

1 HOUSE BILL NO. 660

2 INTRODUCED BY A. NOONAN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE LARGE-SCALE ENERGY DEVELOPMENT
5 INFRASTRUCTURE IMPACT ACT OF 2009; AUTHORIZING THE COAL BOARD TO IMPLEMENT THE
6 PROVISIONS OF THE ACT; ESTABLISHING THE BOARD'S POWERS; REQUIRING THE SUBMISSION OF
7 IMPACT PLANS TO THE BOARD; CREATING THE ENERGY DEVELOPMENT IMPACT ACCOUNT WITHIN
8 THE AGENCY FUND TYPE AND THE ENERGY DEVELOPMENT IMPACT TRUST ACCOUNT WITHIN THE
9 STATE SPECIAL REVENUE FUND; CREATING A RESERVE AMOUNT WITHIN THE ENERGY
10 DEVELOPMENT IMPACT TRUST ACCOUNT; AUTHORIZING THE USE OF THE RESERVE AMOUNT BY THE
11 COAL BOARD FOR CERTAIN PURPOSES; AUTHORIZING THE ISSUANCE OF FACILITY IMPACT BONDS
12 BY LOCAL GOVERNMENTS; AUTHORIZING A GENERAL FUND TRANSFER AND PROVIDING AN
13 APPROPRIATION; AMENDING SECTIONS 15-16-201 AND 90-6-205, MCA; AND PROVIDING AN EFFECTIVE
14 DATE."

15

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

17

18 NEW SECTION. Section 1. Short title. [Sections 1 through 11] may be known and may be cited as the
19 "Large-Scale Energy Development Infrastructure Impact Act of 2009".

20

21 NEW SECTION. Section 2. Declaration of necessity and purpose. The large-scale development of
22 energy in the state may cause an influx of people to the area directly related to and surrounding the area of the
23 development. This influx of people, during both construction and operations, and the corresponding increase in
24 demand for local government facilities and services may create a burden on the local taxpayer. There is a
25 significant lag between the time when additional facilities and services must be provided and when additional tax
26 revenue is available through an increased tax base. Therefore, there is a need to provide a system to assist local
27 governments in meeting the initial financial impacts of large-scale energy developments creating a demand for
28 increased facilities and services.

29

30 NEW SECTION. Section 3. Definitions. As used in [sections 1 through 11], unless the context requires

1 otherwise, the following definitions apply:

2 (1) "Affected local government unit" means a local government unit that will experience a need to
3 increase services or facilities as a result of the commencement of large-scale energy development or within which
4 a large-scale energy development is located in accordance with an impact plan adopted pursuant to [section 6].

5 (2) "Board" means the coal board established in 2-15-1821.

6 (3) "Bonds" include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds,
7 temporary notes, interim receipts, interim certificates, and all instruments or obligations evidencing or
8 representing indebtedness or evidencing or representing the borrowing of money or evidencing or representing
9 a charge, lien, or encumbrance on specific revenue, special assessments, income, or property of a political
10 subdivision, including all instruments or obligations payable from a special fund.

11 (4) "Facility" means a facility that is owned, operated, or maintained by a local government unit and that,
12 under the impact plan submitted under the provisions of [section 6], can be expected to have increased capital
13 and operating costs as a result of the large-scale energy development.

14 (5) "Large-scale energy development" means the construction or operation of coal-using, oil-using, or
15 gas-using energy complexes, coal gasification production facilities, hydrocarbon electricity generation facilities
16 including those using coal, natural gas, or synthetic natural gas, liquid hydrocarbon production facilities including
17 coal-to-liquid and gas-to-liquid facilities, geothermal electricity generation facilities, or biofuels production facilities
18 for which the average number of persons on the payroll of the energy developer and of contractors at the energy
19 development exceeds or is projected to exceed 150 for any consecutive 6-month period.

20 (6) "Local government unit" means a county, incorporated city or town, school district, consolidated
21 city-county government, or any of the following independent special districts:

22 (a) rural fire district;

23 (b) public hospital district;

24 (c) solid waste management district;

25 (d) county water and sewer district;

26 (e) county water district;

27 (f) county sewer district; or

28 (g) park district.

29 (7) (a) "Property tax prepayment" means a potentially reimbursable impact payment made by the
30 developer of a large-scale energy development to the impact fund of an affected local government unit pursuant

1 to an approved impact plan to be expended for the purpose or purposes identified in the plan.

