

SENATE BILL NO. 439

INTRODUCED BY FARRELL

BY REQUEST OF THE SENATE STATE ADMINISTRATION COMMITTEE

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 17, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 18, 1989	PRINTING REPORT.
FEBRUARY 20, 1989	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 49; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
FEBRUARY 28, 1989	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 18, 1989	SECOND READING, CONCURRED IN.
MARCH 20, 1989	THIRD READING, CONCURRED IN. AYES, 96; NOES, 0.
	RETURNED TO SENATE.

MARCH 21, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 439
2 INTRODUCED BY Finnell
3 BY REQUEST OF THE SENATE STATE ADMINISTRATION COMMITTEE
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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CENTENNIAL
6 COMMISSION'S RULEMAKING AUTHORITY; PROVIDING FOR AN AUDIT OF
7 AN ENTITY RECEIVING A CENTENNIAL ENDORSEMENT OR GRANT;
8 PROVIDING FOR CIVIL PENALTY OR INJUNCTION AGAINST AN ENTITY
9 USING THE CENTENNIAL LOGO WITHOUT AUTHORIZATION OR
10 MISREPRESENTING CENTENNIAL PRODUCTS; PROVIDING FOR DEPOSIT
11 OF CENTENNIAL LICENSE PLATE FEES IN THE GENERAL FUND AFTER
12 NOVEMBER 30, 1989; AMENDING SECTIONS 2-89-105, 2-89-106,
13 2-89-302, AND 2-89-303, MCA; AND PROVIDING AN IMMEDIATE
14 EFFECTIVE DATE AND A TERMINATION DATE."
15

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

17 NEW SECTION. Section 1. Civil penalty -- injunction.

18 (1) An individual, partnership, corporation, or other entity
19 may be fined an amount not to exceed \$1,000 for violation of
20 any of the provisions of subsections (1)(a) through (1)(c).
21 Each day of violation constitutes a separate offense. Fines
22 may be assessed for:

23 (a) using the centennial logo without authorization of
24 the office;

25 (b) falsely representing any product, event, or service

1 endorsed by the office; or

2 (c) falsely representing that the revenues from a
3 product, event, or service benefit the office or any project
4 endorsed or funded in whole or in part by the office.

5 (2) Upon request of the office, the attorney general
6 shall institute and maintain in the name of the state an
7 action to collect the fine imposed in subsection (1) in the
8 district court in and for Lewis and Clark County or in the
9 county of residence of the defendant.

10 (3) Upon request of the office, the attorney general
11 shall maintain an action for injunction to prevent:

12 (a) the unauthorized use of the centennial logo; or

13 (b) misrepresentation of an endorsement made by the
14 office or of benefit to the office or any project endorsed
15 or funded by the office.

16 NEW SECTION. Section 2. Endorsement and grant audits.

17 An individual, partnership, corporation, or other entity
18 that receives an endorsement or grant from the office shall
19 allow the office, legislative fiscal analyst, legislative
20 auditor, or their designated representative to audit its
21 books at any reasonable time and at reasonable intervals to
22 ensure compliance with the grant, endorsement, or licensing
23 agreement.

24 Section 3. Section 2-89-105, MCA, is amended to read:

25 *2-89-105. (Temporary) Powers and duties of office. (1)

1 The office shall:

2 (a) plan and coordinate statehood centennial

3 activities;

4 (b) hold public hearings and meetings throughout the

5 state and coordinate with similar organizations in other

6 states;

7 (c) serve as a clearinghouse for centennial information

8 and scheduling; and

9 (d) publish its goals and objectives to encourage

10 public awareness of centennial activities.

11 (2) The office may:

12 (a) accept and expend grants, gifts, loans, and devises

13 and use them for any lawful purpose in the furtherance of

14 this part, subject to any restrictions by the grantor,

15 lender, or devisor;

16 (b) contract with, grant, or regrant funds to any

17 individual or organization, public or private, for

18 activities in the furtherance of this part; and

19 (c) register trademarks, logos, symbols, and similar

20 items for its own use and the use of other entities and for

21 such use may require other entities to meet such conditions

22 as the payment of a fee, or a royalty, or both. (Terminates

23 June 30, 1991--sec. 8, Ch. 664, L. 1985.)"

24 **Section 4.** Section 2-89-106, MCA, is amended to read:

25 "2-89-106. (Temporary) Rulemaking authority. (1) The

1 office is authorized to adopt rules pursuant to Title 2,

2 chapter 4:

3 ~~(1)~~(a) to establish criteria that will apply to

4 endorsing centennial projects;

5 ~~(2)~~(b) to establish criteria that will apply in

6 awarding grants to individuals and entities for activities

7 in furtherance of centennial activities; and

8 ~~(3)~~(c) to implement the provisions of this part.

