

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 13, 1979

The meeting of the Business and Industry Committee was called to order by Chairman Frank Hazelbaker on the above date in Room 404 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members were present with the exception of Senator Regan who was excused.

DISPOSITION OF HOUSE BILL 424: Staff Attorney Bob Pyfer suggested an amendment to HB 424. House Bill 424, sponsored by Representative Dan Yardley, was heard by the Committee on March 12, 1979. The amendments would add into the bill the power in the districts to provide FM television services.

Mr. Pyfer stated that he had studied SB 73 which addresses a similar subject, and SB 73 would compound a problem which HB 424 was intended to remedy. The problem involves the compilation by the county assessor of a list of persons owning TV sets or FM receivers.

Senator Dover moved that the proposed amendments to HB 424 be adopted. The Committee voted unanimously to adopt the proposed amendments to HB 424. Mr. Pyfer was instructed to work out the language for the amendments, and he will show the amendments to Senator Dover and Senator Goodover before the Committee report is submitted.

Senator Dover moved that House Bill 424 Be Concurred In as so amended. The Committee voted unanimously that HOUSE BILL 424 BE CONCURRED IN AS SO AMENDED.

Senator Dover will carry House Bill 424 on the floor.

DISPOSITION OF HOUSE BILL 570: House Bill 570 was heard by the Committee on March 12, 1979.

Senator Goodover offered an amendment changing the license fee back to \$15 from \$20. The Committee voted to adopt the proposed amendment. The only "no" vote on the voice vote was from Senator Mehrens.

Senator Goodover moved that House Bill 570 Be Concurred In as so amended. The Committee voted unanimously that HOUSE BILL 570 BE CONCURRED IN AS SO AMENDED.

Senator Goodover will carry House Bill 570 on the floor.

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DISPOSITION OF HOUSE BILL 599: House Bill 599 was heard by the Committee on March 12, 1979

Mr. John Northey from the Legislative Auditor's office prepared a Statement of Intent for HB 599 which was presented to the Committee. This Statement of Intent is attached to the minutes.

Mr. Pyfer suggested that the section of law which was quoted in the Statement of Intent be deleted.

Senator Goodover moved that the revision of the proposed Statement of Intent be adopted. The Committee unanimously agreed to adopt the Statement of Intent as revised. The revised Statement of Intent is attached to the minutes.

Senator Lowe moved that House Bill 599 Be Concurred In with the Revised Statement of Intent. Senator Goodover seconded the motion. The Committee voted unanimously that HOUSE BILL 599 BE CONCURRED IN WITH THE REVISED STATEMENT OF INTENT.

Senator Lowe will carry House Bill 599 on the floor.


DISPOSITION OF HOUSE BILL 452: House Bill 452 was heard by the Committee on March 12, 1979.

Senator Dover moved that the proposed amendments to HB 452 be adopted. The Committee voted unanimously to adopt the amendments to HB 452.

Senator Dover moved that House Bill 452 Be Concurred In as so amended. A Roll Call Vote was taken on the motion. The Committee voted 8-2 that HOUSE BILL 452 BE CONCURRED IN AS SO AMENDED.

Senator Hazelbaker will carry House Bill 452 on the floor.

ADJOURN: There being no further business, the meeting was adjourned at 10:32 a.m.



Senator Frank Hazelbaker, Chairman

STANDING COMMITTEE REPORT

March 14³ 19 79

MR. President

We, your committee on Business & Industry

having had under consideration House Bill No. 424

Yardley (Dover)

Respectfully report as follows: That HOUSE Bill No. 424,

third reading bill, be amended as follows:

1. Title, line 9.

Following: "AND"

Strike: "CLARIFYING THE EXEMPTIONS FROM DISTRICT TAXES"

Insert: "AUTHORIZING A DISTRICT TO PROVIDE AND FINANCE EM TRANSLATOR SERVICES UPON PETITION"

2. Title, line 11.

Following: "7-13-2527,"

Insert: "7-13-2528,"

Following: "7-13-2529,"

Insert: "7-13-2529,"

3. Title, line 12.

Following: "MCA"

Insert: "; AND REPEALING CHAPTER 13, LAWS OF 1979"

ENCASE

(Continued)

4. Page 4, line 13.

Following: "system."

