

CHAPTER NO. 655

HOUSE BILL NO. 594

INTRODUCED BY SCULLY

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE HOUSE

|                   |  |
|-------------------|--|
| February 6, 1979  | Introduced and referred to Committee on Business and Industry. |
| February 14, 1979 | Committee recommend bill do pass. Report adopted.              |
| February 15, 1979 | Second reading, do pass.                                       |
| February 16, 1979 | Considered correctly engrossed.                                |
| February 19, 1979 | Third reading, passed.<br>Transmitted to second house.         |

IN THE SENATE

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|-------------------|--|
| February 20, 1979 | Introduced and referred to Committee on Business and Industry.   |
| March 2, 1979     | Committee recommend bill be concurred in and placed on Consent Calendar. Report adopted.                             |
| March 5, 1979     | On motion, bill removed from Consent Calendar and placed on second reading for purpose of amendment. Motion adopted. |
| March 6, 1979     | Second reading, pass consideration.  |
| March 7, 1979     | Second reading, pass consideration.  |
| March 8, 1979     | Second reading, concurred in as amended.   |

March 10, 1979 Third reading, concurred  
in as amended.

IN THE HOUSE

March 12, 1979 Returned from second house.  
Concurred in as amended.

March 14, 1979 Second reading, amendments  
rejected.

On motion, Joint Conference  
Committee requested.

March 16, 1979 Joint Conference Committee  
appointed.

March 30, 1979 Joint Conference Committee  
dissolved.

On motion, Free Joint Con-  
ference Committee requested  
and appointed.

April 5, 1979 Free Joint Conference Com-  
mittee reported.

April 6, 1979 Second reading, adopted.

April 7, 1979 Third reading, adopted.

April 11, 1979 Adopted by Senate.

April 12, 1979 Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 594  
 2 INTRODUCED BY Sully  
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE  
 6 OFFICE OF THE COMMISSIONER OF INSURANCE AND THE INSURANCE  
 7 DEPARTMENT IN THE STATE AUDITOR'S OFFICE UNDER EXISTING  
 8 STATUTORY AUTHORITY AND RULES AND TO ALLOW THE INSURANCE  
 9 COMMISSIONER TO SET THE ANNUAL REPORT FILING FEE FOR HEALTH  
 10 SERVICE CORPORATIONS; AMENDING SECTIONS 2-8-103 AND  
 11 33-30-204, MCA; AND PROVIDING AN EFFECTIVE DATE."

12  
 13 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,  
 14 will terminate the office of the insurance commissioner in  
 15 the state auditor's office and require a performance  
 16 evaluation of the office of the insurance commissioner by  
 17 the legislative audit committee; and

18 WHEREAS, as a result of the performance evaluation, the  
 19 legislative audit committee recommends that the office of  
 20 the insurance commissioner be reestablished under existing  
 21 statutory authority.

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 23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 24 Section 1. Reestablishment. The office of the  
 25 commissioner of insurance and the insurance department in

1 the state auditor's office is reestablished for 6 years  
 2 pursuant to 2-8-122 with its existing statutory authority  
 3 and rules.

4 Section 2. Section 2-8-103, MCA, is amended to read:  
 5 "2-8-103. Agencies to terminate. (1) The following  
 6 agencies shall terminate on July 1, 1979:

7 (a) board of abstracters, department of professional  
 8 and occupational licensing, created by 2-15-1643;

9 (b) board of public accountants, department of  
 10 professional and occupational licensing, created by  
 11 2-15-1641;

12 (c) board of architects, department of professional  
 13 and occupational licensing, created by 2-15-1651;

14 (d) state banking board, department of business  
 15 regulation, created by 2-15-1803;

16 (e) state electrical board, department of professional  
 17 and occupational licensing, created by 2-15-1654;

18 (f) board of professional engineers and land  
 19 surveyors, department of professional and occupational  
 20 licensing, created by 2-15-1653;

21 ~~(g) office of commissioner of insurance and the~~  
 22 ~~insurance department, state auditor's office, created by~~  
 23 ~~2-15-1902 and 2-15-1903;~~

24 ~~(h)(g)~~ office of the investment commissioner, state  
 25 auditor's office, created by 2-15-1901;

-2- H 13 594  
 INTRODUCED BILL

1        ~~(h)~~ board of landscape architects, department of  
2 professional and occupational licensing, created by  
3 2-15-1652;

4        ~~(i)~~ board of county printing, department of  
5 community affairs, created by 2-15-1102;

6        ~~(j)~~ board of plumbers, department of professional  
7 and occupational licensing, created by 2-15-1655;

8        ~~(k)~~ board of real estate, department of  
9 professional and occupational licensing, created by  
10 2-15-1642;

11       ~~(l)~~ state board of warm air heating, ventilation,  
12 and air conditioning, department of professional and  
13 occupational licensing, created by 2-15-1656;

14       ~~(m)~~ board of institutions, department of  
15 institutions, created by 2-15-2303.