9 (2) (a) The rules for endorsement of centennial

10 projects must include procedures and criteria for

11 endorsement of projects that involve production of products,

12 events, or services. The office may provide for exclusive

13 and nonexclusive endorsements.

14 (b) The purposes of the endorsement program, which must

15 be reflected in the rules, are to:

16 (i) provide funding for the office's activities;

17 (ii) promote citizen and community involvement in

18 centennial activities;

19 (iii) promote diversity in presentation of centennial

20 products, events, services, and topics; and

21 (iv) focus national and international attention on

22 Montana. (Terminates June 30, 1991--sec. 8, Ch. 664, L.

23 1985.)"

24 **Section 5.** Section 2-89-302, MCA, is amended to read:

25 "2-89-302. (Temporary) Commemorative centennial license

plates. (1) Notwithstanding the 4-year period provided for in 61-3-332(2), the department of justice may issue commemorative centennial license plates for a different period if requested by the Montana statehood centennial office, at prices to be agreed upon by the department and the office as provided in 2-89-303.

(2) Commemorative license plates may be:

(a) collectors' license plates, intended to be collectors' items only, distinctively marked or colored. Such plates may be designated as not valid for the purpose of licensing motor vehicles within the state; or

(b) special or limited duration license plates valid for licensing motor vehicles in the state and carrying the same general centennial design as regularly issued license plates provided for in 2-89-301, except that they may differ from such regular license plates by:

(i) color;

(ii) use of a distinctive series of registration numbers or special prefixes or suffixes for the registration numbers; and

(iii) by other details not distracting from legibility or recognition of the license plate.

(3) (a) The For all licenses sold before December 1, 1989, proceeds from the sale of commemorative license plates, after payment of the agreed price to the department,

must be used for centennial activities of the office as provided in part 1 of this chapter. The proceeds for sales occurring after November 30, 1989, must be deposited in the general fund.

(b) A county shall assess an additional fee of \$3 for each set of commemorative centennial license plates issued in the county to defray the costs incurred by the county treasurer. The county treasurer shall collect the fee and deposit the money in the county general fund.

(c) The issuance of commemorative license plates must be made at no direct cost to the state.

(4) Commemorative license plates that are valid for licensing a motor vehicle must carry the assigned county number, as established in 61-3-332(8), either within the registration numbers or by means of an affixed nonremovable sticker bearing the appropriate county designation and used in accordance with instructions by the department. (Terminates July 1, 1991--sec. 5, Ch. 674, L. 1985.)"

Section 6. Section 2-89-303, MCA, is amended to read:

"2-89-303. (Temporary) Administration. (1) The department of justice may by rule establish application procedures for the issuance of license plates authorized by this part. The rules may provide:

(a) for the issuance of regular license plates with a centennial design to persons wishing to purchase such plates

1 to replace present plates;

2 (b) for the application for and issuance of
3 commemorative centennial license plates valid for licensing
4 motor vehicles, as authorized by 2-89-302;

5 (c) whether commemorative centennial license plates, if
6 issued under 2-89-302, may be issued as personalized plates
7 under the provisions of Title 61, chapter 3, part 4; and

8 (d) other procedures necessary for the proper
9 administration of this part.

10 (2) (a) The Montana statehood centennial office may
11 request classes and variations of commemorative license
12 plates, and each type or variation may be issued for a
13 different price.

14 (b) For the issuance of commemorative license plates,
15 the office shall contract with and provide for payment to
16 the department for the production of such license plates.
17 The contract must establish prices to be paid by the
18 ultimate purchaser for the issuance of commemorative
19 centennial license plates. The department of justice may
20 not, however, sell any commemorative license plates for less
21 than \$19.89, not including the county administrative fee
22 authorized in 2-89-302(3). (Terminates July 1, 1991--sec. 5,
23 Ch. 674, L. 1985.)"

24 NEW SECTION. Section 7. Extension of authority. Any
25 existing authority to make rules on the subject of the

1 provisions of [this act] is extended to the provisions of
2 [this act].

3 NEW SECTION. Section 8. Codification instruction.
4 [Sections 1 and 2] are intended to be codified as an
5 integral part of Title 2, chapter 89, part 1, and the
6 provisions of Title 2, chapter 89, part 1, apply to
7 [sections 1 and 2].

