

HOUSE BILL NO. 760  
INTRODUCED BY W. GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CAMPAIGN FINANCING; ESTABLISHING THE MONTANA CLEAN ELECTIONS ACT; ESTABLISHING PROCEDURES BY WHICH A CANDIDATE WHO VOLUNTARILY PARTICIPATES MAY RECEIVE PUBLIC FUNDING; PROVIDING DEFINITIONS; ESTABLISHING CONTRIBUTION AND SPENDING LIMITS; IMPOSING AN APPLICATION FEE; REQUIRING REPORTS AND AFFIDAVITS; PROVIDING PENALTIES; PROVIDING FOR SUSPENSION OF PROVISIONS IN A FUNDING EMERGENCY; PROVIDING FOR A VOLUNTARY INCOME TAX CHECKOFF; PROVIDING A STATUTORY APPROPRIATION; PROVIDING FOR A FUND TRANSFER FROM THE GENERAL FUND; AMENDING SECTIONS 13-37-205, 13-37-216, 13-37-218, AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Montanans expect clean and fair elections and are concerned about the rapidly escalating amount of money required to run for elective office in Montana; and

WHEREAS, the League of Women Voters of the United States reports that a better elections system, called "Clean Elections", is already in place in seven states and two municipalities and that this is a proven way to improve campaign financing; and

WHEREAS, under a Clean Elections system, eligible candidates receive a grant of public money for their campaigns so that qualified people who would otherwise not run for election can run competitive campaigns on level playing fields; and

WHEREAS, elections are a public good and publicly financed elections are consistent with the health of our democracy; and

WHEREAS, there is strong candidate participation in Clean Elections in other states (for example, 78% of the current Maine Legislature and 58% of the Arizona House and 23% of the Arizona Senate were Clean Elections candidates); and

WHEREAS, Clean Elections would likely encourage more participation in elections in Montana.

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 16] may be cited as the "Montana Clean

Elections Act".

**NEW SECTION. Section 2. Purpose.** The purpose of [sections 1 through 16] is to provide an alternative method of funding campaigns that allows a candidate who voluntarily participates in a clean election to qualify for public funding rather than accepting private contributions.

**NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 16], the following definitions apply:

- (1) "Clean election account" means the account established in [section 4].
- (2) "Election cycle" means the period of time beginning on the day after a general election and continuing until the day of the next general election.
- (3) "Exploratory period" means the period of time beginning on the day after a general election and ending on the day that the qualification period begins.
- (4) "Independent expenditure" means an expenditure for communications expressly advocating the success or defeat of a candidate or ballot issue that is not made with the cooperation or prior consent of, in consultation with, or at the request or suggestion of a candidate, a political committee, or an agent of a candidate or political committee.
- (5) "Individual" means a human being acting as a private person.
- (6) "General election period" means the period beginning on the day after a primary election and ending on the day of the general election.
- (7) "Nonparticipating candidate" means a candidate who does not intend to apply or reapply to be certified as a clean election candidate pursuant to [section 5].
- (8) "Participating candidate" means a candidate who intends to apply or reapply to be certified or who has been certified as a clean election candidate pursuant to [section 5].
- (9) "Personal funds" means any of the following:
  - (a) assets to which the candidate has a legal right of access or control at the time the candidate becomes a candidate and with respect to which the candidate has either legal title or an equitable interest;
  - (b) salary and other earned income from bona fide employment of the candidate, dividends and proceeds from the sale of the stocks or investments of the candidate, bequests to the candidate, income to the candidate from trusts established before candidacy, income to the candidate from trusts established by bequest after candidacy of which the candidate is a beneficiary, gifts to the candidate of a personal nature that have been

customarily received before the candidacy, and proceeds received by the candidate from lotteries and other legal games of chance;

(c) the proceeds of loans obtained by the candidate that are not contributions;

(d) contributions by a parent, grandparent, spouse, child or sibling of the candidate or a parent or spouse of any of those persons.

(10) "Primary election period" means the period of time beginning 9 weeks before the day of the primary election and ending on the day of the primary election.

(11) "Qualification period" means the period of time beginning on January 1 in the year of the general election and ending on the day that the primary election period begins.

