

HOUSE BILL NO. 120

INTRODUCED BY MASON, STANFORD, HAYNE, KELLER, TASH, WINSLOW

IN THE HOUSE

JANUARY 8, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & ECONOMIC DEVELOPMENT.

FIRST READING.

JANUARY 14, 1993

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 15, 1993

PRINTING REPORT.

JANUARY 16, 1993

SECOND READING, DO PASS.

JANUARY 18, 1993

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 96; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 20, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

FIRST READING.

FEBRUARY 2, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

FEBRUARY 3, 1993

SECOND READING, CONCURRED IN.

FEBRUARY 4, 1993

THIRD READING, CONCURRED IN.
AYES, 47; NOES, 0.

FEBRUARY 5, 1993

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 5, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 120
 2 INTRODUCED BY Wayne Stanford
 3 Wayne Keller Bill Ted Henderson
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 5 PERMISSIBLE PURPOSES OF RURAL ELECTRIC AND TELEPHONE
 6 COOPERATIVES; AND AMENDING SECTIONS 35-18-105 AND 35-18-106,
 7 MCA."
 8

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

10 **Section 1.** Section 35-18-105, MCA, is amended to read:

11 "35-18-105. Permissible purposes for incorporation.
 12 Cooperative nonprofit membership corporations may be
 13 organized under this chapter ~~for the following purposes:~~

14 (1) for the purpose of supplying electric energy and
 15 promoting and extending the use thereof of electric energy
 16 in rural areas, as provided in this chapter;

17 (2) for the purposes of making generally available
 18 adequate telephone service, cable television service, or
 19 broadband facilities through the improvement and expansion
 20 of existing telephone, cable television, or broadband
 21 facilities and the construction and operation of such
 22 additional facilities as are required to assure the
 23 availability of such service to the widest practicable
 24 number of users thereof of telephone service, cable
 25 television service, or broadband facilities; and

1 (3) for purposes allowable under federal authorization,
 2 including rural economic development activities."

3 **Section 2.** Section 35-18-106, MCA, is amended to read:

4 "35-18-106. Powers of cooperatives. A cooperative ~~shall~~
 5 have has power to:

6 (1) sue and be sued in its corporate name;
 7 (2) have perpetual existence;
 8 (3) adopt a corporate seal and alter the same at
 9 pleasure;

10 (4) become a member in one or more other cooperatives
 11 or corporations or to own stock therein in other
 12 cooperatives or corporations;

13 (5) construct, purchase, take, receive, lease as
 14 lessee, or otherwise acquire and to own, hold, use, equip,
 15 maintain, and operate and sell, assign, transfer, convey,
 16 exchange, lease as lessor, mortgage, pledge, or otherwise
 17 dispose of or encumber electric transmission and
 18 distribution lines or systems, electric generating plants,
 19 electric refrigeration plants, telephone lines, facilities
 20 or systems (but not telegraph or radio broadcasting services
 21 or facilities) as defined by law, lands, buildings,
 22 structures, dams, plants and equipment, and ~~any--and~~ all
 23 kinds or classes of real or personal property ~~whatsoever,~~
 24 which ~~shall--be--deemed~~ may be considered necessary,
 25 convenient, or appropriate to accomplish the purpose for

1 which the cooperative is organized;

2 (6) purchase or otherwise acquire and own, hold, use,
3 and exercise and sell, assign, transfer, convey, mortgage,
4 pledge, hypothecate, or otherwise dispose of or encumber
5 franchises, rights, privileges, licenses, rights-of-way, and
6 easements;

7 (7) borrow money and otherwise contract indebtedness
8 and issue notes, bonds, and other evidences of indebtedness
9 ~~therefor~~ and secure the payment ~~thereof~~ of indebtedness by
10 mortgage, pledge, deed of trust, or any other encumbrance
11 upon ~~any-or~~ all of its then owned or after-acquired real or
12 personal property, assets, franchises, revenues, or income;

