CHAPTER NO. 333

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## HOUSE BILL NO. 113

### INTRODUCED BY BARDANOUVE

## BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

| January 11, 1979 | Introduced and referred to<br>Committee on State Adminis-<br>tration. |
|------------------|---|
| January 17, 1979 | Committee recommend bill<br>do pass. Report adopted.                  |
| January 18, 1979 | Printed and placed on members' desks.                                 |
| January 19, 1979 | Second reading, do pass.  |
| January 20, 1979 | Considered correctly engrossed  |
| January 22, 1979 | Third reading, passed.<br>Transmitted to second house.                |
| IN THE SEN       | ATE   |
| January 23, 1979 | Introduced and referred to<br>Committee on State Adminis-<br>tration. |
| March 2, 1979    | Committee recommend bill be concurred in. Report adopted.             |
| March 5, 1979    | Motion pass consideration<br>until March 7, 1979.                     |
| March 7, 1979    | Second reading, concurred in as amended.                              |
| March 9, 1979    | Third reading, concurred in as amended.                               |

# IN THE HOUSE

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| March | 10, | 1979 | Returned from second house.<br>Concurred in as amended. |
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| March | 14, | 1979 | Second reading, amendments adopted.                     |
| March | 15, | 1979 | Third reading, amendments adopted. Sent to enrolling.   |

Reported correctly enrolled.

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LC 0760/01

HOUSE BILL NO. 113 1 INTRODUCED BY Ζ 3 **BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION** 4 A BILL FOR AN ACT ENTITLED: 5 "AN ACT TO CLARIFY 6 RESPONSIBILITIES AND PROCEDURES FOR CLUSING OUT DEFUNCT. STATE AGENCIES." 7 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MUNTANA: 10 Section 1. Definitions. As used in [this act], the 11 following definitions apply: 12 (1) "Department" means the department nf 13 administration created in 2-15-1001. 14 (2) "State agency" means any state office, board. bureau, commission, department, or agency but does not 15 16 include any agency operated by a city, town, county, school 17 district, or other political subdivision. 18 Section 2. Authority -- rules. The department shall 19 administer [this act] and may adopt all rules necessary to 20 properly implement and carry out its functions. All rules 21 shall be adopted in accordance with the rulemaking 22 procedures of the Montana Administrative Procedure Act. 23 Section 3. Closing out defunct state agencies --

24 procedures. Unless otherwise provided by law, the following 25 procedures apply whenever a state agency is terminated by

operation of law, is abolished by executive or legislative 1 Z action, ceases to function, or otherwise becomes defunct: (1) The department becomes the receiver of all real 3 and personal property of the agency, including all books, ٠ records, and accounts, and shall determine all remaining 5 assets and liabilities of the defunct agency. The department 6 shall inventory all personal property of the agency and may 7 8 reassign the property to other state agencies or otherwise 9 dispose of it as provided in Title 18, chapter 6, part 1. 10 (2) The department must pay any creditors of the 11 defunct state agency from the funds remaining in the 12 agency's current budget. However, if insufficient funds 13 remain to settle all outstanding accounts, then the 14 department shall prorate all claims in the ratio of their 15 amount to the total cash available. The department shall 16 seek a supplemental appropriation from the next regular 17 session of the legislature to pay the remaining balance of

18 the creditors' claims. Any funds remaining after payment to

19 all creditors of the defunct agency must be deposited by the

20 department into the general fund.

-End-

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INTRODUCED BILL HB113 LC 0760/01

Approved by Committee on State AdminAstration

TLAE BILL NG. 1/3 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 3 4 A BILL FOR AN ACT ENTITLED: ACT TO CLARIFY 5 \* AN RESPONSIBILITIES AND PROCEDURES FOR CLOSING OUT DEFUNCT 6 7 STATE AGENCIES." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 Section 1. Definitions. As used in [this act], the following definitions apply: 11 (1) "Department" 12 means. the department of administration created in 2-15-1001. 13 14 (2) "State agency" means any state office, board, 15 bureau, commission, department, or agency but does not include any agency operated by a city, town, county, school 16 district, or other political subdivision. 17 Section 2. Authority -- rules. The department shall 18 administer [this act] and may adopt all rules necessary to 19 20 properly implement and carry out its functions. All rules shall be adopted in accordance with the rulemaking 21 procedures of the Montana Administrative Procedure Act. 22

