

CHAPTER NO. 112.

HOUSE BILL NO. 108

INTRODUCED BY LIEN, TROPILA

IN THE HOUSE

January 11, 1979	Introduced and referred to Committee on Business and Industry.
January 16, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 17, 1979	Printed and placed on members' desks.
January 19, 1979	Third reading Consent Calendar passed. Transmitted to second house.

IN THE SENATE

January 20, 1979	Introduced and referred to Committee on Business and Industry.
March 3, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading, concurred in.
March 8, 1979	Third reading, concurred in.

IN THE HOUSE

March 9, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 108
2 INTRODUCED BY Loen Ingvald

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 33-2-302, MCA, RELATING TO SURPLUS LINE INSURANCE
6 PROCUREMENT."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 33-2-302, MCA, is amended to read:

10 "33-2-302. Conditions precedent to sale of surplus
11 line insurance -- agent's affidavit. (1) If certain
12 insurance coverages cannot be procured from authorized
13 insurers, such coverages, hereinafter designated "surplus
14 lines", may be procured from unauthorized insurers subject
15 to the following conditions:

16 (a) The insurance must be procured through a licensed
17 surplus line agent.

18 (b) The full amount of insurance required must not be
19 procurable, after diligent effort has been made to do so,
20 from among a majority of the insurers authorized to transact
21 ~~and actually writing~~ that kind and class of insurance in
22 this state, and the amount of insurance placed in an
23 unauthorized insurer shall be only the excess over the
24 amount procurable from authorized insurers.

25 (c) The insurance must not be so procured for the

1 purpose of securing advantages either as to:
2 (i) a lower premium rate than would be accepted by an
3 authorized insurer; or
4 (ii) terms of the insurance contract.
5 (2) At the time of procuring, effecting, and issuing
6 any such insurance, the surplus line agent shall execute an
7 affidavit, in form as prescribed or accepted by the
8 commissioner, setting forth facts referred to in subsection
9 (1) and file such affidavit with the commissioner.
10 Affidavits filed under this subsection shall be subject to
11 public inspection unless the commissioner determines that
12 the public interest requires otherwise."

-End-

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INTRODUCED BILL
HB 108

STATE OF MONTANA

REQUEST NO. 26-79

FISCAL NOTE

Form BD-15

In compliance with a written request received Jan 17, 19 79, there is hereby submitted a Fiscal Note for SB 108 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

This bill permits the Department of Revenue to license the catering of alcoholic beverages off the premises of a tavern.

ASSUMPTIONS

- 1) There will be 25 catering endorsements issued @ \$50 each.
- 2) There will be 60 prior written approvals for catered gatherings @ \$10 each.

FISCAL IMPACT

	FY 78			FY 79		
	Under Current Law	Under Proposed Law	Increase	Under Current Law	Under Proposed Law	Increase
Liquor License Catering Endorsement	\$ 0	\$1250	\$1250	\$ 0	\$1250	\$1250
Catering prior approvals	\$ 0	\$ 600	\$ 600	\$ 0	\$ 600	\$ 600
TOTAL REVENUE	<u>\$ 0</u>	<u>\$1850</u>	<u>\$1850</u>	<u>\$ 0</u>	<u>\$1850</u>	<u>\$1850</u>

Revenue to the State General Fund will increase \$1,850 per year as a result of the proposed legislation.

PREPARED BY DEPARTMENT OF REVENUE

Richard L. Drury
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/22/79

Approved by Committee
on Business and Industry

HOUSE BILL NO. 108

INTRODUCED BY

Jim Trepik

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 33-2-302, MCA, RELATING TO SURPLUS LINE INSURANCE PROCUREMENT."

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

Section 1. Section 33-2-302, MCA, is amended to read:

"33-2-302. Conditions precedent to sale of surplus line insurance -- agent's affidavit. (1) If certain insurance coverages cannot be procured from authorized insurers, such coverages, hereinafter designated "surplus lines", may be procured from unauthorized insurers subject to the following conditions:

(a) The insurance must be procured through a licensed surplus line agent.

(b) The full amount of insurance required must not be procurable, after diligent effort has been made to do so, from among a majority of the insurers authorized to transact ~~and actually writing~~ that kind and class of insurance in this state, and the amount of insurance placed in an unauthorized insurer shall be only the excess over the amount procurable from authorized insurers.

(c) The insurance must not be so procured for the

purpose of securing advantages either as to:

(i) a lower premium rate than would be accepted by an authorized insurer; or

(ii) terms of the insurance contract.

(2) At the time of procuring, effecting, and issuing any such insurance, the surplus line agent shall execute an affidavit, in form as prescribed or accepted by the commissioner, setting forth facts referred to in subsection (1) and file such affidavit with the commissioner. Affidavits filed under this subsection shall be subject to public inspection unless the commissioner determines that the public interest requires otherwise."

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