

1 H BILL NO. 384  
 2 INTRODUCED BY J. White Assistant

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT MANAGERS OF  
 5 LOW INCOME, GOVERNMENT-SUBSIDIZED HOUSING COMPLEXES FROM THE  
 6 REAL ESTATE LICENSE ACT OF 1963; AMENDING SECTION 66-1926,  
 7 R.C.M. 1947."

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

10 Section 1. Section 66-1926, R.C.M. 1947, is amended to  
 11 read as follows:

12 "66-1926. Exempted classes. A single act performed,  
 13 for a commission or compensation of any kind, in the buying,  
 14 selling, exchanging, leasing, or renting of real estate or  
 15 in negotiating therefor for others, except as hereinafter  
 16 specified, shall constitute the person performing any of  
 17 such acts a real estate broker or real estate salesman. The  
 18 provisions of this act, however, shall not:

19 (1) apply to any person who, as owner or lessor, shall  
 20 perform any of the aforesaid acts with reference to property  
 21 owned or leased by himself, or to an auctioneer employed by  
 22 the owner or lessor to aid and assist in conducting a public  
 23 sale held by such owner or lessor; or

24 (2) apply to any person acting as ~~attorney-in-fact~~  
 25 ~~attorney-in-fact~~ under the duly executed power of attorney

1 from the owner of any real estate authorizing the final  
 2 consummation of any contract for the purchase, sale,  
 3 exchange, renting, or leasing of any real estate; or

4 (3) be construed to include in any way the services  
 5 rendered by any ~~attorney-at-law~~ ~~attorney-at-law~~ in the  
 6 performance of his duty as such ~~attorney-at-law~~  
 7 ~~attorney-at-law~~; or

8 (4) apply to any person duly appointed by a court for  
 9 purpose of evaluation or appraising an estate in a probate  
 10 matter; or

11 (5) be held to include, while acting as such, a  
 12 receiver, a trustee in bankruptcy, an administrator or  
 13 executor, any person selling real estate under order of any  
 14 court, a trustee under a trust agreement, deed of trust, or  
 15 will, or an auctioneer, employed by a receiver, trustee in  
 16 bankruptcy, administrator, executor, or trustee to aid and  
 17 assist in conducting a public sale held by any such  
 18 officer; or

19 (6) apply to public officials in the conduct of their  
 20 official duties; or

21 (7) apply to any person, partnership, association, or  
 22 corporation, foreign and or domestic, performing any act  
 23 with respect to prospecting, leasing, drilling, or operating  
 24 land for hydrocarbons and hard minerals, or disposing of any  
 25 hydrocarbons, hard minerals, or mining rights therein,

1 whether upon a royalty basis or otherwise; or  
2 (8) apply to managers of housing complexes for low  
3 income persons which are subsidized, directly or indirectly,  
4 by this state or an agency or subdivision thereof or by the  
5 government of the United States or an agency thereof."

-End-

STATE OF MONTANA

REQUEST NO. 555-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note for HB 384 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 384 exempts property managers of low-income, government subsidized housing complexes from the "Real Estate License Act of 1963" (Title 66, Chapter 19, R.C.M. 1947).

The Real Estate License Act prohibits any person to engage in the capacity of a real estate broker or salesman within the state without having a state real estate license. This includes the collection of rents and renting of any real property such as housing complexes.

FISCAL IMPACT:

Although it is not known how many managers of low-income, government-subsidized housing complexes have or do not have real estate broker licenses, it is felt that the proposed legislation would have no significant fiscal impact.

*Richard L. Jamison*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-21-77

Approved by Committee  
on Business and Industry

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11 (5) be held to include, while acting as such, a  
12 receiver, a trustee in bankruptcy, an administrator or  
13 executor, any person selling real estate under order of any  
14 court, a trustee under a trust agreement, deed of trust, or  
15 will, or an auctioneer, employed by a receiver, trustee in  
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17 assist in conducting a public sale held by any such  
18 officer; or

19 (6) apply to public officials in the conduct of their  
20 official duties; or

21 (7) apply to any person, partnership, association, or  
22 corporation, foreign and or domestic, performing any act  
23 with respect to prospecting, leasing, drilling or operating  
24 land for hydrocarbons and hard minerals, or disposing of any  
25 hydrocarbons, hard minerals, or mining rights therein.

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2 (8) apply to managers of housing complexes for low  
3 income persons which are subsidized, directly or indirectly,  
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4 by this state or an agency or subdivision thereof or by the  
5 government of the United States or an agency thereof.\*

-End-

March 11, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Judiciary

That House Bill No. 384, third reading, be amended as follows:

1. Amend page 3, section 1, line 2.

Following: "to"

Insert: "persons acting as"



HOUSE BILL NO. 384

INTRODUCED BY UHDE, DUSSAULT

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(6) apply to public officials in the conduct of their official duties; or

(7) apply to any person, partnership, association, or corporation, foreign and or domestic, performing any act with respect to prospecting, leasing, drilling or operating land for hydrocarbons and hard minerals, or disposing of any hydrocarbons, hard minerals, or mining rights therein,

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4 directly or indirectly, by this state or an agency or  
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-End-