# CHAPTER NO. 479

## HOUSE BILL NO. 424

## INTRODUCED BY YARDLEY

## IN THE HOUSE

January 27, 1979 Introduced and referred to Committee on Judiciary. February 2, 1979 Committee recommend bill do pass as amended. Report adopted. Printed and placed on February 3, 1979 members' desks. February 5, 1979 Second reading, do pass. February 6, 1979 Considered correctly engrossed. On motion taken from engrossing and referred to second reading. February 7, 1979 Second reading, do pass as amended. February 9, 1979 Correctly engrossed. February 10, 1979 Third reading, passed. Transmitted to second house. IN THE SENATE Introduced and referred to February 12, 1979 Committee on Business and Industry. Committee recommend bill be March 14, 1979 concurred in as amended. Report adopted. Second reading, concurred in. March 16, 1979 March 20, 1979 Third reading, concurred in as amended.

## IN THE HOUSE

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March 21,	1979	Returned from second house. Concurred in as amended.
March 22,	1979	On motion consideration passed until the 71st Legislative Day.
March 29,	1979	Second reading, amendments adopted.
March 30,	1979	Third reading, amendments adopted. Sent to enrolling.
		Reported correctly enrolled.

46th Legislature

LC 0963/01

House BILL NO. 424 1 z 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE 4 TELEVISION DISTRICT LAWS; PERMITTING THE CREATION. 5 ALTERATION, OR DISSOLUTION OF A DISTRICT BY THE RESIDENTS. 6 CHANGING THE INTEREST LIMITS ON WARRANTS AND BONDS. 7 ELIMINATING REQUIREMENTS RELATED TO DWNERSHIP OF TELEVISION я SETS, AND CLARIFYING THE EXEMPTIONS FROM DISTRICT TAXES: 9 AMENDING SECTIONS 7-13-2503. 7-13-2510+ 7-13-2522+ 10 7-13-2523, 7-13-2527, 7-13-2529, 7-13-2541, AND 7-13-2542. 11 MCA.\* 12

13

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 Section 1. Section 7-13-2503, MCA, is amended to read: 15 #7-13-2503. Petition to create district. (1) A 16 petition to form a district shall be presented to the county 17 clerk and recorder of each of the counties in which any 18 portion of the area is situated. Petitions shall be signed 19 20 by owners--of-television-sets-within-the-proposed-districty equal-in-number-to--not--less--then at least 51% of the 21 registered electors who are owners-of-television-sets-within 22 residents of the proposed district. 23

24 (2) The petition shall state the objects of the25 district and designate the boundaries thereof by section and

the approximate number of people to be benefited thereby and 1 shall contain a brief description of the proposed system, 2 including type of construction, location, and approximate 3 cost of the installation. It shall also state that the proposed district will be conducive to the public interest. 5 convenience, and necessity. It shall request that it be 6 organized as a television district." 7 Section 2. Section 7-13-2510, MCA, is amended to read: A #7-13-2510. Powers of district. A television district • 10 organized under this part, acting through its board of 11 trustees herein provided for, may:

12 (1) perform all the acts and take all the necessary or proper steps to assure that there will be a fair, efficient, 13 and equitable distribution of television services within the 14 15 area in order that all persons within such service area 16 shall be supplied by means of an appropriate electrical or 17 electronic system for television program distribution, such 18 authorized system to provide such flexibility as to permit 19 radical improvements in technical quality without rendering 20 inoperative receivers therein, but discontinuance of service by the district for improvements or repairs for a temporary 21 22 period shall not be construed as rendering inoperative;

(2) if necessary or proper in the furtherance of the
 objects of this part, acquire, build, construct, repair,
 own, maintain, and operate any necessary stations

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transmitting simultaneous visual and aural signals intended
 to be received by the general public, relay stations, pickup
 stations, or any other necessary electrical or electronic
 system;

5 (3) make contracts to compensate any owner of land or 6 other property for the use of such property for the purposes 7 of this part:

8 {4} make contracts with the United States, any state
9 or municipality, or any department or agency of those
10 entitles for carrying out the general purposes for which the
11 district is formed;

12 (5) acquire, by gift, devise, bequest, lease, or 13 purchase, real and personal property, tangible or 14 intangible, including lands, rights-of-way, and easements, 15 necessary or convenient for its purposes;

16 (6) to make contracts of any lawful nature (including 17 labor contracts or those for employees' benefits) and employ 18 engineers, laboratory personnel, attorneys, other technical 19 or professional assistants, and any other assistants or 20 employees necessary to carry out the provisions of this 21 part;

