

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.
February 3, 1979	Printed and placed on 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

February 12, 1979	Introduced and referred to Committee on Business and Industry.
March 14, 1979	Committee recommend bill be concurrent in as amended. Report adopted.
March 16, 1979	Second reading, concurred in.
March 20, 1979	Third reading, concurred in as amended.

IN THE HOUSE

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.

1 House BILL NO. 424  
2 INTRODUCED BY *[Signature]*  
3

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 CLARIFYING THE EXEMPTIONS FROM DISTRICT TAXES;  
10 AMENDING SECTIONS 7-13-2503, 7-13-2510, 7-13-2522,  
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-districts~~  
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, 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  
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

1 transmitting simultaneous visual and aural signals intended  
2 to be received by the general public, relay stations, pickup  
3 stations, or any other necessary electrical or electronic  
4 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) 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;

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

1 ~~to exceed 5% per year~~ payable annually or semiannually as  
2 the board may prescribe;

3 (8) contract indebtedness or borrow money for  
4 corporate purposes and issue revenue bonds therefor to be  
5 repaid from rates and charges, bearing interest at a rate  
6 not exceeding 6% ~~1%~~ 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  
9 throughout the area in accordance with the provisions of  
10 this part;

11 (10) prescribe such installation or ready-to-serve  
12 charges to be used for any costs connected with preparation,  
13 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

1 from the county ~~having the least number of television sets~~  
 2 ~~that will be 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 qualified.

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 term."

11 Section 5. Section 7-13-2527, MCA, is amended to read:

12 "7-13-2527. List of ~~television owners~~ owners of  
 13 residences or property owners. (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."

22 Section 6. Section 7-13-2529, MCA, is amended to read:

23 "7-13-2529. Exemption for nonbenefited taxpayers. (1)  
 24 The taxpayers in the television district who do not receive  
 25 the signal of the television translator station or who

1 receive direct reception from the television station from  
 2 which the television translator repeats a signal or receive  
 3 service through the medium of a community antenna system  
 4 which does not receive its signals from the television  
 5 translator station and on which they are a subscriber in  
 6 good standing will be exempt from the payment of the tax for  
 7 the support of the television district, provided they file  
 8 an affidavit setting forth any of the grounds above  
 9 mentioned. The affidavit shall be filed with the board of  
 10 trustees, who shall upon the receipt of such affidavit have  
 11 the names of such persons so exempted from the tax stricken  
 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.

15 (2) Any person or persons who shall make a false or  
 16 fraudulent claim for exemption as provided in this section  
 17 shall be guilty 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  
 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:

23 (1) A petition shall be signed by ~~owners of television~~  
 24 ~~sets within the proposed area equal in number to not less~~  
 25 than at least 51% of the registered electors who are owners

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  
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16 district, signed by ~~owners-of--television--sets--within--the~~  
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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

1 district shall be deposited to the credit of the general  
2 fund of the county. If the abandoned district embraced areas  
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-End-

Approved by Committee  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-2503, MCA, is amended to read:

"7-13-2503. Petition to create district. (1) A petition to form a district shall be presented to the county clerk and recorder of each of the counties in which any portion of the area is situated. Petitions shall be signed by ~~owners--of-television-sets-within-the-proposed-district~~ ~~equal-in-number-to--not--less--than~~ at least 51% of the registered electors who are ~~owners-of-television-sets-within~~ residents of the proposed district.

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

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

Section 2. Section 7-13-2510, MCA, is amended to read:

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14 "7-13-2542. Procedure to abandon district. (1) If at  
15 any time a petition for abandonment of the television  
16 district, signed by ~~owners-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 the  
25 satisfaction of all debts and obligations of such abandoned

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

-End-

HOUSE BILL NO. 424  
INTRODUCED BY YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE TELEVISION DISTRICT LAWS; PERMITTING THE CREATION, ALTERATION, OR DISSOLUTION OF A DISTRICT BY THE RESIDENTS, CHANGING THE INTEREST LIMITS ON WARRANTS AND BONDS, ELIMINATING REQUIREMENTS RELATED TO OWNERSHIP OF TELEVISION SETS, AND CLARIFYING THE EXEMPTIONS FROM DISTRICT TAXES; AMENDING SECTIONS 7-13-2503, 7-13-2510, 7-13-2522, 7-13-2523, 7-13-2527, ~~7-13-2529~~, 7-13-2541, AND 7-13-2542, MCA."

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

Section 1. Section 7-13-2503, MCA, is amended to read:

"7-13-2503. Petition to create district. (1) A petition to form a district shall be presented to the county clerk and recorder of each of the counties in which any portion of the area is situated. Petitions shall be signed by owners--of-television-sets-within-the-proposed-district, equal-in-number-to--not--less--than at least 51% of the registered electors who are owners-of-television-sets-within residents of the proposed district.