13 (8) construct, maintain, and operate electric
14 transmission and distribution lines or telephone, cable
15 television, or broadband lines, facilities, or systems
16 along, upon, under, and across all public thoroughfares,
17 including without limitation all roads, highways, streets,
18 alleys, bridges, and causeways and upon, under, and across
19 all publicly owned lands, subject, however, to the same
20 requirements in respect of the use of such the thoroughfares
21 and lands as are imposed by the respective authorities
22 having jurisdiction ~~thereof~~ of them upon corporations
23 constructing or operating electric transmission and
24 distribution lines or systems or telephone lines,
25 facilities, or systems;

1 (9) exercise the power of eminent domain in the manner
2 provided by the laws of this state for the exercise of that
3 power by corporations constructing or operating electric
4 transmission and distribution lines or systems or telephone
5 lines, facilities, or systems;

6 (10) conduct its business and exercise ~~any-or~~ all of its
7 powers within or without this state;

8 (11) adopt, amend, and repeal bylaws;

9 (12) in the case of corporations organized under the
10 provisions of 35-18-105(1):

11 (a) generate, manufacture, purchase, acquire,
12 accumulate, and transmit electric energy and distribute,
13 sell, supply, and dispose of electric energy in rural areas
14 to its members, to governmental agencies and political
15 subdivisions, and to other persons not in excess of 10% of
16 the number of its members;

17 (b) make loans to persons to whom electric energy is or
18 will be supplied by the cooperative for the purpose of and
19 otherwise to assist such those persons in wiring their
20 premises and installing therein in their premises electrical
21 and plumbing fixtures, appliances, apparatus, and equipment
22 of ~~any--and~~ all kinds and character and, in connection
23 therewith with electrical and plumbing fixtures, purchase,
24 acquire, lease, sell, distribute, install, and repair such
25 the electrical and plumbing fixtures, appliances, apparatus,

1 and equipment and accept or otherwise acquire and sell,
 2 assign, transfer, endorse, pledge, hypothecate, and
 3 otherwise dispose of notes, bonds, and other evidences of
 4 indebtedness and ~~any-and~~ all types of security therefor for
 5 electrical and plumbing fixtures;

6 (c) make loans to persons to whom electric energy is or
 7 will be supplied by the cooperatives for the purpose of and
 8 otherwise to assist such those persons in constructing,
 9 maintaining, and operating electric refrigeration plants;

10 (13) in the case of corporations organized under the
 11 provisions of 35-18-105(2):

12 (a) improve and expand existing telephone lines,
 13 facilities, and systems and construct, acquire, operate, and
 14 furnish such additional telephone lines, facilities, and
 15 systems as are required to assure the availability of
 16 adequate telephone service to the widest practicable number
 17 of users thereof of telephone service;

18 (b) make loans to persons to whom telephone service is
 19 or will be supplied by the cooperative for the purpose of
 20 and otherwise to assist such those persons in wiring their
 21 premises for telephone service and installing therein in
 22 their premises telephone fixtures, appliances, apparatus,
 23 and equipment of ~~any-and~~ all kinds and character and, in
 24 connection therewith with telephone fixtures, purchase,
 25 acquire, lease, sell, distribute, install, and repair such

1 the telephone fixtures, appliances, apparatus, and equipment
 2 and accept or otherwise acquire and sell, assign, transfer,
 3 endorse, pledge, hypothecate, and otherwise dispose of
 4 notes, bonds, and other evidences of indebtedness and ~~any~~
 5 and all types of security therefor for telephone fixtures;

6 (14) do and perform ~~any-and~~ all other acts and things
 7 and have and exercise ~~any-and~~ all other powers which that
 8 may be necessary, convenient, or appropriate to accomplish
 9 the purpose for which the cooperative is organized or
 10 authorized under federal law."

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

1 *House* BILL NO. *120*
2 INTRODUCED BY *Wayne Stanford*
3 *Wayne Keller Bill Tol Henderson*
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
5 PERMISSIBLE PURPOSES OF RURAL ELECTRIC AND TELEPHONE
6 COOPERATIVES; AND AMENDING SECTIONS 35-18-105 AND 35-18-106,
7 MCA."