2 (b) The term does not mean a payment or prepayment of property taxes for general distribution among
3 funds or accounts.

4 (8) "Taxable value of an energy development" means the total value for property tax purposes of the real
5 property, improvements, machinery, equipment, and other property classified under Title 15, chapter 6, part 1.

6
7 **NEW SECTION. Section 4. Accounts established.** (1) There is within the agency fund type an energy
8 development impact account. Money is payable into this account from payments made by an energy developer
9 in compliance with the written guaranty from the developer to meet the increased costs of public services and
10 facilities as specified in the impact plan provided for in [section 6]. The state treasurer shall draw warrants from
11 this account upon order of the board.

12 (2) There is within the state special revenue fund an energy development impact trust account. Within
13 this trust account there is established a reserve amount, less any amounts required for the administrative and
14 operating expenses of the board.

15 (3) Money within the energy development impact trust account may be used:

16 (a) for the administrative and operating expenses of the board; and

17 (b) to establish a reserve amount.

18 (4) The board may use the reserve amount to fund state-level feasibility studies of additional energy
19 development and emergencies related to affected local government unit facilities and to meet its quasi-judicial
20 responsibilities.

21 (5) Interest earned on money in the energy development impact trust account accrues to that account
22 and must become part of the reserve amount.

23

24 **NEW SECTION. Section 5. Board general powers.** The board may:

25 (1) retain professional consultants and advisers;

26 (2) adopt rules governing its proceedings, determinations, and administration of [sections 1 through 11];

27 (3) make payments to local government units from money paid to the energy development impact
28 account as provided in [section 6];

29 (4) accept property tax prepayments made under [section 9], and when necessary compel property tax
30 prepayments from the developers of large-scale energy developments, to implement the impact plan authorized

1 in [section 6];

2 (5) borrow from the board of investments to mitigate impacts to local government unit facilities as
3 provided in [section 6(3)(b)], provided that no part of the loan may be made from retirement funds;

4 (6) assess and collect application fees from the developers of large-scale energy developments that
5 submit impact plans to the board;

6 (7) make determinations as provided in [sections 6 and 10]; and

7 (8) accept gifts, donations, grants, and other funds to be used in carrying out [sections 1 through 11].

8

9 **NEW SECTION. Section 6. Impact plan.** (1) After an application for any necessary permit for a
10 large-scale energy development is made to the appropriate governmental agencies under Title 75 or Title 82, the
11 person seeking the permit shall submit to the affected counties and the board an impact plan describing the
12 economic impact the large-scale energy development will have on local government units and shall file proof of
13 the submission to the counties with the board. Whenever an environmental impact statement on the permit
14 applications is prepared under the Montana Environmental Policy Act, the lead agency shall cooperate to the
15 fullest extent practicable with the affected local government units to eliminate duplication of effort in data
16 collection. The governing bodies of the affected counties shall publish notice of the submission of an impact plan
17 at least once in a newspaper of general circulation in the county. The energy developer and the affected local
18 government units shall ensure that the impact plan includes:

19 (a) a timetable for development, including the opening date of the development and the estimated closing
20 date, if any;

21 (b) the estimated number of persons coming into the impacted area as a result of the development;

22 (c) the increased capital and operating cost to local government units for providing services that can be
23 expected as a result of the development;

24 (d) the financial or other assistance that the developer will give to local government units to meet the
25 increased need for services.

26 (2) In the impact plan, the developer shall commit itself to pay all of the increased capital and net
27 operating cost to local government units that will be a result of the development, as identified in the impact plan,
28 whether from property tax prepayments as provided in [section 9], special industrial local government facility
29 impact bonds as provided in [section 10], or other funds obtained from the developer or provided by the board
30 at the board's sole discretion pursuant to [section 5(5)], and shall provide a time schedule within which it will do

1 so. The impact plan may provide for funding from other revenue sources or funding mechanisms if the developer
2 guarantees that the amount to be provided from these sources will be paid. The form of guaranty must be
3 approved in advance by the board.

4 (3) During the 90-day review period, the board shall evaluate the increased capital and net operating
5 cost to local government units identified in the impact plan and shall review potential sources of impact mitigation
6 funding in accordance with the following hierarchy:

7 (a) property tax prepayments under [section 9]; and

8 (b) loans to the board from the board of investments as authorized in [section 5(5)] that are secured by
9 the developer of a large-scale energy development as required by the board of investments.