(7) issue warrants, payable at the time stated
therein, to evidence the obligation to repay money borrowed
or any other obligation incurred by the district, warrants
so issued to draw interest at a rate fixed by the board, not

1 to--exceed--5%-per-yeary payable annually or semiannually as

2 the board may prescribe;

(8) contract indebtedness or borrow money for 3 corporate purposes and issue revenue bonds therefor to be repaid from rates and charges, bearing interest at a rate 5 not exceeding 6% 7% per annum payable semiannually, the 6 7 bonds not to be sold for less than par and accrued interest; (9) prescribe tax rates for the providing of services 8 throughout the area in accordance with the provisions of q 10 this part:

(10) prescribe such installation or ready-to-serve
 charges to be used for any costs connected with preparation,
 acquisition, or construction of the system; and

14 (11) apply for, accept, and be the holder of any permit
15 or license issued by or required under federal or state
16 law.\*

17 Section 3. Section 7-13-2522, MCA, is amended to read: 18 "7-13-2522. Qualifications for trustee. Each of said 19 trustees shall be a resident and-owner of a-television-set 20 from-within the district."

21 Section 4. Section 7-13-2523, MCA, is amended to read: 22 "7-13-2523. Term of office. (1) The trustees so 23 appointed upon creation of such district shall be appointed 24 for staggered terms of 1, 2, and 3 years. If more than one 25 county is involved, one of said trustees shall be appointed

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1 from the county having the least-number of - television - sets 2 that -- will -- benefited -- by -- such district containing that 3 portion of the district with the fewest residents, and such 4 trustee shall be given the 3-year term. Said trustees so 5 appointed shall hold office for the term of their respective 6 appointment or until their successors are appointed and 7 gualified.

8 (2) At the end of the respective terms of said
 9 trustees, the board of county commissioners shall appoint a
 10 new trustee for a 3-year terms<sup>m</sup>

11 Section 5. Section 7-13-2527. MCA, is amended to read: 12 #7-13-2527. List of television--owners <u>owners of</u> 13 <u>residences or property owners</u>. (1) A copy of the order 14 creating the district shall be delivered to the county 15 assessor of each county within the district.

16 (2) The assessor shall, on or before August 1 of any 17 given year, prepare and certify a list of all persons-owning 18 television-sets owners of residences within the district. if 19 ascertainable, or, if not ascertainable, all property owners 20 within such district and deliver a copy of such list to the 21 board of trustees of said district."

Section 6. 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 direct reception from the television station from 1 which the television translator repeats a signal or receive 2 service through the medium of a community antenna system 3 which does not receive its signals from the television 4 translator station and on which they are a subscriber in 5 good standing will be exempt from the payment of the tax for . the support of the television district, provided they file 7 8 an affidavit setting forth any of the grounds above 9 mentioned. The affidavit shall be filed with the board of trustees, who shall upon the receipt of such affidavit have 10 the names of such persons so exempted from the tax stricken 11 12 from the list of taxpayers certified to the board of county 13 commissioners. The exempted persons shall not be liable for 14 such tax. (2) Any person or persons who shall make a false or 15 fraudulent claim for exemption as provided in this section 16 17 shall be quilty of a misdemeanor." 18 Section 7. Section 7-13-2541, MCA, is amended to read: 19 "7-13-2541. Procedure to annex contiguous areas. The

1B Section 7- Section 7-13-2541, MCA, is amended to read: 19 "7-13-2541. Procedure to annex contiguous areas. The 20 boundaries of a television district created by authority of 21 this part may be altered and outlying areas be annexed from 22 territory contiguous thereto in the following manner:

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1 of-television-sets-within residents\_of the area to be 2 annexed.

3 (2) The petition shall designate the boundaries of the 4 contiguous area to be annexed and ask that it be annexed to 5 the existing television district.

6 (3) The petition shall be transmitted to the clerk and
7 recorder, and the hearing and notice thereof shall be the
8 same as provided by 7-13-2504 through 7-13-2507.

9 (4) After the hearing, the board of county 10 commissioners shall adopt a resolution either annexing the 11 area to the existing television district or denying the 12 petition."

13 Section 8. Section 7-13-2542, MCA, is amended to read: 14 "7-13-2542. Procedure to abandon district. (1) If at 15 any time a petition for abandonment of the television district, signed by owners-of--television--sets--within--the 16 17 district--coupl--in--number-to-not-less-thon at least 51% of 18 the registered electors who are owners-of-television--sets 19 residents of the district, is filed with the board of 20 trustees, the board of trustees shall forthwith notify the 21 board or boards of county commissioners which created the 22 district. Such board or boards of county commissioners shall 23 by resolution immediately declare the district abandoned.