**NEW SECTION. Section 4. Clean election account -- statutory appropriation.** (1) There is a clean election account in the state special revenue fund for the purpose of [sections 1 through 16]. The account consists of:

(a) special revenue, including:

(i) the application fee deposited pursuant to [section 5];

(ii) unspent seed money deposited pursuant to [section 7];

(iii) qualifying contributions deposited pursuant to [section 9];

(iv) unspent grant money deposited pursuant to [section 14]; and

(v) civil penalties collected and deposited pursuant to [section 15].

(b) money allocated by the legislature; and

(c) interest earned on the money in the fund.

(2) All money in the account is statutorily appropriated, as provided in 17-7-502, to the commissioner.

(3) Money in the account may be used only for the administration and implementation of [sections 1 through 16].

**NEW SECTION. Section 5. Application and certification for participation as clean election candidate.** (1) A candidate for the legislature may apply to be certified as a clean election candidate under [sections 1 through 16]. The application must be in a form prescribed by the commissioner and must be filed with the secretary of state at the same time that the candidate files a declaration of nomination under 13-10-201.

(2) An application must be accompanied by a filing fee of \$25. The application fee is in addition to the filing fee provided in 13-10-201 and must be deposited in the clean election account.

(3) The candidate shall identify the office that the candidate is seeking and the candidate's political party, if any, and shall sign an affidavit swearing that the candidate has complied with the provisions of [sections 1 through 16] during the election cycle to date and will continue to comply for the remainder of the election cycle and that all campaign finance reports filed under this chapter during the election cycle to date are complete and accurate.

(4) The secretary of state shall immediately forward the application to the commissioner. The commissioner shall act on an application within 1 week of receiving it. If the application is complete and the candidate has complied with all applicable reporting requirements under [sections 1 through 16], the commissioner shall certify the candidate as a clean election candidate. If the application is incomplete or if the candidate has not complied with all applicable reporting requirements under [sections 1 through 16], the commissioner shall deny the application. The commissioner shall immediately notify a candidate of the commissioner's determination under this subsection.

(5) A candidate who has been denied certification may reapply within 2 weeks of the commissioner's decision.

**NEW SECTION. Section 6. Participating candidate accounts.** Notwithstanding the provisions of 13-37-205, the following procedures apply to participating candidates:

(1) Except as provided in subsection (4), all financial activity of a participating candidate's campaign must be conducted through one primary account. A deposit or withdrawal from the account may be made only as authorized pursuant to [sections 1 through 16].

(2) A participating candidate may authorize the treasurer or deputy treasurer to access the account.

(3) Payments for goods or services must be made directly from the account to the person providing the goods or services and must be reported as provided in [section 14].

(4) A participating candidate's campaign may establish one or more petty cash accounts. However, the aggregate amount in the accounts may not exceed \$1,000 at any one time. Withdrawals from a petty cash account are subject to the provisions of 13-37-215.

(5) Money in a participating candidate's primary or petty cash accounts may not be used to pay fines or civil penalties, for costs or legal fees related to representation before the commissioner, or for defense of any enforcement action under [sections 1 through 16]. However, this subsection does not prevent the candidate from having a legal defense fund.

**NEW SECTION. Section 7. Seed money contribution and spending limits.** (1) A participating candidate may not accept contributions or make expenditures other than as provided for in this section.

(2) A participating candidate may accept contributions of seed money:

(a) only during the exploratory period and qualifying period;

(b) only from an individual;

(c) in an amount not to exceed \$130 from the same individual, except for a contribution from personal funds, which may be for an amount up to the limit established in subsection (3)(a); and

(d) only if the aggregate amount accepted does not exceed the sum of the spending limits under subsection (3).

(3) During the exploratory period and through the date that the participating candidate receives a grant under [section 11], a participating candidate may not spend more than the sum of:

(a) \$500 in personal funds; and

(b) (i) if running for state representative, \$2,000; or

(ii) if running for state senator, \$4,000.

(4) Any unspent seed money as of the date that a grant was received under [section 11] must be forwarded to the commissioner and deposited in the clean election account within 1 week after receipt of the grant.

**NEW SECTION. Section 8. Collection of qualifying contributions.** (1) A participating candidate may collect qualifying contributions only during the qualifying period and as provided in this section.

(2) A qualifying contribution must be:

(a) made by a legally registered elector who at the time of the contribution is registered in the electoral district for the office that the candidate is seeking and who has not given another qualifying contribution to that candidate during the election cycle;

(b) made by an individual who did not or will not receive anything of value in exchange for the qualifying contribution;

(c) made in the amount of \$5 exactly;

(d) received by a person who is not employed or retained by the candidate and who is not compensated to collect contributions by or on behalf of the candidate; and

(e) deposited in the candidate's primary account established under [section 6(1)].

