u>	<u>\$625,000</u>
<u>4. HELENA, CITY OF (WASTEWATER)</u>	<u>\$750,000</u>



1	<u>5. ABSAROKEE WATER AND SEWER DISTRICT (WATER)</u>	<u>\$500,000</u>
2	<u>6. MEDICINE LAKE, TOWN OF (WASTEWATER)</u>	<u>\$625,000</u>
3	<u>7. FROID, TOWN OF (WASTEWATER)</u>	<u>\$750,000</u>
4	<u>8. CUT BANK, CITY OF (WATER)</u>	<u>\$750,000</u>
5	<u>9. EUREKA, TOWN OF (WASTEWATER)</u>	<u>\$555,000</u>
6	<u>10. NINE MILE WATER AND SEWER DISTRICT (WATER)</u>	<u>\$750,000</u>
7	<u>11. SOUTH WIND WATER AND SEWER DISTRICT (WATER AND WASTEWATER)</u>	<u>\$750,000</u>
8	<u>12. LIVINGSTON, CITY OF (WASTEWATER)</u>	<u>\$625,000</u>
9	<u>13. TOWNSEND, CITY OF (WASTEWATER)</u>	<u>\$625,000</u>
10	<u>14. SCOBAY, CITY OF (WATER)</u>	<u>\$500,000</u>
11	<u>15. MANHATTAN, TOWN OF (WASTEWATER)</u>	<u>\$611,800</u>
12	<u>16. STANFORD, TOWN OF (WATER)</u>	<u>\$500,000</u>
13	<u>17. HOT SPRINGS, TOWN OF (WATER)</u>	<u>\$478,632</u>
14	<u>18. SHERIDAN, TOWN OF (WATER)</u>	<u>\$625,000</u>
15	<u>19. SIMMS COUNTY SEWER DISTRICT (WASTEWATER)</u>	<u>\$750,000</u>
16	<u>20. CIRCLE, TOWN OF (WATER)</u>	<u>\$625,000</u>
17	<u>21. LOCKWOOD WATER AND SEWER DISTRICT (WATER)</u>	<u>\$625,000</u>
18	<u>22. HARLOWTON, CITY OF (WATER)</u>	<u>\$750,000</u>
19	<u>23. CASCADE, TOWN OF (WASTEWATER)</u>	<u>\$500,000</u>
20	<u>24. SHELBY, CITY OF (WATER)</u>	<u>\$750,000</u>
21	<u>25. DUTTON, TOWN OF (WATER)</u>	<u>\$500,000</u>
22	<u>26. BUTTE-SILVER BOW (WASTEWATER)</u>	<u>\$349,286</u>
23	<u>27. WINIFRED, TOWN OF (WATER)</u>	<u>\$500,000</u>
24	<u>28. RYEGATE, TOWN OF (WASTEWATER)</u>	<u>\$500,000</u>
25	<u>29. WHITEFISH, CITY OF (WASTEWATER)</u>	<u>\$750,000</u>
26	<u>30. GLENDIVE, CITY OF (WASTEWATER)</u>	<u>\$625,000</u>
27	<u>31. NEIHART, TOWN OF (WATER)</u>	<u>\$500,000</u>
28	<u>32. THOMPSON FALLS, CITY OF (WATER)</u>	<u>\$625,000</u>
29	<u>33. CHINOOK, CITY OF (WATER)</u>	<u>\$625,000</u>
30	<u>34. MALTA, CITY OF (WATER)</u>	<u>\$500,000</u>

1	<u>35. SANDERS COUNTY (STORMWATER)</u>	<u>\$625,000</u>
2	<u>36. BIGFORK COUNTY WATER AND SEWER DISTRICT (WATER)</u>	<u>\$500,000</u>
3	<u>37. ROUNDUP, CITY OF (WATER)</u>	<u>\$500,000</u>
4	<u>38. CONRAD, CITY OF (WATER)</u>	<u>\$500,000</u>
5	<u>39. FORT BENTON, CITY OF (WATER)</u>	<u>\$500,000</u>
6	<u>40. LAUREL, CITY OF (WATER)</u>	<u>\$500,000</u>
7	<u>41. POPLAR, CITY OF (WASTEWATER)</u>	<u>\$750,000</u>
8	<u>42. LINCOLN LEWIS AND CLARK CO. SEWER DISTRICT (WASTEWATER)</u>	<u>\$280,000</u>
9	<u>43. JORDAN, TOWN OF (WASTEWATER)</u>	<u>\$500,000</u>
10	<u>44. JUDITH GAP, TOWN OF (WASTEWATER)</u>	<u>\$125,000</u>

11 (3) (A) FUNDING FOR THE PROJECTS NUMBERED 1 THROUGH 26 IN SUBSECTION (2) WILL BE PROVIDED UP TO  
 12 THE AMOUNT OF THE APPROPRIATION IN SUBSECTION (1) AS PROJECTS MEET THE CONDITIONS PROVIDED IN [SECTION 3].