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

10 **Section 1.** Section 35-18-105, MCA, is amended to read:

11 "35-18-105. Permissible purposes for incorporation.
12 Cooperative nonprofit membership corporations may be
13 organized under this chapter for the following purposes:

14 (1) for the purpose of supplying electric energy and
15 promoting and extending the use thereof of electric energy
16 in rural areas, as provided in this chapter;

17 (2) for the purposes of making generally available
18 adequate telephone service, cable television service, or
19 broadband facilities through the improvement and expansion
20 of existing telephone, cable television, or broadband
21 facilities and the construction and operation of such
22 additional facilities as are required to assure the
23 availability of such service to the widest practicable
24 number of users thereof of telephone service, cable
25 television service, or broadband facilities; and

1 (3) for purposes allowable under federal authorization,
2 including rural economic development activities."

3 **Section 2.** Section 35-18-106, MCA, is amended to read:

4 "35-18-106. Powers of cooperatives. A cooperative shall
5 have has power to:

6 (1) sue and be sued in its corporate name;

7 (2) have perpetual existence;

8 (3) adopt a corporate seal and alter the same at
9 pleasure;

10 (4) become a member in one or more other cooperatives
11 or corporations or to own stock therein in other
12 cooperatives or corporations;

13 (5) construct, purchase, take, receive, lease as
14 lessee, or otherwise acquire and to own, hold, use, equip,
15 maintain, and operate and sell, assign, transfer, convey,
16 exchange, lease as lessor, mortgage, pledge, or otherwise
17 dispose of or encumber electric transmission and
18 distribution lines or systems, electric generating plants,
19 electric refrigeration plants, telephone lines, facilities
20 or systems (but not telegraph or radio broadcasting services
21 or facilities) as defined by law, lands, buildings,
22 structures, dams, plants and equipment, and any--and all
23 kinds or classes of real or personal property whatsoever,
24 which shall--be--deemed may be considered necessary,
25 convenient, or appropriate to accomplish the purpose for

1 which the cooperative is organized;

2 (6) purchase or otherwise acquire and own, hold, use,
3 and exercise and sell, assign, transfer, convey, mortgage,
4 pledge, hypothecate, or otherwise dispose of or encumber
5 franchises, rights, privileges, licenses, rights-of-way, and
6 easements;

7 (7) borrow money and otherwise contract indebtedness
8 and issue notes, bonds, and other evidences of indebtedness
9 therefor and secure the payment thereof of indebtedness by
10 mortgage, pledge, deed of trust, or any other encumbrance
11 upon ~~any-or~~ all of its then owned or after-acquired real or
12 personal property, assets, franchises, revenues, or income;

13 (8) construct, maintain, and operate electric
14 transmission and distribution lines or telephone, cable
15 television, or broadband lines, facilities, or systems
16 along, upon, under, and across all public thoroughfares,
17 including without limitation all roads, highways, streets,
18 alleys, bridges, and causeways and upon, under, and across
19 all publicly owned lands, subject, however, to the same
20 requirements in respect of the use of such the thoroughfares
21 and lands as are imposed by the respective authorities
22 having jurisdiction thereof of them upon corporations
23 constructing or operating electric transmission and
24 distribution lines or systems or telephone lines,
25 facilities, or systems;

1 (9) exercise the power of eminent domain in the manner
2 provided by the laws of this state for the exercise of that
3 power by corporations constructing or operating electric
4 transmission and distribution lines or systems or telephone
5 lines, facilities, or systems;

6 (10) conduct its business and exercise ~~any-or~~ all of its
7 powers within or without this state;

8 (11) adopt, amend, and repeal bylaws;

9 (12) in the case of corporations organized under the
10 provisions of 35-18-105(1):

11 (a) generate, manufacture, purchase, acquire,
12 accumulate, and transmit electric energy and distribute,
13 sell, supply, and dispose of electric energy in rural areas
14 to its members, to governmental agencies and political
15 subdivisions, and to other persons not in excess of 10% of
16 the number of its members;

