## HOUSE BILL NO. 662

•

.

## INTRODUCED BY KEYSER, RAMIREZ, IVERSON

# BY REQUEST OF THE SECURITIES DIVISION OF THE STATE AUDITOR'S OFFICE

## IN THE HOUSE

February	4, 1985		Introduced and referred to Committee on Business and Labor.
February	13, 1985		Committee recommend bill do pass as amended. Report adopted.
February	14, 1985		Bill printed and placed on members' desks.
February	16, 1985		Second reading, do pass.
February	18, 1985		Considered correctly engrossed.
February	19, 1985		Third reading, passed.
			Transmitted to Senate.
		IN THE	SENATE
February	21, 1985		Introduced and referred to Committee on Business and Industry.
March 21,	, 1985		Committee recommend bill be concurred in. Report adopted.
March 23,	, 1985		Second reading, concurred in.
March 26,	, 1985		Third reading, concurred in. Ayes, 49; Noes, 1.
			Returned to House.

IN THE HOUSE

March 27, 1985

·\_\_

.

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

LC 1536/01

LC 1536/01

1 HOUSE BILL NO. 662 Kamer 2 INTRODUCED BY 3 BY REQUEST OF THE SECURITIES DIVISION OF THE STATE AUDITOR'S OFFICE 4 5 6 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE SCOPE OF 7 THE SECURITIES ACT OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Scope. (1)Sections 30 - 10 - 201(1), 12 30-10-202, 30-10-301(1), 30-10-303, and 30-10-307 apply to 13 persons who sell or offer to sell when an offer to sell is 14 made in this state or an offer to buy is made and accepted 15 in this state. 16 (2) Sections 30-10-201(1), 30-10-301(1), and 30-10-303 apply to persons who buy or offer to buy when an offer to 17 18 buy is made in this state or an offer to sell is made and 19 accepted in this state. 20 (3) For the purpose of this section, an offer to sell 21 or buy is made in this state, whether or not either party is 22 then present in this state, when the offer either originates 23 from this state or is directed by the offeror to this state 24 and received at the place to which it is directed or at any 25 post office in this state in the case of a mailed offer.

(4) For the purpose of this section, an offer to buy 1 or sell is accepted in this state when acceptance is 2 communicated to the offeror in this state and acceptance has ٦ not previously been communicated to the offeror, orally or 4 in writing, outside this state. Acceptance is communicated 5 to the offeror in this state, whether or not either party is б then present in this state, when the offeree directs it to 7 the offeror in this state, reasonably believing the offeror 8 to be in this state, and it is received at the place to 9 which it is directed or at any post office in this state in 10 the case of a mailed acceptance. 11 (5) An offer to sell or to buy is not made in this 12 13 state when: (a) the publisher circulates or there is circulated on 14 his behalf in this state any bona fide newspaper or other 15 publication of general, regular, and paid circulation which 16 17 is: (i) not published in this state; or 18 (ii) published in this state but has had more than 19 two-thirds of its circulation outside this state during the 20 21 past 12 months; or (b) a radio or television program originating outside 22 this state is received in this state. 23 (6) Sections 30-10-201(3), 30-10-301(2) and (3), and 24 30-10-303, as far as investment advisers are concerned, 25

INTRODUCED BILL -2-HR U.2



#### LC 1536/01

apply when any act instrumental in effecting prohibited
 conduct is done in this state, whether or not either party
 is then present in this state.

4 Section 2. Codification instruction. Section 1 is
5 intended to be codified as an integral part of Title 30,
6 chapter 10, parts 1 through 3, and the provisions of Title
7 30, chapter 10, parts 1 through 3, apply to section 1.

8 Section 3. Extension of authority. Any existing
9 authority of the securities commissioner to make rules on
10 the subject of the provisions of this act is extended to the
11 provisions of this act.

Section 4. Effective date. This act is effective on
 passage and approval.

-End-

### HB 0662/02

FOR THE PURPOSE OF 30-10-202, AN OFFER TO SELL WHICH IS NOT DIRECTED TO OR RECEIVED BY THE OFFEREE IN THIS STATE IS NOT

or sell is accepted in this state when acceptance is

communicated to the offeror in this state and acceptance has

not previously been communicated to the offeror, orally or

in writing, outside this state. Acceptance is communicated

to the offeror in this state, whether or not either party is

(4) For the purpose of this section, an offer to buy

#### APPROVED BY COMM. ON BUSINESS AND LABOR

4	STATE AUDITOR'S OFFICE
3	BY REQUEST OF THE SECURITIES DIVISION OF THE
2	INTRODUCED BY KEYSER, RAMIREZ, IVERSON
1	HOUSE BILL NO. 662

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE SCOPE OF 6 THE SECURITIES ACT OF MONTANA; AND PROVIDING AN IMMEDIATE 7 EFFECTIVE DATE." 8

9

5

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10

Section 1. Scope. Sections 30-10-201(1), 11 (1)30-10-202, 30-10-301(1), 30-10-303, and 30-10-307 apply to 12 persons who sell or offer to sell when an offer to sell is 13 14 made in this state or an offer to buy is made and accepted 15 in this state.