16       (2) The following agencies shall terminate on July 1,  
17 1981:

18       (a) commission for human rights, department of labor  
19 and industry, created by 2-15-1706;

20       (b) board of athletics, department of professional and  
21 occupational licensing, created by 2-15-1661;

22       (c) board of barbers, department of professional and  
23 occupational licensing, created by 2-15-1625;

24       (d) board of chiropractors, department of professional  
25 and occupational licensing, created by 2-15-1613;

1       (e) board of cosmetologists, department of  
2 professional and occupational licensing, created by  
3 2-15-1626;

4       (f) board of dentists, department of professional and  
5 occupational licensing, created by 2-15-1606;

6       (g) board of hearing aid dispensers, department of  
7 professional and occupational licensing, created by  
8 2-15-1616;

9       (h) board of massage therapists, department of  
10 professional and occupational licensing, created by  
11 2-15-1627;

12       (i) Montana state board of medical examiners,  
13 department of professional and occupational licensing,  
14 created by 2-15-1605;

15       (j) board of morticians, department of professional  
16 and occupational licensing, created by 2-15-1619;

17       (k) board of nursing, department of professional and  
18 occupational licensing, created by 2-15-1610;

19       (l) board of nursing home administrators, department  
20 of professional and occupational licensing, created by  
21 2-15-1611;

22       (m) board of optometrists, department of professional  
23 and occupational licensing, created by 2-15-1612;

24       (n) board of osteopathic physicians, department of  
25 professional and occupational licensing, created by

1 2-15-1607;

2 (o) board of pharmacists, department of professional  
3 and occupational licensing, created by 2-15-1609;

4 (p) board of podiatry examiners, department of  
5 professional and occupational licensing, created by  
6 2-15-1608;

7 (q) board of psychologists, department of professional  
8 and occupational licensing, created by 2-15-1617;

9 (r) board of radiologic technologists, department of  
10 professional and occupational licensing, created by  
11 2-15-1614;

12 (s) board of speech pathologists and audiologists,  
13 department of professional and occupational licensing,  
14 created by 2-15-1615;

15 (t) board of veterinarians, department of professional  
16 and occupational licensing, created by 2-15-1618;

17 (u) board of veterans' affairs, department of social  
18 and rehabilitation services, created by 2-15-2202.

19 (3) The following units of state government shall  
20 terminate on July 1, 1983:

21 (a) board of aeronautics, department of community  
22 affairs, created by 2-15-1103;

23 (b) state board of hail insurance, department of  
24 agriculture, created by 2-15-3003;

25 (c) board of horse racing, department of professional

1 and occupational licensing, created by 2-15-1662;

2 (d) board of livestock, department of livestock,  
3 created by 2-15-3102;

4 (e) board of milk control, department of business  
5 regulation, created by 2-15-1802;

6 (f) board of oil and gas conservation, department of  
7 natural resources and conservation, created by 2-15-3303;

8 (g) Montana outfitters council, department of fish and  
9 game, created by 2-15-3403;

10 (h) public service commission, department of public  
11 service regulation, created by 69-1-102;

12 (i) board of sanitarians, department of professional  
13 and occupational licensing, created by 2-15-1631;

14 (j) board of water and wastewater operators,  
15 department of health and environmental sciences, created by  
16 2-15-2105;

17 (k) board of water well contractors, department of  
18 professional and occupational licensing, created by  
19 2-15-1632.

20 ~~(4) The following agency shall terminate on July 1,  
21 1985: office of commissioner of insurance and the insurance  
22 department, state auditor's office, created by 2-15-1902 and  
23 2-15-1903.\*~~

24 Section 3. Section 33-30-204, MCA, is amended to read:  
25 \*33-30-204. Fees. (1) Every health service corporation

1 subject to the provisions of this chapter shall pay the  
2 following fees to the commissioner for enforcement of the  
3 provisions of this chapter:

- 4 (a) enrollment representative's license:
- 5 (i) application for original license including  
6 examination and issuance of license.....\$10
  - 7 (ii) annual renewal.....\$ 5
- 8 (b) filing any other statement or report.....\$ 1
- 9 (c) for a certified copy of any document or other  
10 paper filed in the office of the commissioner, per page \$.50
- 11 (d) for the certificate and for affixing the seal  
12 thereto.....\$ 1
- 13 (e) filing of a membership contract.....\$10
- 14 (f) filing of a membership contract package.....\$25
- 15 (g) filing annual report, a fee of ~~20~~ cents  
16 commensurate with cost as determined by the commissioner for  
17 each individual or family unit the corporation covered at  
18 the close of the year to which the annual report is  
19 applicable, except that the minimum fee payable upon filing  
20 of an annual report is \$100.

21 (2) The commissioner shall promptly deposit with the  
22 state treasurer to the credit of the general fund all fees  
23 and license fees received by him under this section."

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

STATE OF MONTANA

Request No. 274-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 1979, there is hereby submitted a Fiscal Note for House Bill 594 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 594 is an act to re-establish the office of the Commissioner of Insurance and the Insurance Department in the State Auditor's Office.