8 NEW SECTION. Section 9. Effective date. [This act] is
9 effective on passage and approval.

10 NEW SECTION. Section 10. Termination. [Sections 1 and
11 2] terminate June 30, 1991.

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18 (1) An individual, partnership, corporation, or other entity
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7 [sections 1 and 2].

8 NEW SECTION. Section 9. Effective date. [This act] is
9 effective on passage and approval.

10 NEW SECTION. Section 10. Termination. [Sections 1 and
11 2] terminate June 30, 1991.

-End-

SENATE BILL NO. 439

INTRODUCED BY FARRELL

BY REQUEST OF THE SENATE STATE ADMINISTRATION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CENTENNIAL COMMISSION'S RULEMAKING AUTHORITY; PROVIDING FOR AN AUDIT OF AN ENTITY RECEIVING A CENTENNIAL ENDORSEMENT OR GRANT; PROVIDING FOR CIVIL PENALTY OR INJUNCTION AGAINST AN ENTITY USING THE CENTENNIAL LOGO WITHOUT AUTHORIZATION OR MISREPRESENTING CENTENNIAL PRODUCTS; PROVIDING FOR DEPOSIT OF CENTENNIAL LICENSE PLATE FEES IN THE GENERAL FUND AFTER NOVEMBER 30, 1989; AMENDING SECTIONS 2-89-105, 2-89-106, 2-89-302, AND 2-89-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. **Section 1.** Civil penalty -- injunction.

(1) An individual, partnership, corporation, or other entity may be fined an amount not to exceed \$1,000 for violation of any of the provisions of subsections (1)(a) through (1)(c). Each day of violation constitutes a separate offense. Fines may be assessed for:

(a) using the centennial logo without authorization of the office;

(b) falsely representing any product, event, or

service endorsed by the office; or

(c) falsely representing that the revenues from a product, event, or service benefit the office or any project endorsed or funded in whole or in part by the office.

(2) Upon request of the office, the attorney general shall institute and maintain in the name of the state an action to collect the fine imposed in subsection (1) in the district court in and for Lewis and Clark County or in the county of residence of the defendant.

(3) Upon request of the office, the attorney general shall maintain an action for injunction to prevent:

(a) the unauthorized use of the centennial logo; or

(b) misrepresentation of an endorsement made by the office or of benefit to the office or any project endorsed or funded by the office.

NEW SECTION. **Section 2.** Endorsement and grant audits.

An individual, partnership, corporation, or other entity that receives an endorsement or grant from the office shall allow the office, legislative fiscal analyst, legislative auditor, or their designated representative to audit its books at any reasonable time and at reasonable intervals to ensure compliance with the grant, endorsement, or licensing agreement.

Section 3. Section 2-89-105, MCA, is amended to read:

"2-89-105. (Temporary) Powers and duties of office.

1 (1) The office shall:

2 (a) plan and coordinate statehood centennial
3 activities;

4 (b) hold public hearings and meetings throughout the
5 state and coordinate with similar organizations in other
6 states;

7 (c) serve as a clearinghouse for centennial
8 information and scheduling; and

9 (d) publish its goals and objectives to encourage
10 public awareness of centennial activities.

11 (2) The office may:

12 (a) accept and expend grants, gifts, loans, and
13 devises and use them for any lawful purpose in the
14 furtherance of this part, subject to any restrictions by the
15 grantor, lender, or devisor;

16 (b) contract with, grant, or regrant funds to any
17 individual or organization, public or private, for
18 activities in the furtherance of this part; and

19 (c) register trademarks, logos, symbols, and similar
20 items for its own use and the use of other entities and for
21 such use may require other entities to meet such conditions
22 as the payment of a fee, or a royalty, or both. (Terminates
23 June 30, 1991--sec. 8, Ch. 664, L. 1985.)"

24 **Section 4.** Section 2-89-106, MCA, is amended to read:

25 "2-89-106. (Temporary) Rulemaking authority. (1) The

1 office is authorized to adopt rules pursuant to Title 2,
2 chapter 4:

3 ~~(1)(a)~~ to establish criteria that will apply to
4 endorsing centennial projects;

5 ~~(2)(b)~~ to establish criteria that will apply in
6 awarding grants to individuals and entities for activities
7 in furtherance of centennial activities; and

8 ~~(3)(c)~~ to implement the provisions of this part.

9 (2) (a) The rules for endorsement of centennial
10 projects must include procedures and criteria for
11 endorsement of projects that involve production of products,
12 events, or services. The office may provide for exclusive
13 and nonexclusive endorsements.