13 (B) PROJECTS NUMBERED 27 THROUGH 29 LISTED IN SUBSECTION (2) THAT HAVE SATISFIED THE CONDITIONS  
 14 DESCRIBED IN [SECTION 3] MAY RECEIVE GRANT FUNDS ONLY IF ONE OR MORE OF THE APPLICANTS FOR PROJECTS  
 15 NUMBERED 1 THROUGH 26 HAVE TERMINATED THEIR REQUEST FOR AWARD FUNDS IN WRITING PRIOR TO THE END OF THE  
 16 BIENNIUM ENDING JUNE 30, 2019.

17 (4) THERE IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE \$3,747,151 FOR THE BIENNIUM BEGINNING  
 18 JULY 1, 2017, FROM THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT TO FINANCE TREASURE  
 19 STATE ENDOWMENT PROGRAM GRANTS AUTHORIZED BY SUBSECTION (5) AS PROJECTS MEET THE CONDITIONS PROVIDED  
 20 IN [SECTION 3].

21 (5) THE FOLLOWING APPLICANTS AND PROJECTS ARE AUTHORIZED FOR GRANTS AND LISTED IN THE ORDER OF  
 22 THEIR PRIORITY:

<u>BRIDGE APPLICANT</u>	<u>GRANT AMOUNT</u>
24 <u>1. MISSOULA COUNTY</u>	<u>\$500,000</u>
25 <u>2. PARK COUNTY</u>	<u>\$107,957</u>
26 <u>3. MADISON COUNTY</u>	<u>\$237,284</u>
27 <u>4. PRAIRIE COUNTY</u>	<u>\$160,000</u>
28 <u>5. GALLATIN COUNTY</u>	<u>\$684,800</u>
29 <u>6. CARBON COUNTY</u>	<u>\$750,000</u>
30 <u>7. LEWIS AND CLARK COUNTY</u>	<u>\$309,985</u>

1	<u>8. JUDITH BASIN COUNTY</u>	<u>\$247,125</u>
2	<u>9. POWELL COUNTY</u>	<u>\$750,000</u>
3	<u>10. YELLOWSTONE COUNTY</u>	<u>\$310,914</u>
4	<u>11. JEFFERSON COUNTY</u>	<u>\$197,412</u>
5	<u>12. RAVALLI COUNTY</u>	<u>\$133,143</u>
6	<u>13. STILLWATER COUNTY</u>	<u>\$500,000</u>
7	<u>14. BLAINE COUNTY</u>	<u>\$389,739</u>
8	<u>15. BIG HORN COUNTY</u>	<u>\$473,455</u>

9           (6) IF SUFFICIENT FUNDS ARE AVAILABLE, THIS SECTION CONSTITUTES A VALID OBLIGATION OF FUNDS TO THE  
10 GRANT RECIPIENTS LISTED IN SUBSECTIONS (2) AND (5) FOR PURPOSES OF ENCUMBERING BOTH TREASURE STATE  
11 ENDOWMENT STATE SPECIAL REVENUE ACCOUNT FUNDS AND STATE AND LOCAL INFRASTRUCTURE ACCOUNT FUNDS FOR  
12 THE BIENNIUM BEGINNING JULY 1, 2017, PURSUANT TO 17-7-302. HOWEVER, A GRANT RECIPIENT'S ENTITLEMENT TO  
13 RECEIVE FUNDS IS DEPENDENT ON THE GRANT RECIPIENT'S COMPLIANCE WITH THE CONDITIONS DESCRIBED IN [SECTION  
14 3] AND ON THE AVAILABILITY OF FUNDS.