24 (2) All properties and money remaining after the
 25 satisfaction of all debts and obligations of such abandoned

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district shall be deposited to the credit of the general 3 fund of the county. If the abandoned district embraced areas 2 3 in more than one county, properties and money remaining after the satisfaction of all debts and obligations of such 4 abandoned district shall be deposited to the credit of the 5 6 general funds of such counties in proportion to the number 7 of-television-sets population of the portion of the district located in each county which-were-served-by-the-district." 8

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#### 46th Legislature

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#### Approved by Committee on Judiciary

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5	TELEVISION DISTRICT LAWS: PERMITTING THE CREATION.
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the approximate number of people to be benefited thereby and 1 2 shall contain a brief description of the proposed system. 3 including type of construction, location, and approximate 4 cost of the installation. It shall also state that the 5 proposed district will be conducive to the public interest. 6 convenience, and necessity. It shall request that it be 7 organized as a television district." 8 Section 2. Section 7-13-2510, MCA, is amended to read: 9 \*7-13-2510. Powers of district. A television district

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(2) if necessary or proper in the furtherance of the
objects of this part, acquire, build, construct, repair,
own, maintain, and operate any necessary stations

-2- HB 424 SECOND READING transmitting simultaneous visual and aural signals intended
 to be received by the general public, relay stations, pickup
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5 (3) make contracts to compensate any owner of land or 6 other property for the use of such property for the purposes 7 of this part:

8 {4} make contracts with the United States, any state
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11 district is formed;

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16 fraudulent claim for exemption as provided in this section
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transmitting simultaneous visual and aural signals intended
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 stations, or any other necessary electrical or electronic
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2 that--will--be--benefited--by--such-district containing that
3 portion of the district with the fewest residents, and such
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-End-

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HOUSE BILL NO. 424 1 2 INTRODUCED BY YARDLEY 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE 4 5 TELEVISION DISTRICT LAWS; PERMITTING THE CREATION, ALTERATION. OR DISSOLUTION OF A DISTRICT BY THE RESIDENTS. 6 7 CHANGING THE INTEREST LIMITS ON WARRANTS AND BONDS. FLIMINATING REQUIREMENTS RELATED TO OWNERSHIP OF TELEVISION а SETS. AND CLARIFYING THE EXEMPTIONS FROM DISTRICT TAXES: 9 AMENDING SECTIONS 7-13-2503. 7-13-2510+ 7-13-2522+ 10 11 7-13-2523+ 7-13-2527+ 7-13-2529+ 7-13-2541+ AND 7-13-2542+ 12 MCA. 13 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 Section 1. Section 7-13-2503, MCA, is amended to read: 16 #7-13-2503. Petition to create district. (1) A 17 petition to form a district shall be presented to the county

18 clerk and recorder of each of the counties in which any 19 portion of the area is situated. Petitions shall be signed 20 by owners--of-television-sets-within-the-proposed-districty 21 equal-in-number-to--not--less--than at least 51% of the 22 registered electors who are owners-of-television-sets-within 23 residents of the proposed district.

24 (2) The petition shall state the objects of the
25 district and designate the boundaries thereof by section and

1 the approximate number of people to be benefited thereby and 2 shall contain a brief description of the proposed system. 3 including type of construction. Tocation, and approximate 4 cost of the installation. It shall also state that the 5 proposed district will be conducive to the public interest, 6 convenience, and necessity. It shall request that it be 7 organized as a television district."

8 Section 2. Section 7-13-2510, MCA, is amended to read:
 9 "7-13-2510. Powers of district. A television district
 10 organized under this part, acting through its board of
 11 trustees herein provided for, may:

12 (1) perform all the acts and take all the necessary or 13 proper steps to assure that there will be a fair, efficient, 14 and equitable distribution of television services within the 15 area in order that all persons within such service area 16 shall be supplied by means of an appropriate electrical or 17 electronic system for television program distribution, such 18 authorized system to provide such flexibility as to permit 19 radical improvements in technical quality without rendering 20 inoperative receivers therein, but discontinuance of service 21 by the district for improvements or repairs for a temporary 22 period shall not be construed as rendering inoperative;

23 (2) if necessary or proper in the furtherance of the
 24 objects of this part, acquire, build, construct, repair,
 25 own, maintain, and operate any necessary stations