17 (b) make loans to persons to whom electric energy is or
18 will be supplied by the cooperative for the purpose of and
19 otherwise to assist such those persons in wiring their
20 premises and installing therein in their premises electrical
21 and plumbing fixtures, appliances, apparatus, and equipment
22 of ~~any--and~~ all kinds and character and, in connection
23 therewith with electrical and plumbing fixtures, purchase,
24 acquire, lease, sell, distribute, install, and repair such
25 the electrical and plumbing fixtures, appliances, apparatus,

1 and equipment and accept or otherwise acquire and sell,
 2 assign, transfer, endorse, pledge, hypothecate, and
 3 otherwise dispose of notes, bonds, and other evidences of
 4 indebtedness and ~~any-and~~ all types of security therefor for
 5 electrical and plumbing fixtures;

6 (c) make loans to persons to whom electric energy is or
 7 will be supplied by the cooperatives for the purpose of and
 8 otherwise to assist ~~such~~ those persons in constructing,
 9 maintaining, and operating electric refrigeration plants;

10 (13) in the case of corporations organized under the
 11 provisions of 35-18-105(2):

12 (a) improve and expand existing telephone lines,
 13 facilities, and systems and construct, acquire, operate, and
 14 furnish ~~such~~ additional telephone lines, facilities, and
 15 systems as are required to assure the availability of
 16 adequate telephone service to the widest practicable number
 17 of users ~~thereof~~ of telephone service;

18 (b) make loans to persons to whom telephone service is
 19 or will be supplied by the cooperative for the purpose of
 20 and otherwise to assist ~~such~~ those persons in wiring their
 21 premises for telephone service and installing therein in
 22 their premises telephone fixtures, appliances, apparatus,
 23 and equipment of ~~any-and~~ all kinds and character and, in
 24 connection ~~therewith~~ with telephone fixtures, purchase,
 25 acquire, lease, sell, distribute, install, and repair ~~such~~

1 the telephone fixtures, appliances, apparatus, and equipment
 2 and accept or otherwise acquire and sell, assign, transfer,
 3 endorse, pledge, hypothecate, and otherwise dispose of
 4 notes, bonds, and other evidences of indebtedness and ~~any~~
 5 ~~and~~ all types of security therefor for telephone fixtures;

6 (14) do and perform ~~any-and~~ all other acts and things
 7 and have and exercise ~~any-and~~ all other powers ~~which~~ that
 8 may be necessary, convenient, or appropriate to accomplish
 9 the purpose for which the cooperative is organized or
 10 authorized under federal law."

-End-

1 *House* BILL NO. *120*
 2 INTRODUCED BY *Wayne Miller* *Wayne Stanford*
 3 *Wayne Miller* *Bill Ted Kinslow*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 5 PERMISSIBLE PURPOSES OF RURAL ELECTRIC AND TELEPHONE
 6 COOPERATIVES; AND AMENDING SECTIONS 35-18-105 AND 35-18-106,
 7 MCA."
 8

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

10 **Section 1.** Section 35-18-105, MCA, is amended to read:

11 "35-18-105. Permissible purposes for incorporation.
 12 Cooperative nonprofit membership corporations may be
 13 organized under this chapter ~~for the following purposes:~~

14 (1) for the purpose of supplying electric energy and
 15 promoting and extending the use thereof of electric energy
 16 in rural areas, as provided in this chapter;

17 (2) for the purposes of making generally available
 18 adequate telephone service, cable television service, or
 19 broadband facilities through the improvement and expansion
 20 of existing telephone, cable television, or broadband
 21 facilities and the construction and operation of such
 22 additional facilities as are required to assure the
 23 availability of such service to the widest practicable
 24 number of users thereof of telephone service, cable
 25 television service, or broadband facilities; and

1 (3) for purposes allowable under federal authorization,
 2 including rural economic development activities."