(2) Sections 30-10-201(1), 30-10-301(1), and 30-10-303 16 apply to persons who buy or offer to buy when an offer to 17 buy is made in this state or an offer to sell is made and 18 19 accepted in this state.

(3) For the purpose of this section, an offer to sell 20 or buy is made in this state, whether or not either party is 21 then present in this state, when the offer either originates 22 from this state or is directed by the offeror to this state 23 and received at the place to which it is directed or at any 24 post office in this state in the case of a mailed offer, BUT 25

10	then present in this state, when the offeree directs it to
11	the offeror in this state, reasonably believing the offeror
12	to be in this state, and it is received at the place to
13	which it is directed or at any post office in this state in
14	the case of a mailed acceptance.
15	(5) An offer to sell or to buy is not made in this
16	state when:
17	(a) the publisher circulates or there is circulated on
18	his behalf in this state any bona fide newspaper or other
19	publication of general, regular, and paid circulation which
20	is:
21	(i) not published in this state; or
22	(ii) published in this state but has had more than
23	two-thirds of its circulation outside this state during the
24	past 12 months; or
25	(b) a radio or television program originating outside
	-2- HB 662
	SECOND READING

MADE IN THIS STATE.

1

2

3

4

5

6

7

8

9

-2-HB 662 SECOND READING

Montana Legislative Council

1 this state is received in this state.

2 (6) Sections 30-10-201(3), 30-10-301(2) and (3), and 3 30-10-303, as far as investment advisers are concerned, 4 apply when any act instrumental in effecting prohibited 5 conduct is done in this state, whether or not either party 6 is then present in this state.

7 Section 2. Codification instruction. Section 1 is
8 intended to be codified as an integral part of Title 30,
9 chapter 10, parts 1 through 3, and the provisions of Title
10 30, chapter 10, parts 1 through 3, apply to section 1.

Section 3. Extension of authority. Any existing authority of the securities commissioner to make rules on the subject of the provisions of this act is extended to the provisions of this act.

Section 4. Effective date. This act is effective on
 passage and approval.

-End-

-3-

.

.

1	HOUSE BILL NO. 662	1	FOR THE PURPOSE OF 30-10-202, AN OFFER TO SELL WHICH IS NOT
2	INTRODUCED BY KEYSER, RAMIREZ, IVERSON	2	DIRECTED TO OR RECEIVED BY THE OFFEREE IN THIS STATE IS NOT
3	BY REQUEST OF THE SECURITIES DIVISION OF THE	3	MADE IN THIS STATE.
4	STATE AUDITOR'S OFFICE	4	(4) For the purpose of this section, an offer to buy
5		5	or sell is accepted in this state when acceptance is
6	A BILL FOR AN ACT ENTITLED: "AN ACT DEPINING THE SCOPE OF	6	communicated to the offeror in this state and acceptance has
7	THE SECURITIES ACT OF MONTANA; AND PROVIDING AN IMMEDIATE	7	not previously been communicated to the offeror, orally or
8	EFFECTIVE DATE."	8	in writing, outside this state. Acceptance is communicated
9		9	to the offeror in this state, whether or not either party is
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	then present in this state, when the offeree directs it to
11	Section 1. Scope. (1) Sections 30-10-201(1),	11	the offeror in this state, reasonably believing the offeror
12	30-10-202, 30-10-301(1), 30-10-303, and 30-10-307 apply to	12	to be in this state, and it is received at the place to
13	persons who sell or offer to sell when an offer to sell is	13	which it is directed or at any post office in this state in
14	made in this state or an offer to buy is made and accepted	14	the case of a mailed acceptance.
15	in this state.	15	(5) An offer to sell or to buy is not made in this
16	(2) Sections 30-10-201(1), 30-10-301(1), and 30-10-303	16	state when:
17	apply to persons who buy or offer to buy when an offer to	17	(a) the publisher circulates or there is circulated on
18	buy is made in this state or an offer to sell is made and	18	his behalf in this state any bona fide newspaper or other
19	accepted in this state.	19	publication of general, regular, and paid circulation which
20	(3) For the purpose of this section, an offer to sell	20	is:
21	or buy is made in this state, whether or not either party is	21	(i) not published in this state; or
22	then present in this state, when the offer either originates	22	<ul> <li>(ii) published in this state but has had more than</li> </ul>
23	from this state or is directed by the offeror to this state	23	two-thirds of its circulation outside this state during the
24	and received at the place to which it is directed or at any	* 24	past 12 months; or
25	post office in this state in the case of a mailed offer, BUT	25	(b) a radio or television program originating outside.
	A		-2- HB 662
	L Montana Legislative Council		THIRD READING

1 this state is received in this state.