(3) A qualifying contribution must be recorded on a three-part reporting slip that includes the printed

name, voter registration address, and signature of the contributor, the name of the candidate for whom the contribution is made, the date, and the printed name and signature of the person who received the contribution. A copy of the reporting slip must be given as a receipt to the contributor, and another copy must be retained by the candidate's campaign. The original must be provided to the commissioner pursuant to [section 9].

**NEW SECTION. Section 9. Number of qualified contributions required to qualify for public funding.** (1) A participating candidate may be certified as a qualified candidate if the following number of qualifying contributions are collected:

- (a) for state representative, 100.
- (b) for state senator, 200.

(2) The application for qualification must be made no later than 1 week after the end of the qualifying period. The application must be accompanied by a list of the names of individuals who have made qualifying contributions pursuant to [section 8] on behalf of the candidate. The list must be sorted by county. The application must also be accompanied by the original reporting slips for each individual on the list and by a check or money order for the sum of all qualifying contributions collected by the candidate.

(3) The commissioner shall immediately deposit money received pursuant to this section in the clean election account.

**NEW SECTION. Section 10. Verification of qualifying contributions.** (1) After receiving an application and original reporting slips pursuant to [section 9], the commissioner shall select at random a sample of 5% of the number of nonduplicative names on the list of contributors submitted by the applying candidate. The commissioner shall disqualify any reporting slips that are unsigned or undated or that cannot be verified as having been signed by a legally registered voter in the electoral district for the office that the candidate is seeking.

(2) (a) If all of the sampled reporting slips are verified, the commissioner shall certify that the candidate is a qualified candidate.

(b) If one or more of the sampled reporting slips is disqualified, the commissioner shall continue to check all reporting slips submitted by the candidate until the required number of slips have been verified or until there is no longer a mathematical possibility that the required number of slips can be verified. The commissioner shall certify a candidate with the required number of verified reporting slips as a qualified candidate and shall determine that a candidate that fails to submit the required number of verified reporting slips is disqualified.

**NEW SECTION. Section 11. Clean election grants -- primary and general election.** (1) During the primary election cycle, within 5 working days after a candidate has been qualified pursuant to [section 10], the commissioner shall pay from the clean election account to each qualified candidate the following amounts:

(a) for a qualified candidate in an uncontested primary election, an amount equal to:

(i) for state senate, \$5,000.

(ii) for state representative, \$3,000.

(b) for a qualified candidate in a contested primary, the amount provided in subsection (1)(a), plus \$1,000.

(2) At the beginning of the general election period, the commissioner shall pay from the clean election account to each successful qualified candidate continuing to the general election the following:

(a) for state senate, \$5,000.

(b) for state representative, \$3,000.

**NEW SECTION. Section 12. Spending limits for primary and general elections.** A qualified candidate may not spend more than the following aggregate amounts:

(1) during the primary election period, the sum of the primary election grant received under [section 11(1)], plus any equal funding grants received under [section 13] during the primary election period; and

(2) during the general election period, the sum of the primary election grant received under [section 11(1)], the general election grant received under [section 11(2)], and any equal funding grants received under [section 13].

**NEW SECTION. Section 13. Equal funding grants.** (1) Whenever during a primary election period a report is filed or other information comes to the attention of the commissioner indicating that a nonparticipating candidate has received contributions or made expenditures during the election cycle to date in excess of the spending limit under [section 12(1)], the commissioner shall, within 24 hours of receiving the information, not including a weekend, pay from the clean election account to the campaign account of any qualified candidate opposing the nonparticipating candidate an amount equal to the excess contribution or expenditure by the nonparticipating candidate.

(2) Whenever during a general election period a report is filed or other information comes to the attention of the commissioner indicating that a nonparticipating candidate in the general election period has received contributions or expenditures during the election cycle to date in excess of the spending limit under [section

12(2)], the commissioner shall within 24 hours of obtaining the information, not including a weekend, pay from the clean election account to the campaign account of any opposing qualified candidate an amount equal to the amount of the excess contribution or expenditure by the nonparticipating candidate.

(3) For purposes of this section, expenditures must be treated as follows:

(a) An independent expenditure against a qualified candidate who is opposed by one or more nonparticipating candidates must be treated as an expenditure by an opposing nonparticipating candidate.