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

the approximate number of people to be benefited thereby and shall contain a brief description of the proposed system, including type of construction, location, and approximate cost of the installation. It shall also state that the proposed district will be conducive to the public interest, convenience, and necessity. It shall request that it be 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:

(1) perform all the acts and take all the necessary or proper steps to assure that there will be a fair, efficient, and equitable distribution of television services within the area in order that all persons within such service area shall be supplied by means of an appropriate electrical or electronic system for television program distribution, such authorized system to provide such flexibility as to permit radical improvements in technical quality without rendering inoperative receivers therein, but discontinuance of service by the district for improvements or repairs for a temporary 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

1 transmitting simultaneous visual and aural signals intended  
2 to be received by the general public, relay stations, pickup  
3 stations, or any other necessary electrical or electronic  
4 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) 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;

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

1 to--exceed--5%--per--year, payable annually or semiannually as  
2 the board may prescribe;

3 (8) contract indebtedness or borrow money for  
4 corporate purposes and issue revenue bonds therefor to be  
5 repaid from rates and charges, bearing interest at a rate  
6 not exceeding 6% ~~1%~~ 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  
9 throughout the area in accordance with the provisions of  
10 this part;

11 (10) prescribe such installation or ready-to-serve  
12 charges to be used for any costs connected with preparation,  
13 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 end-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



1 from the county having the least number of television sets  
 2 that will be 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 qualified.

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 term."

11 Section 5. Section 7-13-2527, MCA, is amended to read:

12 "7-13-2527. List of television ~~owners~~ owners of  
 13 residences or property owners. (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 districts if  
 19 ascertainable or, if not ascertainable, all property owners  
 20 within such IHE district and deliver a copy of such list to  
 21 the board of trustees of said district."

22 Section 6. Section 7-13-2529, MCA, is amended to read:

23 "7-13-2529. Exemption for nonbenefited taxpayers. (1)  
 24 The taxpayers in the television district who do not receive  
 25 the signal of the television translator station or who

1 receive direct reception from the television station from  
 2 which the television translator repeats a signal or receive  
 3 service through the medium of a community antenna system  
 4 ~~which does not receive its signals from the television~~  
 5 ~~translator station and on which they are a subscriber in~~  
 6 good standing will be exempt from the payment of the tax for  
 7 the support of the television district, provided they file  
 8 an affidavit setting forth any of the grounds above  
 9 mentioned. The affidavit shall be filed with the board of  
 10 trustees, who shall upon the receipt of such affidavit have  
 11 the names of such persons so exempted from the tax stricken  
 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.

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

18 Section 6. 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:

23 (1) A petition shall be signed by owners of television  
 24 sets within the proposed area equal in number to not less  
 25 than at least 51% of the registered electors who are owners

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 7. 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  
16 district, signed by ~~owners--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 the  
25 satisfaction of all debts and obligations of such abandoned

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

-End-

HOUSE BILL NO. 424  
INTRODUCED BY YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE TELEVISION DISTRICT LAWS; PERMITTING THE CREATION, ALTERATION, OR DISSOLUTION OF A DISTRICT BY THE RESIDENTS, CHANGING THE INTEREST LIMITS ON WARRANTS AND BONDS, ELIMINATING REQUIREMENTS RELATED TO OWNERSHIP OF TELEVISION SETS, AND CLARIFYING--THE--EXEMPTIONS--FROM--DISTRICT--TAXES AUTHORIZING A DISTRICT TO PROVIDE AND FINANCE FM TRANSLATOR SERVICES UPON PETITION; AMENDING SECTIONS 7-13-2503, 7-13-2510, 7-13-2522, 7-13-2523, 7-13-2527, ~~7-13-2528,~~ ~~7-13-2529,~~ ~~7-13-2529,~~ 7-13-2541, AND 7-13-2542, MCA; AND REPEALING CHAPTER 13, LAWS OF 1979."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
Section 1. Section 7-13-2503, MCA, is amended to read:  
"7-13-2503. Petition to create district. (1) A petition to form a district shall be presented to the county clerk and recorder of each of the counties in which any portion of the area is situated. Petitions shall be signed by owners--of-television-sets-within-the-proposed-district, equat-in-number-to--not--less--than at least 51% of the registered electors who are owners-of-television-sets-within residents\_of the proposed district.

(2) The petition shall state the objects of the district and designate the boundaries thereof by section and the approximate number of people to be benefited thereby and shall contain a brief description of the proposed system, including type of construction, location, and approximate cost of the installation. It shall also state that the proposed district will be conducive to the public interest, convenience, and necessity. It shall request that it be 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:

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

(2) if necessary or proper in the furtherance of the

1 objects of this part, acquire, build, construct, repair,  
2 own, maintain, and operate any necessary stations  
3 transmitting simultaneous visual and aural signals intended  
4 to be received by the general public, relay stations, pickup  
5 stations, or any other necessary electrical or electronic  
6 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 stated  
25 therein, to evidence the obligation to repay money borrowed

1 or any other obligation incurred by the district, warrants  
2 so issued to draw interest at a rate fixed by the board, not  
3 to--exceed--~~5%~~ per year, 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  
7 repaid from rates and charges, bearing interest at a rate  
8 not exceeding ~~6%~~ 7% 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 law; AND

19 (12) PROVIDE FM TRANSLATOR SERVICES IF AUTHORIZED AS  
20 PROVIDED IN [SECTION 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 ~~and-owner~~ of ~~a--television--set~~  
24 ~~from-within~~ the district."