3 **Section 2.** Section 35-18-106, MCA, is amended to read:

4 "35-18-106. Powers of cooperatives. A cooperative shall
 5 have has power to:

6 (1) sue and be sued in its corporate name;

7 (2) have perpetual existence;

8 (3) adopt a corporate seal and alter the same at
 9 pleasure;

10 (4) become a member in one or more other cooperatives
 11 or corporations or to own stock therein in other
 12 cooperatives or corporations;

13 (5) construct, purchase, take, receive, lease as
 14 lessee, or otherwise acquire and to own, hold, use, equip,
 15 maintain, and operate and sell, assign, transfer, convey,
 16 exchange, lease as lessor, mortgage, pledge, or otherwise
 17 dispose of or encumber electric transmission and
 18 distribution lines or systems, electric generating plants,
 19 electric refrigeration plants, telephone lines, facilities
 20 or systems (but not telegraph or radio broadcasting services
 21 or facilities) as defined by law, lands, buildings,
 22 structures, dams, plants and equipment, and any--and all
 23 kinds or classes of real or personal property whatsoever,
 24 which shall--be--deemed may be considered necessary,
 25 convenient, or appropriate to accomplish the purpose for

1 which the cooperative is organized;

2 (6) purchase or otherwise acquire and own, hold, use,
3 and exercise and sell, assign, transfer, convey, mortgage,
4 pledge, hypothecate, or otherwise dispose of or encumber
5 franchises, rights, privileges, licenses, rights-of-way, and
6 easements;

7 (7) borrow money and otherwise contract indebtedness
8 and issue notes, bonds, and other evidences of indebtedness
9 therefor and secure the payment thereof of indebtedness by
10 mortgage, pledge, deed of trust, or any other encumbrance
11 upon any-or all of its then owned or after-acquired real or
12 personal property, assets, franchises, revenues, or income;

13 (8) construct, maintain, and operate electric
14 transmission and distribution lines or telephone, cable
15 television, or broadband lines, facilities, or systems
16 along, upon, under, and across all public thoroughfares,
17 including without limitation all roads, highways, streets,
18 alleys, bridges, and causeways and upon, under, and across
19 all publicly owned lands, subject, however, to the same
20 requirements in respect of the use of such the thoroughfares
21 and lands as are imposed by the respective authorities
22 having jurisdiction thereof of them upon corporations
23 constructing or operating electric transmission and
24 distribution lines or systems or telephone lines,
25 facilities, or systems;

1 (9) exercise the power of eminent domain in the manner
2 provided by the laws of this state for the exercise of that
3 power by corporations constructing or operating electric
4 transmission and distribution lines or systems or telephone
5 lines, facilities, or systems;

6 (10) conduct its business and exercise any-or all of its
7 powers within or without this state;

8 (11) adopt, amend, and repeal bylaws;

9 (12) in the case of corporations organized under the
10 provisions of 35-18-105(1):

11 (a) generate, manufacture, purchase, acquire,
12 accumulate, and transmit electric energy and distribute,
13 sell, supply, and dispose of electric energy in rural areas
14 to its members, to governmental agencies and political
15 subdivisions, and to other persons not in excess of 10% of
16 the number of its members;

17 (b) make loans to persons to whom electric energy is or
18 will be supplied by the cooperative for the purpose of and
19 otherwise to assist such those persons in wiring their
20 premises and installing therein in their premises electrical
21 and plumbing fixtures, appliances, apparatus, and equipment
22 of any--and all kinds and character and, in connection
23 therewith with electrical and plumbing fixtures, purchase,
24 acquire, lease, sell, distribute, install, and repair such
25 the electrical and plumbing fixtures, appliances, apparatus,

1 and equipment and accept or otherwise acquire and sell,
 2 assign, transfer, endorse, pledge, hypothecate, and
 3 otherwise dispose of notes, bonds, and other evidences of
 4 indebtedness and ~~any-and~~ all types of security therefor for
 5 electrical and plumbing fixtures;