-2- SECOND PRINTING HB 424 THIRD READING transmitting simultaneous visual and aural signals intended
 to be received by the general public, relay stations, pickup
 stations, or any other necessary electrical or electronic
 system;

5 (3) make contracts to compensate any owner of land or
6 other property for the use of such property for the purposes
7 of this part;

8 (4) make contracts with the United States, any state
9 or municipality, or any department or agency of those
10 entities for carrying out the general purposes for which the
11 district is formed;

12 (5) acquirer by gift, deviser bequest, leaser or 13 purchaser real and personal property, tangible or 14 intangible, including lands, rights-of-way, and easements, 15 necessary or convenient for its purposes;

16 (6) to make contracts of any lawful nature (including 17 labor contracts or those for employees' benefits) and employ 18 engineers, laboratory personnel, attorneys, other technical 19 or professional assistants, and any other assistants or 20 employees necessary to carry out the provisions of this 21 part;

(7) issue warrants, payable at the time stated
therein, to evidence the obligation to repay money borrowed
or any other obligation incurred by the district, warrants
so issued to draw interest at a rate fixed by the board, not

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HB 424

1 to--exceed--5%-per-yeary payable annually or semiannually as

2 the board may prescribe;

3 (8) contract indebtedness or borrow money for ٠ corporate purposes and issue revenue bonds therefor to be 5 repaid from rates and charges, bearing interest at a rate 6 not exceeding 68 72 per annum payable semiannually, the 7 bonds not to be sold for less than par and accrued interest; 8 (9) prescribe tax rates for the providing of services throughout the area in accordance with the provisions of 9 10 this part:

(10) prescribe such installation or ready-to-serve
 charges to be used for any costs connected with preparation,
 acquisition, or construction of the system; and

(11) apply for, accept, and be the holder of any permit
or license issued by or required under federal or state
law."

Section 3. Section 7-13-2522, NCA, is amended to read:
 "7-13-2522. Qualifications for trustee. Each of sair
 trustees shall be a resident and-owner of a-television-set
 from-within the district."
 Section 4. Section 7-13-2523, MCA, is amended to read:

22 \*7-13-2523. Term of office. {1} The trustees so
23 appointed upon creation of such district shall be appointed
24 for staggered terms of 1. 2. and 3 years. If more than one
25 county is involved. one of said trustees shall be appointed

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from the county having-the-least-number-of--television--sets 1 2 that--will--be--benefited--by--such-district containing that portion of the district with the fewest residents, and such 3 trustee shall be given the 3-year term. Said trustees so 4 appointed shall hold office for the term of their respective 5 appointment or until their successors are appointed and 6 7 qualified.

8 (2) At the end of the respective terms of said trustees, the board of county commissioners shall appoint a 9 10 new trustee for a 3-year term."

Section 5. Section 7-13-2527, MCA, is amended to read: 11 \*7-13-2527. List of television-owners owners of 12 residences property-owners. (1) A copy of the order 13 creating the district shall be delivered to the county 14 15 assessor of each county within the district.

(2) The assessor shall, on or before August 1 of any 16 given year, prepare and certify a list of all persons-owning 17 television-sets owners of residences within the district with 18 ascertainablex-ofy-if-not-ascertainablex-all-property-owners 19 within such IHE district and deliver a copy of such list to 20 21 the board of trustees of said district."

Section-6---Section-7-13-2529y-MEAy-is-amended-to-read+ 22 #7-13-2529w--Exemption-for-nonbenefited-texpoyersw--fit 23 The-taxpayers-in-the-television-district-who-do-not--receive 24 25 the--signal--of--the--television--translator--station-or-who