10 (4) If the board of investments does not approve a loan request made pursuant to subsection (3)(b), the
11 board may compel the developer to make property tax prepayments to fund the costs identified in the impact plan.

12 (5) Upon request of the governing body of an affected local government unit, the energy developer, prior
13 to the end of the 90-day review period, shall provide financial or other assistance as necessary to prepare for and
14 evaluate the impact plan. The governing body of the affected county shall contract with the developer to obtain
15 the requested financial assistance for each local government unit within the county. Any disbursements to a local
16 government unit under this subsection must be credited against future tax liabilities, if any.

17 (6) The governing body of the county where the fiscal impacts on local government units are forecast
18 in the impact plan to be most costly shall, within 90 days after receipt of the impact plan from the developer,
19 conduct a public hearing on the impact plan.

20 (7) A local government unit that has not been identified in an impact plan submitted to the board as being
21 likely to experience increased capital and operating costs for providing services that can be expected as a result
22 of the development may object to the impact plan under the provisions of this section if the local government unit
23 demonstrates by clear and convincing evidence that it is likely to experience increased capital and operating costs
24 from the energy development.

25 (8) Within 90 days after receipt of the impact plan from the developer, an affected local government unit
26 shall notify the board in writing if that local government unit objects to the impact plan, specifying the reasons for
27 the objection. During the 90-day period, an affected local government unit may petition for one 30-day extension
28 by submitting a written request to the board. The board shall grant the extension unless a finding is made that
29 there is no reasonable basis for the request. If the board has no objection to the plan and an objection is not
30 received within the 90-day period or any extension of the period, the impact plan is approved without any further

1 review by the board. An approved plan is binding and may be altered only under the amendment provisions of
2 [section 7].

3 (9) Within 10 days of receiving objections from a local government unit, the board shall notify the
4 developer and forward a copy of the local government unit's objections to the developer. The local government
5 unit and the developer have 30 days, or a longer period if mutually agreed upon in writing, to resolve the
6 objections. If the objections are not resolved, the board shall conduct a hearing on the validity of the objections.
7 The hearing must be held in any affected county chosen by the board. The provisions of the Montana
8 Administrative Procedure Act apply to the conduct of the hearing.

9 (10) Within 60 days after the hearing, the board shall make findings as to those portions of the impact
10 plan that were objected to and, if appropriate, amend the impact plan accordingly. The findings and impact plan,
11 as amended, must be served by the board upon all parties. A local government unit or the developer, if aggrieved
12 by the decision of the board, is entitled to judicial review, as provided by Title 2, chapter 4, part 7, in the district
13 court for the judicial district in which the hearing was held.

14 (11) Within 30 days of receipt of the approved impact plan, the developer shall provide the board with
15 a written guaranty that the developer will meet the increased costs of public services and facilities as specified
16 in the approved impact plan and according to the time schedule contained in the approved impact plan.

17 (12) The developer may make payments as specified in the approved impact plan directly to a local
18 government unit or to the board. The governing body of a local government unit receiving payments shall deposit
19 the payments into an impact fund. The developer and the affected governing body shall each issue to the board
20 written verification of each payment and its intended use in compliance with the impact plan. The board shall
21 deposit payments received from a developer into the energy development impact account established by [section
22 4(1)].

23 (13) The board shall notify the department of environmental quality of its receipt of the written guaranty
24 of payment and of any failure of the developer to comply with this section.

25 (14) Upon receipt of evidence that an affected local government unit identified in the approved impact
26 plan is providing or is preparing to provide an additional service or facility provided for in the approved impact
27 plan, the board shall, if the energy development impact account is used to deliver payments to the local
28 government unit, pay to that local government unit, in one sum or in parts, the money from the energy
29 development impact account identified in the plan as the increased cost to the local government unit of providing
30 that public service or facility.

1 (15) If it is determined that an objection filed by an affected local government unit under [section 10] or
2 subsections (7) and (8) of this section is valid and it results in a remedial order by the board or a court of
3 competent jurisdiction, the local government unit must be awarded reasonable costs and attorney fees associated
4 with any administrative or judicial appeals filed under this section. Any attorney fees and costs awarded are in
5 addition to any amounts paid by the developer under [sections 1 through 11].