15           (7) FUNDING FOR PROJECTS IN SUBSECTIONS (2) AND (5) THAT ARE NOT FULLY FUNDED BY FUNDS FROM THE  
16 TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT WILL BE PROVIDED ONLY AS LONG AS THERE ARE  
17 SUFFICIENT FUNDS AVAILABLE FROM THE AMOUNT THAT WAS DEPOSITED INTO THE STATE AND LOCAL INFRASTRUCTURE  
18 ACCOUNT. FUNDING FOR THESE PROJECTS WILL BE MADE AVAILABLE IN THE ORDER THAT THE GRANT RECIPIENTS SATISFY  
19 THE CONDITIONS DESCRIBED IN [SECTION 3]. HOWEVER, ANY OF THE PROJECTS LISTED IN SUBSECTIONS (2) AND (5) THAT  
20 HAVE NOT COMPLETED THE CONDITIONS DESCRIBED IN [SECTION 3] BY SEPTEMBER 30, 2018, MUST BE REVIEWED BY THE  
21 NEXT REGULAR SESSION OF THE LEGISLATURE TO DETERMINE IF THE AUTHORIZED GRANT SHOULD BE WITHDRAWN.

22           (8) THE FUNDS APPROPRIATED IN THIS SECTION MUST BE USED BY THE DEPARTMENT TO MAKE GRANTS TO THE  
23 GOVERNMENTAL ENTITIES LISTED IN SUBSECTIONS (2) AND (5) FOR THE DESCRIBED PURPOSES AND IN AMOUNTS NOT TO  
24 EXCEED THE AMOUNTS SET OUT IN SUBSECTIONS (2) AND (5). THE GRANTS AUTHORIZED IN THIS SECTION ARE SUBJECT  
25 TO THE CONDITIONS SET FORTH IN [SECTION 3] AND DESCRIBED IN THE TREASURE STATE ENDOWMENT PROGRAM 2019  
26 BIENNIUM REPORT TO THE 65TH LEGISLATURE. THE DEPARTMENT SHALL COMMIT FUNDS TO PROJECTS LISTED IN  
27 SUBSECTIONS (2) AND (5), UP TO THE AMOUNTS AUTHORIZED, BASED ON THE MANNER OF AND SUBJECT TO THE  
28 LIMITATIONS ON DISBURSEMENT SET FORTH IN [SECTION 3] UNTIL THE FUNDS DEPOSITED INTO THE TREASURE STATE  
29 ENDOWMENT STATE SPECIAL REVENUE ACCOUNT AND THE STATE AND LOCAL INFRASTRUCTURE ACCOUNT ARE EXPENDED.

30           (9) GRANT RECIPIENTS SHALL COMPLETE ALL OF THE CONDITIONS DESCRIBED IN [SECTION 3] BY SEPTEMBER

1 30, 2020, OR ANY OBLIGATION TO THE GRANT RECIPIENT IS VOID.

2  
3 NEW SECTION. SECTION 2. APPROVAL OF GRANTS -- COMPLETION OF BIENNIAL APPROPRIATION. (1) THE  
4 LEGISLATURE, PURSUANT TO 90-6-701, AUTHORIZES GRANTS FOR THE PROJECTS IDENTIFIED IN [SECTIONS 1(2) AND 1(5)],  
5 THE EMERGENCY INFRASTRUCTURE PROJECTS IN [SECTION 5], AND FOR THE INFRASTRUCTURE PLANNING GRANTS IN  
6 [SECTION 6].

7 (2) THE AUTHORIZATION OF THESE GRANTS CONSTITUTES A BIENNIAL APPROPRIATION FROM THE TREASURE  
8 STATE ENDOWMENT SPECIAL REVENUE ACCOUNT PROVIDED FOR IN 17-5-703(3)(C).

9 (3) GRANTS TO ENTITIES FROM PRIOR BIENNIUMS ARE REAUTHORIZED FOR COMPLETION OF CONTRACT WORK.

10  
11 NEW SECTION. SECTION 3. CONDITION OF GRANTS -- DISBURSEMENTS OF FUNDS. (1) THE DISBURSEMENT  
12 OF GRANT FUNDS FOR THE PROJECTS SPECIFIED IN [SECTIONS 1(2) AND 1(5)] IS SUBJECT TO COMPLETION OF THE  
13 FOLLOWING CONDITIONS:

14 (A) THE GRANT RECIPIENT SHALL DOCUMENT THAT OTHER MATCHING FUNDS REQUIRED FOR COMPLETION OF THE  
15 PROJECT ARE FIRMLY COMMITTED.

16 (B) THE GRANT RECIPIENT MUST HAVE A PROJECT MANAGEMENT PLAN THAT IS APPROVED BY THE DEPARTMENT  
17 OF COMMERCE.