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1	receive-direct-reception-from-thetelevisionstationfrom
2	whi <del>ch-the-tolevision-translator-repaats-e-sign</del> a <del>l-o</del> r-receive
3	service-through-the-medium-ofe-communityentennesystem
4	which-dossnotreceiveitaaign/afree-the-trieviaion
5	<u>translator-station_and-on-which-theyares-subscriberin</u>
6	<del>good-standing-will-be-exampt-from-the-payment-</del> of <del>-the-tex-for</del>
7	thesupportof-the-television-districty-provided-they-file
8	anoffidavitsettingforthanyofthegroundsabove
9	<pre>wontioneduTheoffidevitsholl-be-filed-with-the-beard-of</pre>
10	trustees,-who-shell-upon-the-receipt-of-such-affidavithave
11	thenames-of-such-persons-so-exempted-from-the-tax-stricken
12	from the list of texpeyers certified to the board of - county
13	commissionersuThe-exempted-persons-shall-not-be-ligble-for
14	such-tax.
14 15	
	<del>such-taxe</del>
15	such-taxe {2}Any-person-or-persons-who-shall-mokes-falseor
15 16	such-toxy {2}Any-person-or-persons-who-shall-mokeefelseor freudulentcloimfor-exemption-es-provided-in-this-section
15 16 17	such-taxe {2}Any-person-or-persons-who-shall-mokesfelseor fraudulentclaimfor-excaption-as-provided-in-this-section shall-be-guilty-of-o-misdemeanors <sup>m</sup>
15 16 17 18	<pre>such-taxe {2}Any-person-or-persons-who-shall-mokeefalseor fraudulentclaimfor-exemption-es-provided-in-this-section shall-be-guilty-of-e-misdemeanorem Section 6. Section 7-13-2541; MCA; is amended to read:</pre>
15 16 17 18 19	<pre>such-taxe</pre>
15 16 17 18 19 20	<pre>such-taxe</pre>
15 16 17 18 19 20 21	<pre>such-taxe</pre>

25 then at least 51% of the registered electors who are owners

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1 of--television--sets--within residents_of the area to be
2 annexed.
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3 (2) The petition shall designate the boundaries of the
4 contiguous area to be annexed and ask that it be annexed to
5 the existing television district.

6 (3) The petition shall be transmitted to the clerk and
7 recorder, and the hearing and notice thereof shall be the
8 same as provided by 7-13-2504 through 7-13-2507.

9 (4) After the hearing, the board of county
10 commissioners shall adopt a resolution either annexing the
11 area to the existing television district or denying the
12 petition.\*

13 Section 7. Section 7-13-2542, HCA, is amended to read: \*7-13-2542. Procedure to abandon district. (1) If at 14 15 any time a petition for abandonment of the television 16 district, signed by sumers-of-television-sets-within-the 17 district-equal-in-number-to-not-less-than at\_\_least 51% of 18 the registered electors who are owners-of-television-sets 19 residents of the district. is filed with the board of 20 trustees. the board of trustees shall forthwith notify the 21 board or boards of county commissioners which created the 22 district. Such board or boards of county commissioners shall 23 by resolution immediately declare the district abandoned.

24 (2) All properties and money remaining after the25 satisfaction of all debts and obligations of such abandoned

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1 district shall be deposited to the credit of the general Z fund of the county. If the abandoned district embraced areas 3 in more than one county, properties and money remaining after the satisfaction of all debts and obligations of such 4 5 abandoned district shall be deposited to the credit of the general funds of such counties in proportion to the number 6 ef-television-sets conulation of the portion of the district 7 located in each county which-were-served-by--the--district." .

#### -End-

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#### 46th Legislature

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S	INTRODUCED BY YARDLEY
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5	TELEVISION DISTRICT LAWS; PERMITTING THE CREATION.
6	ALTERATION, OR DISSOLUTION OF A DISTRICT BY THE RESIDENTS.
7	CHANGING THE INTEREST LIMITS ON WARRANTS AND BONDS.
8	ELIMINATING REQUIREMENTS RELATED TO OWNERSHIP OF TELEVISION
9	SETS, AND GLARIFYINGTHEEXEMPTIONSFROM-DISTRICT-TAXES
10	AUTHORIZING A DISTRICT TO PROVIDE AND FINANCE EM. TRANSLATOR
11	SERVICESUPONPETILION; AMENDING SECTIONS 7-13-2503,
12	7-13-2510+ 7-13-2522+ 7-13-2523+ 7-13-2527+ <u>7-13-2528+</u>
13	7-13-2529 <del>0</del> 7 <u>-13-25290</u> 7 <b>-13-</b> 25410 AND 7-13-25420 MCA <u>1_AND</u>
14	REPEALING_CHAPTER_13:_LAWS_DE_1979."
15	
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
17	Section 1. Section 7-13-2503, MCA, is amended to read:
18	#7-13-2503。 Petition to create district。 (1) A
19	petition to form a district shall be presented to the county
20	clerk and recorder of each of the counties in which any
21	portion of the area is situated. Petitions shall be signed
22	by ownersof-television-sets-within-the-proposed-districty
23	equal-in-number-tonotlessthen <u>at_least</u> 51% of the

HOUSE BILL NO. 424

24 registered electors who are owners-of-television-sets-within

25 residents of the proposed district.