6 (c) make loans to persons to whom electric energy is or
 7 will be supplied by the cooperatives for the purpose of and
 8 otherwise to assist such those persons in constructing,
 9 maintaining, and operating electric refrigeration plants;

10 (13) in the case of corporations organized under the
 11 provisions of 35-18-105(2):

12 (a) improve and expand existing telephone lines,
 13 facilities, and systems and construct, acquire, operate, and
 14 furnish such additional telephone lines, facilities, and
 15 systems as are required to assure the availability of
 16 adequate telephone service to the widest practicable number
 17 of users thereof of telephone service;

18 (b) make loans to persons to whom telephone service is
 19 or will be supplied by the cooperative for the purpose of
 20 and otherwise to assist such those persons in wiring their
 21 premises for telephone service and installing therein in
 22 their premises telephone fixtures, appliances, apparatus,
 23 and equipment of ~~any-and~~ all kinds and character and, in
 24 connection therewith with telephone fixtures, purchase,
 25 acquire, lease, sell, distribute, install, and repair such

1 the telephone fixtures, appliances, apparatus, and equipment
 2 and accept or otherwise acquire and sell, assign, transfer,
 3 endorse, pledge, hypothecate, and otherwise dispose of
 4 notes, bonds, and other evidences of indebtedness and ~~any~~
 5 and all types of security therefor for telephone fixtures;

6 (14) do and perform ~~any-and~~ all other acts and things
 7 and have and exercise ~~any-and~~ all other powers which that
 8 may be necessary, convenient, or appropriate to accomplish
 9 the purpose for which the cooperative is organized or
 10 authorized under federal law."

-End-

HOUSE BILL NO. 120

INTRODUCED BY MASON, STANFORD, HAYNE, KELLER, TASH, WINSLOW

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PERMISSIBLE PURPOSES OF RURAL ELECTRIC AND TELEPHONE COOPERATIVES; AND AMENDING SECTIONS 35-18-105 AND 35-18-106, MCA."

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

Section 1. Section 35-18-105, MCA, is amended to read:**"35-18-105. Permissible purposes for incorporation.**

Cooperative nonprofit membership corporations may be organized under this chapter ~~for the following purposes:~~

(1) for the purpose of supplying electric energy and promoting and extending the use thereof of electric energy in rural areas, as provided in this chapter;

(2) for the purposes of making generally available adequate telephone service, cable television service, or broadband facilities through the improvement and expansion of existing telephone, cable television, or broadband facilities and the construction and operation of such additional facilities as are required to assure the availability of such service to the widest practicable number of users thereof of telephone service, cable television service, or broadband facilities; and

(3) for purposes allowable under federal authorization, including rural economic development activities."

Section 2. Section 35-18-106, MCA, is amended to read:

"35-18-106. Powers of cooperatives. A cooperative ~~shall~~ have has power to:

(1) sue and be sued in its corporate name;

(2) have perpetual existence;

(3) adopt a corporate seal and alter the same at pleasure;

(4) become a member in one or more other cooperatives or corporations or to own stock therein in other cooperatives or corporations;

(5) construct, purchase, take, receive, lease as lessee, or otherwise acquire and to own, hold, use, equip, maintain, and operate and sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber electric transmission and distribution lines or systems, electric generating plants, electric refrigeration plants, telephone lines, facilities or systems (but not telegraph or radio broadcasting services or facilities) as defined by law, lands, buildings, structures, dams, plants and equipment, and any--and all kinds or classes of real or personal property whatsoever, which ~~shall--be--deemed~~ may be considered necessary, convenient, or appropriate to accomplish the purpose for

1 which the cooperative is organized;

2 (6) purchase or otherwise acquire and own, hold, use,
3 and exercise and sell, assign, transfer, convey, mortgage,
4 pledge, hypothecate, or otherwise dispose of or encumber
5 franchises, rights, privileges, licenses, rights-of-way, and
6 easements;