18 (C) THE GRANT RECIPIENT MUST BE IN COMPLIANCE WITH THE AUDITING AND REPORTING REQUIREMENTS  
19 PROVIDED FOR IN 2-7-503 AND HAVE ESTABLISHED A FINANCIAL ACCOUNTING SYSTEM THAT THE DEPARTMENT CAN  
20 REASONABLY ENSURE CONFORMS TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. TRIBAL GOVERNMENTS SHALL  
21 COMPLY WITH AUDITING AND REPORTING REQUIREMENTS PROVIDED FOR IN OMB CIRCULAR A-133.

22 (D) THE GRANT RECIPIENT SHALL SATISFACTORILY COMPLY WITH ANY CONDITIONS DESCRIBED IN THE  
23 APPLICATION (PROJECT) SUMMARIES SECTION OF THE TREASURE STATE ENDOWMENT PROGRAM 2019 BIENNIUM REPORT  
24 TO THE 65TH LEGISLATURE.

25 (E) THE GRANT RECIPIENT SHALL SATISFY OTHER SPECIFIC REQUIREMENTS CONSIDERED NECESSARY BY THE  
26 DEPARTMENT OF COMMERCE TO ACCOMPLISH THE PURPOSE OF THE PROJECT AS EVIDENCED BY THE APPLICATION TO THE  
27 DEPARTMENT.

28 (F) THE GRANT RECIPIENT SHALL EXECUTE A GRANT AGREEMENT WITH THE DEPARTMENT OF COMMERCE.

29 (2) WITH THE EXCEPTION OF BRIDGES, ALL PROJECTS MUST ADHERE TO THE DESIGN STANDARDS REQUIRED BY  
30 THE DEPARTMENT OF ENVIRONMENTAL QUALITY. RECIPIENTS OF TREASURE STATE ENDOWMENT PROGRAM FUNDS THAT

1 ARE NOT SUBJECT TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY DESIGN STANDARDS MUST ADHERE TO GENERALLY  
 2 ACCEPTED INDUSTRY STANDARDS, SUCH AS RECOMMENDED STANDARDS FOR WASTEWATER FACILITIES OR  
 3 RECOMMENDED STANDARDS FOR WATER WORKS, PUBLISHED BY THE GREAT LAKES-UPPER MISSISSIPPI RIVER BOARD  
 4 OF STATE AND PROVINCIAL PUBLIC HEALTH AND ENVIRONMENTAL MANAGERS, LATEST EDITION.

5 (3) RECIPIENTS OF TREASURE STATE ENDOWMENT PROGRAM FUNDS ARE SUBJECT TO THE REQUIREMENTS OF  
 6 THE DEPARTMENT OF COMMERCE AS DESCRIBED IN THE MOST RECENT EDITION OF THE TREASURE STATE ENDOWMENT  
 7 PROGRAM PROJECT ADMINISTRATION MANUAL ADOPTED BY THE DEPARTMENT THROUGH THE ADMINISTRATIVE  
 8 RULEMAKING PROCESS.

9

10 **NEW SECTION. SECTION 4. OTHER POWERS AND DUTIES OF DEPARTMENT.** (1) THE DEPARTMENT OF  
 11 COMMERCE SHALL DISBURSE GRANT FUNDS ON A REIMBURSEMENT BASIS AS GRANT RECIPIENTS INCUR ELIGIBLE PROJECT  
 12 EXPENSES.

13 (2) IF ACTUAL PROJECT EXPENSES ARE LOWER THAN THE PROJECTED EXPENSE OF THE PROJECT, THE  
 14 DEPARTMENT MAY, AT ITS DISCRETION:

15 (A) REDUCE THE AMOUNT OF GRANT FUNDS TO BE PROVIDED TO GRANT RECIPIENTS IN PROPORTION TO ALL  
 16 OTHER PROJECT FUNDING SOURCES;

17 (B) AUTHORIZE THE USE OF THE REMAINING AUTHORIZED GRANT AMOUNTS FOR THE CONSTRUCTION OF  
 18 ADDITIONAL INFRASTRUCTURE COMPONENTS DIRECTLY RELATED TO THE APPROVED PROJECT THAT WILL FURTHER  
 19 ENHANCE THE OVERALL SYSTEM; OR

20 (C) REDUCE THE AMOUNT OF GRANT FUNDS TO BE PROVIDED SO THAT THE GRANT RECIPIENT'S PROJECTED  
 21 AVERAGE RESIDENTIAL USER RATES DO NOT BECOME LOWER THAN THEIR TARGET RATE AS DETERMINED BY THE  
 22 DEPARTMENT.