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1 (2) The petition shall state the objects of the 2 district and designate the boundaries thereof by section and the approximate number of people to be benefited thereby and 3 shall contain a brief description of the proposed system. 4 including type of construction, location, and approximate 5 cost of the installation. It shall also state that the 6 proposed district will be conducive to the public interest. 7 convenience, and necessity. It shall request that it be 8 9 organized as a television district."

Section 2. Section 7-13-2510, MCA, is amended to read:
 "7-13-2510. Powers of district. A television district
 organized under this part, acting through its board of
 trustees herein provided for, may:

14 (1) perform all the acts and take all the necessary or 15 proper steps to assure that there will be a fair. efficient. 16 and equitable distribution of television services within the 17 area in order that all persons within such service area 16 shall be supplied by means of an appropriate electrical or electronic system for television program distribution, such 19 authorized system to provide such flexibility as to permit 20 21 radical improvements in technical quality without rendering inoperative receivers therein, but discontinuance of service 22 23 by the district for improvements or repairs for a temporary period shall not be construed as rendering inoperative; 24 25 (2) if necessary or proper in the furtherance of the

-2- REFERENCE BILL HB 424

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objects of this part, acquire, build, construct, repair,
 own, maintain, and operate any necessary stations
 transmitting simultaneous visual and aural signals intended
 to be received by the general public, relay stations, pickup
 stations, or any other necessary electrical or electronic
 system;

7 (3) make contracts to compensate any owner of land or
8 other property for the use of such property for the purposes
9 of this part;

10 (4) make contracts with the United States, any state
11 or municipality, or any department or agency of those
12 entities for carrying out the general purposes for which the
13 district is formed;

14 (5) acquire+ by gift+ devise+ bequest+ lease+ or
15 purchase+ real and personal property+ tangible or
16 intangible+ including lands+ rights-of-way+ and easements+
17 necessary or convenient for its purposes;

18 (6) to make contracts of any lawful nature (including
19 labor contracts or those for employees' benefits) and employ
20 engineers, laboratory personnel, attorneys, other technical
21 or professional assistants, and any other assistants or
22 employees necessary to carry out the provisions of this
23 part;

24 (7) issue warrants, payable at the time stated25 therein, to evidence the obligation to repay money borrowed

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1	or any other obligation incurred by the district, warrants
2	sn issued to draw interest at a rate fixed by the board+ not
3	toexceed5%-per-yeary payable annually or semiannually as
4	the board may prescribe;
5	(8) contract indebtedness or borrow money for
6	corporate purposes and issue revenue bonds therefor to be
۲	repaid from rates and charges, bearing interest at a rate
8	not exceeding 6% 73 per annum payable semiannually, the
9	bonds not to be sold for less than par and accrued interest;
10	(9) prescribe tax rates for the providing of services
11	throughout the area in accordance with the provisions of
12	this part;
13	(10) prescribe such installation or ready-to-serve
14	charges to be used for any costs connected with preparation,
15	acquisition, or construction of the system; and
16	(11) apply for, accept, and be the holder of any permit
17	or license issued by or required under federal or state
18	taw <u>ei_AND</u>
19	(12)PROVIDE_EM_IRANSLATOR_SERVICES_IEAUTHORIZED_AS
20	PROVIDED_IN_[SECIION_10]."
21	Section 3. Section 7-13-2522, MCA, is amended to read:
22	"7-13-2522. Qualifications for trustee. Each of said
23	trustees shall be a resident <del>and-owner</del> of <del>atelevisionset</del>
24	from-within the district."

25 Section 4. Section 7-13-2523, MCA, is amended to read:

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1 "7-13-2523. Term of office. (1) The trustees so appointed upon creation of such district shall be appointed 2 3 for staugered terms of 1, 2, and 3 years. If more than one county is involved, one of said trustees shall be appointed - 4 from the county having-the-least-number-of-television-sets 5 - 6 that-will-be-benefited--by--such--dist.ict containing\_that portion of the district with the fewest residents, and such 7 trustee shall be given the 3-year term. Said trustees so 8 appointed shall hold office for the term of their respective a 10 appointment or until their successors are appointed and 11 qualified.