Strike: "and"

5. Page 4, line 16.

Following: "law"

Strike: "."

Insert: "; and"

6. Page 4, line 17.

Following: line 16

Insert: "(12) provide FM translator services if authorized as provided in [section 10]."

7. Page 5, line 15.

Following: "district."

Insert: "If a district is authorized to provide FM translator services, a copy of the resolution authorizing the services shall be delivered to the county assessor of each county within the district."

8. Page 6, line 18.

Following: line 17

Insert: "Section 6. Section 7-13-2528, MCA, IS AMENDED TO READ:
"7-13-2528. Financial administration of district. (1) The board of trustees shall, from said any list so prepared by the county assessor as required by 7-13-2527, remove the names of any persons who have claimed exemption under this part and shall prepare a budget for the expenses for the next year.

(2) The budget, together with the list of such persons residing in the district and subject to the special tax after all exemptions have been allowed as provided in this part, shall be presented by September 1 to the board of county commissioners, who shall levy the tax requested by said trustees. The board shall levy such tax in accordance with the request herein mentioned. In preparing the budget, the board of trustees shall maintain separate budgets for television services and for FM translator services and shall specify the tax to be levied on property owners for these services. The tax shall be certified to the county clerk and recorder and entered on the assessment books as against such persons and collected by the county treasurer as all other taxes are collected.

(3) The county treasurer shall be the treasurer for said district and hold said taxes, as collected, in a separate fund to be disbursed by him upon warrants drawn by the trustees, at least two of whom shall sign any warrant for the disbursement of such funds by the county treasurer."

Section 7. Section 7-13-2529, MCA, IS AMENDED TO READ:
"7-13-2529. Exemption for nonbenefited taxpayers. (1) The taxpayers in the television district who do not receive the signal of the television translator station or who receive

(Continued)

direct reception from the television station from which the television translator repeats a signal or receive service through the medium of a community antenna system on which they are a subscriber in good standing will be exempt from the payment of the tax for the support of the television services of the television district, provided they file an affidavit setting forth any of the grounds above mentioned. The affidavit shall be filed with the board of trustees, who shall upon the receipt of such affidavit have the names of such persons so exempted from the tax for television services stricken from the list of taxpayers certified to the board of county commissioners. The exempted persons shall not be liable for such tax.

(2) A similar exemption is available with respect to FM translator services. The procedure provided in subsection (1) shall be utilized for the FM exemption.

~~(3)~~ (3) Any person or persons who shall make a false or fraudulent claim for exemption as provided in this section shall be guilty of a misdemeanor."

Remember: all subsequent sections

2. Page 8, line 9.

Following: line 8

Insert: "Section 10. THERE IS A NEW MCA SECTION THAT READS:

Authorization for FM translator. (1) A television district may construct and operate a broadcast FM translator facility (88 to 108 Megahertz) as provided in this section.

(2) (a) A request to provide FM translator services may be initiated by a petition signed by at least 51% of the registered electors who are residents of the television district and presented to the board of county commissioners which initially established the district. The petition, its filing, and its processing are governed by 7-13-2503, 7-13-2504, and 7-13-2505.

(b) Upon receiving a certified petition, the board of county commissioners shall give notice and hold a hearing as provided in 7-13-2506 and 7-13-2507. After the hearing, the board of county commissioners shall approve or deny the petition by resolution. If the decision is to approve the petition, the resolution shall authorize the board of trustees of the district to provide the requested services and shall describe the proposed system, including the type of construction, proposed location, and estimated costs.

Section 11. THERE IS A NEW MCA SECTION THAT READS: Codification. It is intended that section 10 be codified as an integral part of Title 7, chapter 13, part 25, and the provisions of Title 7, chapter 13, part 25, apply to section 10.