6 (16) When a person who holds any permit under Title 75 or Title 82 and who has filed an impact plan fails
7 to comply with the review and implementation requirements in [sections 1 through 11], the board shall certify to
8 the board of land commissioners that the failure to comply has occurred and shall certify when that person returns
9 into compliance.

10
11 **NEW SECTION. Section 7. Impact plan amendments.** (1) The impact plan may provide for
12 amendment under definite conditions specified in the plan. The governing body of an affected county or the
13 energy developer may also petition the board for an amendment to an approved impact plan if:

14 (a) employment at the large-scale energy development is forecast to increase or decrease by at least
15 150 persons, as determined under [section 3(5)], over or under the employment levels contemplated by the
16 approved impact plan; or

17 (b) an approved impact plan is materially inaccurate because of errors in assessment and 2 years have
18 not elapsed since the date the large-scale energy development began commercial production; or

19 (c) the governing body of an affected county and the energy developer join in a petition to amend the
20 impact plan.

21 (2) The governing body of a county not listed in the impact plan may petition for amendment of the plan
22 if it proves by clear and convincing evidence that, subsequent to approval of the plan by the board, the county
23 became impacted by the large-scale energy development. The board shall review the petition for amendment only
24 if it first determines that the county carried its burden of proof on the issue of impact.

25 (3) Within 10 days of receipt, the board shall publish notice of the petition at least once in a newspaper
26 of general circulation in the affected county. The petition must include:

27 (a) an explanation of the need for an amendment;

28 (b) a statement of the facts and circumstances underlying the need for an amendment; and

29 (c) a description of the corrective measures proposed by the petitioner.

30 (4) Within 60 days after notice that the petition has been received, an affected local government unit or

1 the energy developer shall notify the board in writing if the person objects to the amendments proposed by the
 2 petitioner, specifying the reasons why the impact plan should not be amended as proposed. If the board has no
 3 objection and if no objection is received within the 60-day period, the impact plan must be amended by the board
 4 as proposed by the petitioner.

5 (5) If an objection is received, the board shall notify the petitioner within 10 days of receipt and shall
 6 include a copy of all objections received by the board. If the objecting party and the petitioner do not resolve the
 7 objections within 30 days after the expiration of the 60-day notice period, the board shall conduct a hearing on
 8 the validity of the objections within 30 days. The hearing must be held in a county affected by an objection filed
 9 with the board. The provisions of the Montana Administrative Procedure Act apply to the conduct of the hearing.

10 (6) Following the hearing, the board shall make findings as to those portions of the amendments that
 11 were objected to and, if appropriate, amend the impact plan accordingly. The board shall serve the findings and
 12 amended impact plan on all parties. Any local government unit or the developer is entitled to judicial review, as
 13 provided by Title 2, chapter 4, part 7, in the district court for the judicial district in which the hearing was held.

14
 15 **NEW SECTION. Section 8. Permit procedure and review of impact plan to run concurrently.** It is
 16 intended that the procedure for fulfilling the permit requirement of Titles 75 and 82 and the review of the impact
 17 plan by the board under [section 6] are to run concurrently.

18
 19 **NEW SECTION. Section 9. Tax prepayment -- large-scale energy development.** (1) After permission
 20 to commence operation is granted by the appropriate governmental agency, and upon request of the governing
 21 body of a county in which a facility is to be located, a person intending to construct or locate a large-scale energy
 22 development in this state shall prepay property taxes as specified in the impact plan. This prepayment must
 23 exclude the 6-mill university levy established under 20-25-423 and may exclude the mandatory county levies for
 24 the school BASE funding program established in 20-9-331 and 20-9-333.

25 (2) The person who is to prepay under this section is not obligated to prepay the entire amount
 26 established in subsection (1) at one time. Upon request of the governing body of an affected local government
 27 unit, the person shall prepay the amount shown to be needed from time to time as determined by the board.

28 (3) The person who is to prepay shall guarantee to the energy development impact board, through an
 29 appropriate financial institution and in the form required by the board, that property tax prepayments will be paid
 30 as needed for expenditures created by the impacts of the large-scale energy development.