(b) An independent expenditure in favor of a nonparticipating candidate who is opposed by one or more qualified candidates must be treated as an expenditure made by a nonparticipating candidate.

(c) An independent expenditure in favor of an opposed qualified candidate must be treated as though the independent expenditure was an expenditure by a nonparticipating opponent, except that the qualified candidate in whose favor the independent expenditure was made is ineligible for a grant under this section.

**NEW SECTION. Section 14. Reports -- return of unexpended grant money.** (1) In addition to reports required under [sections 1 through 16], each participating candidate's campaign shall file campaign finance reports showing the campaign's receipts and disbursements according to the schedule prescribed in this section and containing all information required for contributions reported pursuant to 13-37-229 and expenditures reported pursuant to 13-37-230.

(2) In any calendar year during which there is a regularly scheduled election in which a participating candidate's name may appear on the ballot, the candidate's campaign shall file with the commissioner the following campaign finance reports in the specified timeframes:

(a) a report covering the period beginning January 1 through May 31, filed no later than June 30;

(b) a preelection report, which must be filed not less than 12 days before any election and which must be complete through the 20th day before the election;

(c) a postelection report, which must be filed not more than 30 days after any election and which must be complete through the 20th day after the election.

(3) In any calendar year not covered under subsection (2), the participating candidate's campaign shall file a report covering the period beginning 21 days after the date of the election in the preceding calendar year through December 31 of the nonelection year, which must be filed no later than January 31 of the following calendar year.

(4) If the campaign does not receive contributions and makes no expenditures during a period in which it is required to file a campaign finance report pursuant to subsection (2) or (3), the campaign treasurer or, if the



treasurer is unavailable, the candidate, in lieu of filing the report, may sign and file a form prescribed by the commissioner indicating that there was no activity during the specific reporting period.

(5) Reports in connection with special elections must conform to the filing deadlines in subsection (2).

(6) A participating candidate's campaign shall comply with the requirements of this section in each jurisdiction in this state in which the campaign has filed a statement of organization pursuant to 13-37-201 and in which a closing report has not been filed.

(7) Each report required pursuant to this section must be accompanied by an affidavit swearing that the report is true and complete.

(8) Each qualified candidate must file a closing report as provided in 13-37-228 within 30 days after the day of the primary election if the candidate was not elected or within 30 days after the day of the general election and return any unexpended grant money to the clean election account.

**NEW SECTION. Section 15. Civil penalties for exceeding contribution or expenditure limits.** (1)

In addition to any other penalty provided by law, a participating candidate and the candidate's campaign are subject to the civil penalty provided for in this section.

(2) For a violation of any contribution or spending limit in [sections 1 through 16], the civil penalty is 10 times the amount by which the contribution or spending limit was exceeded.

(3) A civil penalty collected pursuant to this section must be deposited in the clean election account.

(4) A civil action under this section must be initiated as provided in 13-37-124.

**NEW SECTION. Section 16. Funding emergency and suspension of provisions.** If the commissioner determines that the money available in the clean election account is insufficient to fund any grant provided for in [section 11] or [section 13], the commissioner shall declare a funding emergency and the provisions of [sections 1 through 16] are suspended and may not be enforced.

**NEW SECTION. Section 17. Voluntary income tax checkoff for clean election account.** (1) Each individual taxpayer who is required to file an income tax return under this chapter may contribute to the funding of clean elections in Montana by marking an appropriate box on the state income tax return.

(2) The department shall include on each Montana state individual income tax return form a clear and conspicuous provision by which the taxpayer may indicate a contribution to clean elections in Montana. The contribution may be made from the amount to be refunded to the taxpayer or, if no refund is due, must be in

addition to the amount of tax required to be paid. The provision must be in substantially the following form:

Check the appropriate blank if you wish to contribute \_\_\_ \$5, \_\_\_ \$10, \_\_\_ \$20, or \_\_\_ (specify an amount) of your tax refund, or add such amount to your tax payment, to fund clean elections in Montana. If a joint return, check the appropriate blank if your spouse wishes to designate \_\_\_ \$5, \_\_\_ \$10, \_\_\_ \$20, or \_\_\_ (specify an amount) for the same purpose.

(3) Money received under this section must be deposited in the clean election account established by [section 4] after the department has deducted the amount necessary for the department to administer this section as provided in 15-30-153.