Section 12. THERE IS A NEW MCA SECTION THAT READS: Repealer. Chapter 13, Laws of 1979, is repealed."

And, as so amended,

BE CONCURRED IN

.....Frank M. Hazelbaker, Chairman.

STANDING COMMITTEE REPORT

March 13, 1979

MR. President:

We, your committee on Business and Industry

having had under consideration House Bill No. 570

Menahan (Goodover)

Respectfully report as follows: That House Bill No. 570
third reading bill, be amended as follows:

1. Title, lines 8 and 9.
Following: "ACCOUNT;" on line 8
Strike: the remainder of line 8 and line 9 in its entirety
2. Page 2, line 12.
Following: "\$15"
Strike: "\$20"
Insert: "\$15"
3. Page 3, line 2.
Following: "\$15"
Strike: "\$20"
Insert: "\$15"

And, as so amended
BE CONCURRED IN

DONALD

STANDING COMMITTEE REPORT

.....March 13,..... 1972.....

MR.President:.....

We, your committee on.....Business and Industry.....

having had under considerationHouse..... Bill No. 599.....

Ellerd (Lowe)

Respectfully report as follows: That.....House..... Bill No. 599.....

with Statement of Intent
BE CONCURRED IN
DO PASS

E. C. M.

SENATE COMMITTEE BUSINESS & INDUSTRY

Date March 13, 1979 Bill No. 452 Time 10:30

NAME	YES	NO
Pat M. Goodover, Vice Chairman	✓	
Chet Blaylock		✓
Harold Dover	✓	
Tom Hager	✓	
Allen Kolstad	✓	
Bill Lowe	✓	
John Mehrens	✓	
Bob Peterson	✓	
Pat Regan		✓
Frank Hazelbaker, Chairman	✓	

Marilyn Nichols
Secretary

M. Hazelbaker
Chairman

Motion: HB 452 be concurred in as amended.
(8-2)

(include enough information on motion--put with yellow copy of committee report.)

Sen. Regan: for B & I Meeting -- Mar. 13, 1979

HB 424 Yes

HB 452 No

HB 570 Yes

HB 599 Yes

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Handwritten signature

*Statement of intent 2/13/11
Submitted by John Kottling*

STATEMENT OF INTENT REGARDING HB 599

A statement of intent is required for HB 599 in that it continues rulemaking authority for the state auditor as the ex-officio investment commissioner under present statutory authority.

1. House Bill 599 reestablishes the office of the investment commissioner in the office of the state auditor under existing statutory authority. Section 30-10-107, MCA, sets forth the investment commissioner's present rulemaking authority as follows:

"The commissioner may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the provisions of parts 1 through 3 of this chapter. No rule or form may be made unless the commissioner finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of parts 1 through 3 of this chapter. In prescribing rules and forms the commissioner may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of parts 1 through 3 of this chapter to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable."

It is the intent of the Legislature to reaffirm the rulemaking authority of the investment commissioner as it is limited by the above quoted statutory guidelines. It is further intended that only those rules necessary to carry out statutory responsibilities relating to the regulation of the securities industry will be adopted by the investment commissioner.

Final Statement of Intent

Statement of Intent RE: H.B. 599

A statement of intent is required for HB 599 in that it continues rulemaking authority for the state auditor as the ex-officio investment commissioner under present statutory authority.

1. House Bill 599 reestablishes the office of the investment commissioner in the office of the state auditor under existing statutory authority. Section 30-10-107, MCA, sets forth the investment commissioner's present rulemaking authority. It is the intent of the Legislature to reaffirm the rulemaking authority of the investment commissioner as it is limited by 30-10-107. It is further intended that only those rules necessary to carry out statutory responsibilities relating to the regulation of the securities industry will be adopted by the investment commissioner.

First adopted by the Senate Business and Industry Committee on March 13, 1979.