Section 3. Closing out defunct state agencies - procedures. Unless otherwise provided by law, the following
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3 (1) The department becomes the receiver of all real and personal property of the agency. including all books. 5 records, and accounts, and shall determine all remaining 6 assets and liabilities of the defunct agency. The department 7 shall inventory all personal property of the agency and may 8 reassign the property to other state agencies or otherwise 9 dispose of it as provided in Title 18, chapter 6, part 1.

(2) The department must pay any creditors of the 10 rı defunct state agency from the funds remaining in the 12 agency's current budget. However, if insufficient funds 13 remain to settle all outstanding accounts, then the 14 department shall prorate all claims in the ratio of their 15 amount to the total cash available. The department shall 16 seek a supplemental appropriation from the next regular session of the legislature to pay the remaining balance of 17 the creditors' claims. Any funds remaining after payment to 18 all creditors of the defunct agency must be deposited by the 19 20 department into the general fund.

-End-

HB113

#### LC 0760/01

LOLISE BILL NO. 113 1 INTRODUCED BY Jan z BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 3 4 A BILL FOR AN ACT ENTITLED: \* AN ACT TD CLARIFY 5 RESPONSIBILITIES AND PROCEDURES FOR CLOSING OUT DEFUNCT 6 7 STATE AGENCIES." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: q Section 1. Definitions. As used in [this act], the 10 following definitions apply: 11 department of (1) "Department" peans. the 12 administration created in 2-15-1001. 13 (2) "State agency" means any state office, board, 14

15 bureau, commission, department, or agency but does not 16 include any agency operated by a city, town, county, school 17 district, or other political subdivision.

Section 2. Authority. -- rules. The department shall administer [this act] and may adopt all rules necessary to properly implement and carry out its functions. All rules shall be adopted in accordance with the rulemaking procedures of the Kontana Administrative Procedure Act.

23 Section 3. Closing out defunct state agencies -- 24 procedures. Unless otherwise provided by law, the following
 25 procedures apply whenever a state agency is terminated by

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-End-

-2- THIRD READING

HB 0113/02

HOUSE BILL NO. 113 1 INTRODUCED BY BARDANOUVE 2 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY 5 RESPONSIBILITIES AND PROCEDURES FOR CLOSING OUT DEFUNCT 6 7 STATE AGENCIES." R Q BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Definitions. As used in [this act]. the 11 following definitions apply: department 12 (1) "Department" means the of 13 administration created in 2-15-1001. (2) "State agency" means any state office, board, 14 bureau, commission, department, or agency but does not 15 include any agency operated by a city, town, county, school 16 17 district, or other political subdivision. Section-2u--Authority----rulesu--The-department-shall 18 19 odminister-fthis-actl-and-may-adopt-all-rules--necessary--to 20 property--implement--and--carry-out-its-functions--All-rules shall--be--adopted--in--accordance---with---the---rulemaking 21 22 procedures-of-the-Montana-Administrative-Procedure-Act. 23 Section 2. Closing out defunct state agencies --24 procedures. Unless otherwise provided by law, the following 25 procedures apply whenever a state agency is terminated by HB 0113/02

operation of law, is abolished by executive or legislative
 action, ceases to function, or otherwise becomes defunct:

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10 (2) The department must pay any creditors of the 11 defunct state agency from the funds remaining in the 12 agency's current budget. However, if insufficient funds 13 remain to settle all outstanding accounts, then the 14 department shall prorate all claims in the ratio of their 15 amount to the total cash available. The department shall 16 seek a supplemental appropriation from the next regular 17 session of the legislature to pay the remaining balance of 18 the creditors' claims. Any funds remaining after payment to all creditors of the defunct agency must be deposited by the 19 20 department into the general fund.

-End-

-2- HB 113 REFERENCE BILL

# SENATE COMMITTEE OF THE WHOLE

That House Bill No. 113 be amended as follows:

1. Page 1, line 18.
Strike: section 2 in its entirety
Renumber: subsequent subsection