**Section 18.** Section 13-37-205, MCA, is amended to read:

**"13-37-205. Campaign depositories -- exceptions.** Except as provided in 13-37-206 and [section 6], each candidate and each political committee shall designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers may make deposits in and expenditures from secondary depositories when authorized to do so as provided in 13-37-202(2). Only a bank, credit union, savings and loan association, or building and loan association authorized to transact business in Montana may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time and with the same officer with whom the candidate or committee files the name of ~~his~~ the candidate's or its committee's campaign treasurer pursuant to 13-37-201. ~~Nothing in this~~ This section shall does not prevent a political committee or candidate from having more than one campaign account in the same depository, but a candidate may not utilize ~~his~~ the candidate's regular or personal account in the depository as a campaign account."

**Section 19.** Section 13-37-216, MCA, is amended to read:

**"13-37-216. Limitations on contributions -- exception.** Except as provided in [section 7], the following provisions apply to limits on contributions:

(1) (a) Aggregate contributions for each election in a campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as follows:

(i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$500;

(ii) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$250;

(iii) for a candidate for any other public office, not to exceed \$130.

(b) A contribution to a candidate includes contributions made to the candidate's ~~committee~~ campaign and to any political committee organized on the candidate's behalf.

(2) (a) A political committee that is not independent of the candidate is considered to be organized on the candidate's behalf. For the purposes of this section, an independent committee means a committee that is not specifically organized on behalf of a particular candidate or that is not controlled either directly or indirectly by a candidate or candidate's ~~committee~~ campaign and that does not act jointly with a candidate or candidate's ~~committee~~ campaign in conjunction with the making of expenditures or accepting contributions.

(b) A leadership political committee maintained by a political officeholder is considered to be organized on the political officeholder's behalf.

(3) All political committees except those of political party organizations are subject to the provisions of subsections (1) and (2). For purposes of this subsection, "political party organization" means any political organization that was represented on the official ballot at the most recent gubernatorial election. Political party organizations may form political committees that are subject to the following aggregate limitations from all political party committees:

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$18,000;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$6,500;

(c) for a candidate for public service commissioner, not to exceed \$2,600;

(d) for a candidate for the state senate, not to exceed \$1,050;

(e) for a candidate for any other public office, not to exceed \$650.

(4) A candidate may not accept any contributions in excess of the limits in this section.

(5) For purposes of this section, "election" means the general election or a primary election that involves two or more candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary, then there are two elections to which the contribution limits apply."

**Section 20.** Section 13-37-218, MCA, is amended to read:

**"13-37-218. Limitations on receipts from political committees -- exceptions.** Except as provided

in [section 7] and subsection (3) of this section, the following provisions apply to limitations on receipts from political parties:

(1) ~~A~~ Subject to subsection (2), a candidate for the state senate may receive no more than \$2,150 in total combined monetary contributions from all political committees contributing to the candidate's campaign, and a candidate for the state house of representatives may receive no more than \$1,300 in total combined monetary contributions from all political committees contributing to the candidate's campaign.

(2) The limitations in ~~this section~~ subsection (1) must be multiplied by an inflation factor, which is determined by dividing the consumer price index for June of the year prior to the year in which a general election is held by the consumer price index for June 2003. The resulting figure must be rounded up or down to the nearest \$50 increment. The commissioner shall publish the revised limitations as a rule. In-kind contributions must be included in computing these limitation totals.

(3) ~~The limitation~~ limitations provided in this section ~~does~~ do not apply to contributions made by a political party eligible for a primary election under 13-10-601."

**Section 21.** 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; 5-11-407; 5-13-403; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; [section 4]; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 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; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 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; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; 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 authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 7, Ch. 314, L. 2005, the inclusion of 23-4-105, 23-4-202, 23-4-204, 23-4-302, and 23-4-304 becomes effective July 1, 2007; and pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010.)"

**NEW SECTION. Section 22. Fund transfer.** There is transferred \$500,000 from the state general fund to the account established in [section 4] for the fiscal years 2008 and 2009.

**NEW SECTION. Section 23. Codification instruction.** (1) [Sections 1 through 16] are intended to be codified as an integral part of Title 13, chapter 37, and the provisions of Title 13, chapter 37, apply to [sections 1 through 16].

(2) [Section 17] is intended to be codified as an integral part of Title 15, chapter 30, part 1, and the provisions of Title 15, chapter 30, part 1, apply to [section 17].

**NEW SECTION. Section 24. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 25. Effective date.** [This act] is effective July 1, 2007.

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