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

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

15 Section 5. Section 7-13-2527, MCA, is amended to read:

16 "7-13-2527. List of television owners ~~owners~~ of  
 17 residences ~~or property owners~~. (1) A copy of the order  
 18 creating the district shall be delivered to the county  
 19 assessor of each county within the district. IF A DISTRICT  
 20 IS AUTHORIZED TO PROVIDE FM TRANSLATOR SERVICES, A COPY OF  
 21 THE RESOLUTION AUTHORIZING THE SERVICES SHALL BE DELIVERED  
 22 TO THE COUNTY ASSESSOR OF EACH COUNTY WITHIN THE DISTRICT.

23 (2) The assessor shall, on or before August 1 of any  
 24 given year, prepare and certify a list of all persons owning  
 25 television sets ~~owners of residences within the district~~ if

1 ~~ascertainable or if not ascertainable all property owners~~  
 2 within such ~~IHE~~ district and deliver a copy of such list to  
 3 the board of trustees of said district."

4 Section 6. Section 7-13-2529, MCA, is amended to read:

5 "7-13-2529. Exemption for nonbenefited taxpayers. (1)  
 6 The taxpayers in the television district who do not receive  
 7 the signal of the television translator station or who  
 8 receive direct reception from the television station from  
 9 which the television translator repeats a signal or receive  
 10 service through the medium of a community antenna system  
 11 which does not receive its signals from the television  
 12 translator station and on which they are a subscriber in  
 13 good standing will be exempt from the payment of the tax for  
 14 the support of the television district provided they file  
 15 an affidavit setting forth any of the grounds above  
 16 mentioned. The affidavit shall be filed with the board of  
 17 trustees who shall upon the receipt of such affidavit have  
 18 the names of such persons so exempted from the tax stricken  
 19 from the list of taxpayers certified to the board of county  
 20 commissioners. The exempted persons shall not be liable for  
 21 such tax.

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

25 SECTION 6. SECTION 7-13-2528, MCA, IS AMENDED TO READ:

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

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  
 25       for the disbursement of such funds by the county treasurer."

1       ~~SECTION 7. SECTION 7-13-2529, MCA, IS AMENDED TO READ:~~

2       \*7-13-2529. Exemption for nonbenefited taxpayers. (1)  
 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 for  
 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       ~~(2) A similar exemption is available with respect to~~  
 19       ~~FM translator services. The procedure provided in~~  
 20       ~~subsection (1) shall be utilized for the FM exemption.~~

21       ~~(2)(3) Any person or persons who shall make a false or~~  
 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       \*7-13-2541. Procedure to annex contiguous areas. The

1 boundaries of a television district created by authority of  
2 this part may be altered and outlying areas be annexed from  
3 territory contiguous thereto in the following manner:

4 (1) A petition shall be signed by ~~owners-of-television~~  
5 ~~sets-within-the-proposed-area-equal-in-number-to-not-less~~  
6 ~~than at least~~ 51% of the registered electors who are owners  
7 ~~of-television-sets--withn~~ residents of 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."

19 Section 9. Section 7-13-2542, MCA, is amended to read:

20 "7-13-2542. Procedure to abandon district. (1) If at  
21 any time a petition for abandonment of the television  
22 district, signed by ~~owners-of--television--sets--withn--the~~  
23 ~~district--equal--in--number-to-not-less-than~~ at least 51% of  
24 the registered electors who are owners ~~--of--television--sets~~  
25 residents 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  
8 fund of the county. If the abandoned district embraced areas  
9 in more than one county, properties and money remaining  
10 after the satisfaction of all debts and obligations of such  
11 abandoned district shall be deposited to the credit of the  
12 general funds of such counties in proportion to the number  
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 READS:

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

19 (2) (a) A request to provide FM translator services  
20 may be initiated by a petition signed by at least 51% of the  
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  
24 filing, and its processing are governed by 7-13-2503,  
25 7-13-2504, and 7-13-2505.

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

10 SECTION 11. CODIFICATION. IT IS INTENDED THAT SECTION  
11 10 BE CODIFIED AS AN INTEGRAL PART OF TITLE 7, CHAPTER 13,  
12 PART 25, AND THE PROVISIONS OF TITLE 7, CHAPTER 13, PART 25,  
13 APPLY TO SECTION 10.

14 SECTION 12. REPEALER. CHAPTER 13, LAWS OF 1979, IS  
15 REPEALED.

-End-



March 14, 1979

SENATE STANDING COMMITTEE REPORT  
(Business and Industry)

That House Bill No. 424 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 FM  
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"

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 re-  
siding 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 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

9. 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.

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(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."