2 (6) Sections 30-10-201(3), 30-10-301(2) and (3), and 3 30-10-303, as far as investment advisers are concerned, 4 apply when any act instrumental in effecting prohibited 5 conduct is done in this state, whether or not either party 6 is then present in this state.

7 Section 2. Codification instruction. Section 1 is
8 intended to be codified as an integral part of Title 30,
9 chapter 10, parts 1 through 3, and the provisions of Title
10 30, chapter 10, parts 1 through 3, apply to section 1.

Section 3. Extension of authority. Any existing authority of the securities commissioner to make rules on the subject of the provisions of this act is extended to the provisions of this act.

15 Section 4. Effective date. This act is effective on 16 passage and approval.

-End-

-3-

1	HOUSE BILL NO. 662	1	FOR THE PURPOSE OF 30-10-202, AN OFFER TO SELL WHICH IS NOT
2	INTRODUCED BY KEYSER, RAMIREZ, IVERSON	2	DIRECTED TO OR RECEIVED BY THE OFFEREE IN THIS STATE IS NOT
3	BY REQUEST OF THE SECURITIES DIVISION OF THE	3	MADE IN THIS STATE.
4	STATE AUDITOR'S OFFICE	4	(4) For the purpose of this section, an offer to buy
5		5	or sell is accepted in this state when acceptance is
6	A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE SCOPE OF	б	communicated to the offeror in this state and acceptance has
7	THE SECURITIES ACT OF MONTANA; AND PROVIDING AN IMMEDIATE	7	not previously been communicated to the offeror, orally or
8	EFFECTIVE DATE."	8	in writing, outside this state. Acceptance is communicated
9		9	to the offeror in this state, whether or not either party is
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	then present in this state, when the offeree directs it to
11	Section 1. Scope. (1) Sections 30-10-201(1),	11	the offeror in this state, reasonably believing the offeror
12	30-10-202, 30-10-301(1), 30-10-303, and 30-10-307 apply to	12	to be in this state, and it is received at the place to
13	persons who sell or offer to sell when an offer to sell is	13	which it is directed or at any post office in this state in
14	made in this state or an offer to buy is made and accepted	14	the case of a mailed acceptance.
15	in this state.	15	(5) An offer to sell or to buy is not made in this
16	(2) Sections 30-10-201(1), 30-10-301(1), and 30-10-303	16	state when:
17	apply to persons who buy or offer to buy when an offer to	17	(a) the publisher circulates or there is circulated on
18	buy is made in this state or an offer to sell is made and	18	his behalf in this state any bona fide newspaper or other
19	accepted in this state.	19	publication of general, regular, and paid circulation which
20	(3) For the purpose of this section, an offer to sell	20	is:
21	or buy is made in this state, whether or not either party is	21	(i) not published in this state; or
22	then present in this state, when the offer either originates	22	(ii) published in this state but has had more than
23	from this state or is directed by the offeror to this state	23	two-thirds of its circulation outside this state during the
24	and received at the place to which it is directed or at any	24	past 12 months; or
25	post office in this state in the case of a mailed offer, BUT	25	(b) a radio or television program originating outside

Montana Legislative Council

-2-

HB 662 REFERENCE BILL

HB 662

1 this state is received in this state.

2 (6) Sections 30-10-201(3), 30-10-301(2) and (3), and 3 30-10-303, as far as investment advisers are concerned, 4 apply when any act instrumental in effecting prohibited 5 conduct is done in this state, whether or not either party 6 is then present in this state.

7 Section 2. Codification instruction. Section 1 is
8 intended to be codified as an integral part of Title 30,
9 chapter 10, parts 1 through 3, and the provisions of Title
10 30, chapter 10, parts 1 through 3, apply to section 1.

11 Section 3. Extension of authority. Any existing 12 authority of the securities commissioner to make rules on 13 the subject of the provisions of this act is extended to the 14 provisions of this act.

Section 4. Effective date. This act is effective on
 passage and approval.

-End-

-3-