14 (b) The purposes of the endorsement program, which
15 must be reflected in the rules, are to:

16 (i) provide funding for the office's activities;

17 (ii) promote citizen and community involvement in
18 centennial activities;

19 (iii) promote diversity in presentation of centennial
20 products, events, services, and topics; and

21 (iv) focus national and international attention on
22 Montana. (Terminates June 30, 1991--sec. 8, Ch. 664, L.
23 1985.)"

24 **Section 5.** Section 2-89-302, MCA, is amended to read:

25 "2-89-302. (Temporary) Commemorative centennial

1 license plates. (1) Notwithstanding the 4-year period
2 provided for in 61-3-332(2), the department of justice may
3 issue commemorative centennial license plates for a
4 different period if requested by the Montana statehood
5 centennial office, at prices to be agreed upon by the
6 department and the office as provided in 2-89-303.

7 (2) Commemorative license plates may be:

8 (a) collectors' license plates, intended to be
9 collectors' items only, distinctively marked or colored.
10 Such plates may be designated as not valid for the purpose
11 of licensing motor vehicles within the state; or

12 (b) special or limited duration license plates valid
13 for licensing motor vehicles in the state and carrying the
14 same general centennial design as regularly issued license
15 plates provided for in 2-89-301, except that they may differ
16 from such regular license plates by:

17 (i) color;

18 (ii) use of a distinctive series of registration
19 numbers or special prefixes or suffixes for the
20 registration numbers; and

21 (iii) by other details not distracting from legibility
22 or recognition of the license plate.

23 (3) (a) The For all licenses sold before December 1,
24 1989, proceeds from the sale of commemorative license
25 plates, after payment of the agreed price to the department,

1 must be used for centennial activities of the office as
2 provided in part 1 of this chapter. The proceeds for sales
3 occurring after November 30, 1989, must be deposited in the
4 general fund.

5 (b) A county shall assess an additional fee of \$3 for
6 each set of commemorative centennial license plates issued
7 in the county to defray the costs incurred by the county
8 treasurer. The county treasurer shall collect the fee and
9 deposit the money in the county general fund.

10 (c) The issuance of commemorative license plates must
11 be made at no direct cost to the state.

12 (4) Commemorative license plates that are valid for
13 licensing a motor vehicle must carry the assigned county
14 number, as established in 61-3-332(8), either within the
15 registration numbers or by means of an affixed nonremovable
16 sticker bearing the appropriate county designation and used
17 in accordance with instructions by the department.
18 (Terminates July 1, 1991--sec. 5, Ch. 674, L. 1985.)"

19 **Section 6.** Section 2-89-303, MCA, is amended to read:

20 "2-89-303. (Temporary) Administration. (1) The
21 department of justice may by rule establish application
22 procedures for the issuance of license plates authorized by
23 this part. The rules may provide:

24 (a) for the issuance of regular license plates with a
25 centennial design to persons wishing to purchase such plates

1 to replace present plates;

2 (b) for the application for and issuance of
3 commemorative centennial license plates valid for licensing
4 motor vehicles, as authorized by 2-89-302;

5 (c) whether commemorative centennial license plates,
6 if issued under 2-89-302, may be issued as personalized
7 plates under the provisions of Title 61, chapter 3, part 4;
8 and

9 (d) other procedures necessary for the proper
10 administration of this part.

11 (2) (a) The Montana statehood centennial office may
12 request classes and variations of commemorative license
13 plates, and each type or variation may be issued for a
14 different price.

15 (b) For the issuance of commemorative license plates,
16 the office shall contract with and provide for payment to
17 the department for the production of such license plates.
18 The contract must establish prices to be paid by the
19 ultimate purchaser for the issuance of commemorative
20 centennial license plates. The department of justice may
21 not, however, sell any commemorative license plates for less
22 than \$19.89, not including the county administrative fee
23 authorized in 2-89-302(3). (Terminates July 1, 1991--sec. 5,
24 Ch. 674, L. 1985.)"

25 NEW SECTION. Section 7. Extension of authority. An,

1 existing authority to make rules on the subject of the
2 provisions of [this act] is extended to the provisions of
3 [this act].

4 NEW SECTION. Section 8. Codification instruction.
5 [Sections 1 and 2] are intended to be codified as an
6 integral part of Title 2, chapter 89, part 1, and the
7 provisions of Title 2, chapter 89, part 1, apply to
8 [sections 1 and 2].

9 NEW SECTION. Section 9. Effective date. [This act] is
10 effective on passage and approval.

11 NEW SECTION. Section 10. Termination. [Sections 1 and
12 2] terminate June 30, 1991.

-End-