1 (4) When the energy development facilities are completed and assessed by the department of revenue,
2 they are subject during the first 3 years and succeeding years to taxation in the same manner as all other property
3 similarly situated, except that in each year after the start of production, the local government unit that received
4 a property tax prepayment shall provide for repayment of prepaid property taxes in accordance with subsection
5 (5).

6 (5) A local government unit that received all or a portion of the property tax prepayment under this
7 section shall provide for tax crediting as specified in the impact plan. However, the tax credit allowed in any year
8 may not exceed the tax obligation of the developer for that year, and the time period for tax crediting is limited
9 to the productive life of the large-scale energy development operation, but not to exceed 25 years.

10
11 **NEW SECTION. Section 10. Local government facility impact bonds.** (1) When the need for the
12 construction, renovation, improvement, or acquisition of local government facilities as a result of the large-scale
13 energy development is determined under [section 6], the owners of a large-scale energy development may enter
14 into a written agreement with the local government unit having the burden for the increased capital and operating
15 costs expected to be incurred by the facilities. The local government unit may execute a written agreement with
16 the owner of a large-scale energy development for the issuance of any special industrial local government facility
17 impact bonds provided for in this section.

18 (2) The agreement with the owners of a large-scale energy development must provide for a payment
19 guaranty through a third-party financial institution, in addition to the taxes imposed by the local government unit
20 on property owners generally, of the principal and interest on the bonds provided for in this section. Payment will
21 then be made by an annual special tax levy on the property of the large-scale energy development sufficient to
22 retire the principal and interest on these special impact bonds. The bonds may not be an obligation of the local
23 government unit but must be special obligations limited to the revenue derived from the special tax levy. A local
24 government unit shall establish a levy and, to the extent bonds are issued as provided in this section, shall pledge
25 the special fund and all revenue of the special tax levy to the repayment of the bonds.

26 (3) The debt limits set forth in 7-7-2203, 7-7-4201, and 20-9-406 do not apply to bonds issued in
27 accordance with this section. The interest on the bonds is not subject to state taxes.

28 (4) The impact bonds must be authorized by the governing body of the local government unit by a
29 resolution that states:

30 (a) the facility for which the bonds are issued;

- 1 (b) the amount of the bonds;
- 2 (c) the rate of interest the bonds bear;
- 3 (d) the date of the bonds and the maturity date or dates of the bonds;
- 4 (e) the dates interest is payable on the bonds;
- 5 (f) the redemption options, if any, with respect to the bonds; and
- 6 (g) the manner of execution of the bonds.
- 7 (5) The impact bonds must be:
- 8 (a) in registered form as to principal and interest;
- 9 (b) payable in installments and at times not exceeding 30 years from their date of issuance; and
- 10 (c) payable at a place or places and be evidenced in a manner the governing body determines is in the
- 11 best interest of the local government unit.
- 12 (6) Any impact bonds issued under the authority of this section may be sold at public or private sale in
- 13 a manner, at a time or times, and at a price above or below par as may be determined by the governing body of
- 14 the local government unit. All expenses, premiums, and commissions that the local government unit considers
- 15 necessary or advantageous in connection with the authorization, sale, and issuance of the bonds may be paid
- 16 by the governing body of the local government unit from the proceeds of the sale of the bonds.
- 17 (7) If more than one local government unit adopts a resolution to issue impact bonds, the local
- 18 government units may enter into an interlocal agreement under 7-11-101 through 7-11-105, 7-11-107, and
- 19 7-11-108 providing for the issue of impact bonds of the local government units to be combined in a single offering
- 20 if the governing body of each local government unit authorizing the bonds determines that the pooling of bonds:
- 21 (a) is in the best interest of the local government units;
- 22 (b) will facilitate the sale of the bonds under more advantageous terms;
- 23 (c) will lower the interest rates; or
- 24 (d) will lower the cost of issuance.
- 25 (8) In addition to the specific requirements of 7-11-105, the interlocal agreement must provide:
- 26 (a) that the bond titles must denote that impact bonds of different local government units have been
- 27 pooled and must refer to each local government unit executing the interlocal agreement;
- 28 (b) for a single debt service fund, to be held by a qualified trust company, to which each local government
- 29 unit shall pledge and pay the annual special tax levies levied against the large-scale energy development; and
- 30 (c) that the bonds are payable solely from and against the debt service funds under the interlocal

1 agreement.