7 (7) borrow money and otherwise contract indebtedness
8 and issue notes, bonds, and other evidences of indebtedness
9 therefor and secure the payment thereof of indebtedness by
10 mortgage, pledge, deed of trust, or any other encumbrance
11 upon any-or all of its then owned or after-acquired real or
12 personal property, assets, franchises, revenues, or income;

13 (8) construct, maintain, and operate electric
14 transmission and distribution lines or telephone, cable
15 television, or broadband lines, facilities, or systems
16 along, upon, under, and across all public thoroughfares,
17 including without limitation all roads, highways, streets,
18 alleys, bridges, and causeways and upon, under, and across
19 all publicly owned lands, subject, however, to the same
20 requirements in respect of the use of such the thoroughfares
21 and lands as are imposed by the respective authorities
22 having jurisdiction thereof of them upon corporations
23 constructing or operating electric transmission and
24 distribution lines or systems or telephone lines,
25 facilities, or systems;

1 (9) exercise the power of eminent domain in the manner
2 provided by the laws of this state for the exercise of that
3 power by corporations constructing or operating electric
4 transmission and distribution lines or systems or telephone
5 lines, facilities, or systems;

6 (10) conduct its business and exercise any-or all of its
7 powers within or without this state;

8 (11) adopt, amend, and repeal bylaws;

9 (12) in the case of corporations organized under the
10 provisions of 35-18-105(1):

11 (a) generate, manufacture, purchase, acquire,
12 accumulate, and transmit electric energy and distribute,
13 sell, supply, and dispose of electric energy in rural areas
14 to its members, to governmental agencies and political
15 subdivisions, and to other persons not in excess of 10% of
16 the number of its members;

17 (b) make loans to persons to whom electric energy is or
18 will be supplied by the cooperative for the purpose of and
19 otherwise to assist such those persons in wiring their
20 premises and installing therein in their premises electrical
21 and plumbing fixtures, appliances, apparatus, and equipment
22 of any--and all kinds and character and, in connection
23 therewith with electrical and plumbing fixtures, purchase,
24 acquire, lease, sell, distribute, install, and repair such
25 the electrical and plumbing fixtures, appliances, apparatus,

1 and equipment and accept or otherwise acquire and sell,
 2 assign, transfer, endorse, pledge, hypothecate, and
 3 otherwise dispose of notes, bonds, and other evidences of
 4 indebtedness and ~~any-and~~ all types of security therefor for
 5 electrical and plumbing fixtures;

6 (c) make loans to persons to whom electric energy is or
 7 will be supplied by the cooperatives for the purpose of and
 8 otherwise to assist such those persons in constructing,
 9 maintaining, and operating electric refrigeration plants;

10 (13) in the case of corporations organized under the
 11 provisions of 35-18-105(2):

12 (a) improve and expand existing telephone lines,
 13 facilities, and systems and construct, acquire, operate, and
 14 furnish such additional telephone lines, facilities, and
 15 systems as are required to assure the availability of
 16 adequate telephone service to the widest practicable number
 17 of users thereof of telephone service;

18 (b) make loans to persons to whom telephone service is
 19 or will be supplied by the cooperative for the purpose of
 20 and otherwise to assist such those persons in wiring their
 21 premises for telephone service and installing therein in
 22 their premises telephone fixtures, appliances, apparatus,
 23 and equipment of ~~any-and~~ all kinds and character and, in
 24 connection therewith with telephone fixtures, purchase,
 25 acquire, lease, sell, distribute, install, and repair such

1 the telephone fixtures, appliances, apparatus, and equipment
 2 and accept or otherwise acquire and sell, assign, transfer,
 3 endorse, pledge, hypothecate, and otherwise dispose of
 4 notes, bonds, and other evidences of indebtedness and ~~any~~
 5 and all types of security therefor for telephone fixtures;

6 (14) do and perform ~~any-and~~ all other acts and things
 7 and have and exercise ~~any-and~~ all other powers which that
 8 may be necessary, convenient, or appropriate to accomplish
 9 the purpose for which the cooperative is organized or
 10 authorized under federal law."

-End-