12 {2} At the end of the respective terms of said 13 trustees, the board of county commissioners shall appoint a 14 new trustee for a 3-year term.<sup>44</sup>

15 Section 5. Section 7-13-2527, MCA, is amended to read: "7-13-2527. List of television--owners owners\_\_\_\_of 16 residences or :: property :: owners. (1) A copy of the order 17 18 creating the district shall be delivered to the county 19 assessor of each county within the district. IE A DISIRICI 20 IS AUTHORIZED TO PROVIDE FM\_TRANSLATOR\_SERVICES.A.\_COPY\_DE 21 THE RESOLUTION AUTHORIZING THE SERVICES SHALL BE DELIVERED 22 TO THE COUNTY ASSESSOR DE EACH COUNTY HITHIN \_\_IHE\_DISTRICL. (2) The assessor shall, on or before August 1 of any **Z**3 given year, prepare and certify a list of all persons-owning 24 25 television-sets owners\_of\_residences within:the:diatrictrif

## within such IHE district and deliver a copy of such list to the board of trustees of said district." Section-6---Section-7-13-2529+-MEA+-is-amended-to-read+ The--taxpayers-in-the-television-district-who-do-not-receive the-signst-of--the--television--translator--station--or--who receive--direct--reception--from-the-television-station-from which-the-television-translator-repeats-a-signal-or--receive service--through--the--medium--of-o-community-ontenno-system which:does-not:-receive-tita--signals--from--the--television translator--station--and--on--which-they-arg-a-subscriber-in qood-standing-will-be-exempt-from-the-payment-of-the-tox-for the-support-of-the-television-districty-provided--they--file an---affidavit--setting--forth--any--of--the--arounds--above mentionedy-The-offidavit-shall-be-filed-with--the--board--of trusteesy--who-shall-upon-the-receipt-of-such-officevit-have the-names-of-such-persons-so-exempted-from-the-tex--stricken from--the-list-of-taxpayers-certified-to-the-baard-of-county commissioners\*-The-exempted-persons-shall-not-be-lieble--for such-toxy t2t--Any--person--or--persons-who-shall-make-a-false-ar

ascertainablex\_ory\_if\_not\_oscertainablex\_all\_property\_owners

- 23 freudulent-claim-for-exemption-as-provided-in-this--section
- 24 shall-be-quilty-of-s-misdemeanors\*
- 25 SECIION\_6\_\_SECIION\_7=13=2528\*\_MCA1\_IS\_AMENDED\_IO\_READ:

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1 #7-13-2528. Financial administration of district. (1) 2 The board of trustees shall, from soid any list so prepared 3 by the county assessor as required by 7-13-2527, remove the names of any persons who have claimed exemption under this 4 5 part and shall prepare a budget for the expenses for the next year. 6

7 (2) The budget, together with the list of such persons 8 residing in the district and subject to the special tax 9 after all exemptions have been allowed as provided in this 10 part, shall be presented by September 1 to the board of 11 county commissioners, who shall levy the tax requested by 12 said trustees. The board shall levy such tax in accordance 13 with the request herein mentioned. In preparing the budgets 14 the board of trustees shall maintain separate budgets for 15 television\_services\_and\_for\_FM\_translator\_services\_and\_shall 16 specify the tax to be levied on property owners for these 17 services. The tax shall be certified to the county clerk and 18 recorder and entered on the assessment books as against such 19 persons and collected by the county treasurer as all other 20 taxes are collected.

21 (3) The county treasurer shall be the treasurer for 22 said district and hold said taxes, as collected, in a 23 separate fund to be disbursed by him upon warrants drawn by 24 the trustees, at least two of whom shall sign any warrant for the disbursement of such funds by the county treasurer." 25

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HB 0424/05

1	SECTION_7+SECTION_7-13-2529+_MCA+_IS_AMENDED_TO_BEAD:
Z	<pre>"7-13-2529* Exemption for nonbenefited taxpayers* (1)</pre>
3	The taxpayers in the television district who do not receive
4	the signal of the television translator station or who
5	receive direct reception from the television station from
6	which the television translator repeats a signal or receive
7	service through the medium of a community antenna system on
8	which they are a subscriber in good standing will be exempt
9	from the payment of the tax for the support of the
10	television_services_of_the_television_district, provided
11	they file an affidavit setting forth any of the grounds
12	above mentioned. The affidavit shall be filed with the board
13	of trustees, who shall upon the receipt of such affidavit
14	have the names of such persons so exempted from the tax <u>for</u>
15	television_services_stricken_from_the_list_of_taxpayers
16	certified to the board of county commissioners. The exempted
17	persons shall not be liable for such tax.
18	<pre>(2)A_similar_exemption_is_available_withrespectto</pre>
19	Et
20	subsection_[1]_shall_be_utilized_for_the_EM_exemption.
21	<pre>f2f(31 Any person or persons who shall make a false or</pre>
22	fraudulent claim for exemption as provided in this section
23	shall be guilty of a misdemeanor."
24	Section 8. Section 7-13-2541. MCA, is amended to read:
25	<b>*7-13-2541.</b> Procedure to annex contiguous areas. The
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boundaries of a television district created by authority of
 this part may be altered and outlying areas be annexed from
 territory contiguous thereto in the following manner:

4 (1) A petition shall be signed by owners-of-television 5 sets-within-the-proposed-areav-equal-in-number-to--not--less 6 than <u>at\_least</u> 51% of the registered electors who are owners 7 of-television-sets--within <u>residents\_of</u> the area to be 8 annexed.