2

3 **NEW SECTION. Section 11. Local government budget authority.** A local government unit may
4 budget and expend payments received from an energy developer under [sections 1 through 11] or pursuant to
5 a plan approved under [sections 1 through 11]. If a payment is requested or received after the adoption of the
6 budget for the fiscal year in which the payment is to be expended, the governing body of the local government
7 unit may by a majority vote amend its budget to provide for the receipt and expenditure of the payment.

8

9 **Section 12.** Section 15-16-201, MCA, is amended to read:

10 **"15-16-201. Tax prepayment -- new industrial facilities.** (1) A person intending to construct or locate
11 a major new industrial facility, as defined in subsection (2) ~~of this section~~, shall upon request of the board of
12 county commissioners of the county in which the facility is to be located, prepay, when permission is granted to
13 construct or locate by the appropriate governmental agency, an amount equal to three times the estimated
14 property tax due for the year the facility is completed. The person who is to prepay property taxes under this
15 section ~~shall~~ is not be obligated to prepay the entire amount at one time but, upon request of the board of county
16 commissioners of the county, shall prepay only that amount shown to be needed from time to time. To ~~assure~~
17 ensure this payment or payments, the person who is to prepay property taxes shall guarantee to the board of
18 county commissioners and also have a bank or banks guarantee that these amounts will be paid as needed for
19 expenditures created by the impact. When the facility is completed and assessed by the department of revenue,
20 it ~~shall be~~ is subject during the first 3 years and thereafter to taxation in the same manner as all other property
21 similarly situated, except that one-fifth of the amount prepaid ~~shall~~ must be allowed as a credit against property
22 taxes in each of the first 5 years after the start of productive operation of the facility.

23 (2) A major new industrial facility is a manufacturing or mining facility other than a large-scale mineral
24 development as defined in 90-6-302 or a large-scale energy development as defined in [section 3] ~~which that~~ will
25 employ on an average annual basis at least 100 people in construction or operation of the facility and ~~which that~~
26 will create a substantial adverse impact on existing state, county, or municipal services."

27

28 **Section 13.** Section 90-6-205, MCA, is amended to read:

29 **"90-6-205. Coal board -- general powers.** The board may:

30 (1) retain professional consultants and advisors;

- 1 (2) adopt rules governing its proceedings;
- 2 (3) consider applications for grants from available funds;
- 3 (4) award grants, subject to 90-6-207, from available funds:
- 4 (a) to local governmental units, state agencies, and governing bodies of federally recognized Indian
- 5 tribes to assist local governmental units and federally recognized Indian tribes in meeting the local impact of coal
- 6 development or a major decline in coal mining or in the operation of coal-using energy complexes by enabling
- 7 them to adequately provide governmental services and facilities that are needed as a direct consequence of an
- 8 increase or decrease in coal development or in the consumption of coal by a coal-using energy complex; and
- 9 (b) notwithstanding the provisions of 90-6-207, to the department of transportation, established in
- 10 2-15-2501, to expedite the construction, repair, and maintenance of deficient sections of highway within the area
- 11 designated in 90-6-210 if the deficiency is the direct result of increased traffic accompanying the development
- 12 of coal resources; ~~and~~
- 13 (5) award a grant to a local governmental unit for the purpose of paying for part or all of the credit that
- 14 the local governmental unit is obligated to give to a major new industrial facility that has prepaid property taxes
- 15 under 15-16-201. The board shall award the grant in accordance with 90-6-206.
- 16 (6) implement the provisions of [sections 1 through 11]."

17

18 **NEW SECTION. Section 14. Fund transfer -- appropriation.** (1) There is transferred from the general

19 fund \$20,000 for the biennium beginning July 1, 2009, to the energy development impact trust account created

20 pursuant to [section 4].

21 (2) There is appropriated from the energy development impact trust account \$20,000 for the biennium

22 beginning July 1, 2009, to the department of commerce for the administrative and operating expenses of the coal

23 board to implement the provisions of [sections 1 through 11].

24

25 **NEW SECTION. Section 15. Codification instruction.** [Sections 1 through 11] are intended to be

26 codified as an integral part of Title 90, chapter 6, and the provisions of Title 90, chapter 6, apply to [sections 1

27 through 11].

28

29 **NEW SECTION. Section 16. Effective date.** [This act] is effective July 1, 2009.

30 - END -