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As of: May 3, 2016 (1:40pm)

LC0051

**** Bill No. ****

Introduced By *****

By Request of the Legislative Finance Committee

A Bill for an Act entitled: "An Act repealing the biodiesel production tax incentive; amending section 17-7-502, MCA; repealing section 15-70-601, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. 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:

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

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403;

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7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203;
10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218;
15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101;
15-70-433; ~~15-70-601~~; 16-11-509; 17-3-106; 17-3-112; 17-3-212;
17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319;
19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512;
19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107;
20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617;
20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105;
23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004;
37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105;
44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304;
53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870;
75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416;
77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112;
81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505;
85-25-102; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003;
90-6-331; and 90-9-306.

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

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authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to secs. 27 and 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 is effective on occurrence of contingency and terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion

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of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)"

{*Internal References to 17-7-502:*

2-17-105	5-11-120	5-11-407	5-13-403
7-4-2502	10-1-108	10-1-1202	10-1-1303
10-2-603	10-3-203	10-3-310	10-3-312
10-3-312	10-3-314	10-4-301	15-1-121
15-1-218	15-35-108	15-35-108	15-35-108
15-35-108	15-36-332	15-36-332	15-37-117
15-37-117	15-37-117	15-39-110	15-65-121
15-70-101	15-70-433	15-70-601	16-11-509
17-1-508	17-3-106	17-3-112	17-3-212
17-3-222	17-3-241	17-6-101	17-7-215
17-7-501	18-11-112	19-3-319	19-6-404
19-6-410	19-9-702	19-13-604	19-17-301
19-18-512	19-19-305	19-19-506	19-20-604
19-20-607	19-21-203	20-8-107	20-9-517
20-9-517	20-9-520	20-9-534	20-9-622
20-9-905	20-26-617	20-26-1503	22-1-327
22-3-116	22-3-117	22-3-1004	23-4-105
23-4-105	23-5-306	23-5-409	23-5-612
23-7-301	23-7-402	23-7-402	23-7-402
30-10-1004	37-43-204	37-50-209	37-51-501
39-71-503	41-5-2011	42-2-105	44-4-1101
44-12-213	44-13-102	50-1-115	53-1-109
53-6-1304	53-6-1304	53-9-113	53-24-108
53-24-108	53-24-206	60-11-115	61-3-415
69-3-870	75-1-1101	75-5-1108	75-6-214
75-11-313	76-13-150	76-13-416	77-1-108
77-2-362	80-2-222	80-4-416	80-11-518
81-1-112	81-7-106	81-10-103	82-11-161
82-11-161	85-20-1504	85-20-1505	85-25-102
87-1-603	90-1-115	90-1-115	90-1-205
90-1-504	90-3-1003	90-6-331	90-9-306

}

NEW SECTION. **Section 2. {standard} Repealer.** The following section of the Montana Code Annotated is repealed:

15-70-601. Biodiesel production incentive -- appropriation.

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{*Internal References to 15-70-601:* *17-7-502* }

NEW SECTION. **Section 3. {standard} Effective date.** [This
act] is effective July 1, 2017.

- END -

{Name : Julie A. Johnson
Title : Attorney
Agency : Legislative Services Division
Phone : 406-444-4024
E-Mail : juliejohnson@mt.gov }