9 (2) The petition shall designate the boundaries of the 10 contiguous area to be annexed and ask that it be annexed to 11 the existing television district.

12 (3) The petition shall be transmitted to the clerk and
13 recorder, and the hearing and notice thereof shall be the
14 same as provided by 7-13-2504 through 7-13-2507.

15 (4) After the hearing, the board of county
16 commissioners shall adopt a resolution either annexing the
17 area to the existing television district or denying the
18 petition.\*

19Section 9. Section 7-13-2542, MCA, is amended to read:20"7-13-2542. Procedure to abandon district. (1) If at21any time a petition for abandonment of the television22district, signed by owners-of--television--sets--within--the23district--equal--in--number-to-not-less-thon at least 51% of24the registered electors who are owners-of--television--sets25residents\_of\_the\_district, is filed with the board of

1 trustees: the board of trustees shall forthwith notify the 2 board or boards of county commissioners which created the 3 district. Such board or boards of county commissioners shall 4 by resolution immediately declare the district abandoned.

5 (2) All properties and money remaining after the 6 satisfaction of all debts and obligations of such abandoned 7 district shall be deposited to the credit of the general fund of the county. If the abandoned district embraced areas 8 9 in more than one county, properties and money remaining 10 after the satisfaction of all debts and obligations of such abandoned district shall be deposited to the credit of the 11 general funds of such counties in proportion to the number 12 13 of-television-sets population of the portion of the district 14 located in each county which-were-served-by-the-district."

15 SECTION 10. THERE IS A NEW MCA SECTION THAT BEADS:

16 Authorization for FM translator. (1) A television 17 district may construct and operate a broadcast FM translator facility (88 to 108 Megahertz) as provided in this section. 18 19 (2) (a) A request to provide. FM translator services may be initiated by a petition signed by at least 51% of the 20 21 registered electors who are residents of the television 22 district and presented to the board of county commissioners 23 which initially established the district. The petition, its filing, and its processing are governed by 7-13-2503, 24 25 7-13-2504, and 7-13-2505.

1 (b) Upon receiving a certified petition, the board of county commissioners shall give notice and hold a hearing as 2 provided in 7-13-2506 and 7-13-2507. After the hearing, the 3 board of county commissioners shall approve or deny the 4 petition by resolution. If the decision is to approve the 5 petition, the resolution shall authorize the board of 6 7 trustees of the district to provide the requested services and shall describe the proposed system; including the type 8 of construction, proposed location, and estimated costs. 9 SECTION 11. CODIFICATION. IT IS INTENDED THAT SECTION 10 11 10 BE CODIFIED AS AN INTEGRAL PART OF TITLE 7. CHAPTER 13. PART 25+ AND THE PROVISIONS OF TITLE IN CHAPTER 13+ PART 25+ 12 APPLY IO SECTION 10. 13 14 SECTION 12. REPEALER. CHAPTER 13. LAWS OF 1979. IS

15 REPEALED.

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SENATE STANDING COMMITTEE REPORT (Business and Industry) That House Bill No. 424 be amended as follows: 1. Title, line 9. Following: "AND" "CLARIFYING THE EXEMPTIONS FROM DISTRICT TAXES" Strike: Insert: "AUTHORIZING A DISTRICT TO PROVIDE AND FINANCE FM TRANSLATOR SERVICES UPON PETITION" 2. Title, line 11. Following: "7-13-2527." Insert: "7-13-2528," Following: "7-13-25297" Insert: "7-13-2529," 3. Title, line 12. Following: "MCA" Insert: "; AND REPEALING CHAPTER 13, LAWS OF 1979" 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

March 14, 1979 Page 2 House Bill No. 424

9. Page 8, line 9.

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. -

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(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 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.

(2) (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."" Renumber: all subsequent sections

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. ., March 14, 1979 Page 3 Mouse Bill No. 424

(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."