23 (3) IF THE GRANT RECIPIENT OBTAINS A GREATER AMOUNT OF GRANT FUNDS THAN WAS CONTAINED IN THE  
 24 TREASURE STATE ENDOWMENT PROGRAM APPLICATION, THE DEPARTMENT MAY REDUCE THE AMOUNT OF THE TREASURE  
 25 STATE ENDOWMENT PROGRAM GRANT FUNDS TO BE PROVIDED TO ENSURE THAT THE GRANT RECIPIENT CONTINUES TO  
 26 MEET THE THRESHOLD REQUIREMENTS CONTAINED IN PROGRAM GUIDELINES FOR RECEIVING THE LARGER TREASURE  
 27 STATE ENDOWMENT PROGRAM GRANT.

28

29 **NEW SECTION. Section 5. Appropriations from treasure state endowment state special revenue**  
 30 **account for emergency grants.** There is appropriated to the department of commerce \$100,000 for the

1 biennium beginning July 1, 2017, from the interest earnings of the treasure state endowment state special  
 2 revenue account for the purpose of providing local governments, as defined in 90-6-701, with emergency grants  
 3 for infrastructure projects, as defined in 90-6-701.

4  
 5 **NEW SECTION. Section 6. Appropriations from treasure state endowment state special revenue**  
 6 **account for infrastructure planning grants.** There is appropriated to the department of commerce \$900,000  
 7 for the biennium beginning July 1, 2017, from the interest earnings of the treasure state endowment state special  
 8 revenue account for the purpose of providing local governments, as defined in 90-6-701, with infrastructure  
 9 planning grants for infrastructure projects, as defined in 90-6-701.

10  
 11 **NEW SECTION. SECTION 7. APPROPRIATION FROM TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM**  
 12 **SPECIAL REVENUE ACCOUNT. (1) THERE IS APPROPRIATED \$4,943,389 TO THE DEPARTMENT OF NATURAL RESOURCES**  
 13 **AND CONSERVATION FOR THE BIENNIUM BEGINNING JULY 1, 2017, FROM THE TREASURE STATE ENDOWMENT REGIONAL**  
 14 **WATER SYSTEM SPECIAL REVENUE ACCOUNT TO FINANCE THE STATE'S SHARE OF REGIONAL WATER SYSTEM PROJECTS**  
 15 **AUTHORIZED IN SUBSECTION (2) AND AS SET FORTH IN 90-6-715.**

16 **(2) MONTANA'S FOUR REGIONAL WATER AUTHORITIES ARE AUTHORIZED TO RECEIVE THE FUNDS APPROPRIATED**  
 17 **IN SUBSECTION (1) AS LONG AS THERE ARE SUFFICIENT FUNDS AVAILABLE FROM THE AMOUNT THAT WAS DEPOSITED INTO**  
 18 **THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT DURING THE BIENNIUM**  
 19 **BEGINNING JULY 1, 2017.**

20 **(3) A REGIONAL WATER AUTHORITY'S RECEIPT OF FUNDS IS DEPENDENT ON THE AUTHORITY'S COMPLIANCE WITH**  
 21 **THE CONDITIONS DESCRIBED IN [SECTION 9(1)].**

22 **(4) THIS SECTION CONSTITUTES A VALID OBLIGATION OF FUNDS TO THE REGIONAL WATER AUTHORITIES LISTED**  
 23 **IN SUBSECTION (2) FOR PURPOSES OF ENCUMBERING THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM**  
 24 **SPECIAL REVENUE ACCOUNT FUNDS RECEIVED DURING THE BIENNIUM BEGINNING JULY 1, 2017, UNDER 17-7-302.**

25  
 26 **NEW SECTION. SECTION 8. APPROVAL OF FUNDS -- COMPLETION OF APPROPRIATION. (1) THE LEGISLATURE,**  
 27 **PURSUANT TO 90-6-715, AUTHORIZES FUNDS FOR THE REGIONAL WATER AUTHORITIES IDENTIFIED IN [SECTION 7(2)].**

28 **(2) THE AUTHORIZATION OF THESE FUNDS COMPLETES AN APPROPRIATION FROM THE TREASURE STATE**  
 29 **ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT PROVIDED FOR IN 17-5-703(3)(D).**

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