FISCAL IMPACT:

The proposed legislation continues the Office of the Commissioner of Insurance and the Insurance Department in the State Auditor's Office in its present configuration. Funding to continue the program is provided in the Executive Budget. The program cost approximates \$450,000 per year and revenue collections are expected to exceed \$16.0 million per year. The cost is funded from the State General Fund and revenues are deposited into the State General Fund.

*Richard L. Tracy for*

BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: 2/8/79

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WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, will terminate the office of the insurance commissioner in the state auditor's office and require a performance evaluation of the office of the insurance commissioner by the legislative audit committee; and

WHEREAS, as a result of the performance evaluation, the legislative audit committee recommends that the office of the insurance commissioner be reestablished under existing statutory authority.

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

Section 1. Reestablishment. The office of the commissioner of insurance and the insurance department in

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the state auditor's office is reestablished for 6 years pursuant to 2-8-122 with its existing statutory authority and rules.

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(c) board of architects, department of professional and occupational licensing, created by 2-15-1651;

(d) state banking board, department of business regulation, created by 2-15-1803;

(e) state electrical board, department of professional and occupational licensing, created by 2-15-1654;

(f) board of professional engineers and land surveyors, department of professional and occupational licensing, created by 2-15-1653;

~~(g) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;~~

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9 ~~COMMISSIONER TO SET~~ AND TO PROVIDE THAT THE AMOUNT OF THE  
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1 ~~2-15-1982-end-2-15-1983~~

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 23 ~~(4) The following agency shall terminate on July 1,  
 24 1983: office of commissioner of insurance and the insurance  
 25 department, state auditor's office, created by 2-15-1902 and~~

1 ~~2-15-1903.~~"

2 Section 3. Section 33-30-204, MCA, is amended to read:  
3 "33-30-204. Fees. (1) Every health service corporation  
4 subject to the provisions of this chapter shall pay the  
5 following fees to the commissioner for enforcement of the  
6 provisions of this chapter:

- 7 (a) enrollment representative's license:
- 8 (i) application for original license including
- 9 examination and issuance of license.....\$10
- 10 (ii) annual renewal.....\$ 5
- 11 (b) filing any other statement or report.....\$ 1
- 12 (c) for a certified copy of any document or other
- 13 paper filed in the office of the commissioner, per page \$.50
- 14 (d) for the certificate and for affixing the seal
- 15 thereto.....\$ 1
- 16 (e) filing of a membership contract.....\$10
- 17 (f) filing of a membership contract package.....\$25
- 18 (g) filing annual report, a fee of---20---cents

19 ~~commensurate with cost as determined by the commissioner~~  
20 ~~DETERMINED BY THE APPROPRIATIONS COMMITTEE OF THE~~  
21 ~~LEGISLATURE TO BE SUFFICIENT TO FUND APPROPRIATIONS~~  
22 ~~NECESSARY FOR THE COMMISSIONER'S ADMINISTRATIVE COSTS~~ for  
23 each individual or family unit the corporation covered at  
24 the close of the year to which the annual report is  
25 applicable, except that the minimum fee payable upon filing

1 of an annual report is \$100.

2 (2) The commissioner shall promptly deposit with the  
3 state treasurer to the credit of the general fund all fees  
4 and license fees received by him under this section."

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

-End-

1 HOUSE BILL NO. 594  
 2 INTRODUCED BY SCULLY  
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE  
 6 OFFICE OF THE COMMISSIONER OF INSURANCE AND THE INSURANCE  
 7 DEPARTMENT IN THE STATE AUDITOR'S OFFICE UNDER EXISTING  
 8 STATUTORY AUTHORITY AND RULES ~~AND TO ALLOW THE INSURANCE~~  
 9 ~~COMMISSIONER TO SET AND TO PROVIDE THAT THE AMOUNT OF~~ THE  
 10 ~~ANNUAL REPORT FILING FEE FOR HEALTH SERVICE CORPORATIONS~~  
 11 ~~SHALL BE SUFFICIENT TO FUND THE APPROPRIATIONS NECESSARY FOR~~  
 12 ~~THE COMMISSIONER'S ADMINISTRATIVE COSTS~~; AMENDING SECTIONS  
 13 SECTION 2-8-103 ~~AND 33-30-204~~, MCA; AND PROVIDING AN  
 14 EFFECTIVE DATE."  
 15

16 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,  
 17 will terminate the office of the insurance commissioner in  
 18 the state auditor's office and require a performance  
 19 evaluation of the office of the insurance commissioner by  
 20 the legislative audit committee; and

21 WHEREAS, as a result of the performance evaluation, the  
 22 legislative audit committee recommends that the office of  
 23 the insurance commissioner be reestablished under existing  
 24 statutory authority.  
 25

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 2 Section 1. Reestablishment. The office of the  
 3 commissioner of insurance and the insurance department in  
 4 the state auditor's office is reestablished for 6 years  
 5 pursuant to 2-8-122 with its existing statutory authority  
 6 and rules.

7 Section 2. Section 2-8-103, MCA, is amended to read:  
 8 "2-8-103. Agencies to terminate. (1) The following  
 9 agencies shall terminate on July 1, 1979:

10 (a) board of abstracters, department of professional  
 11 and occupational licensing, created by 2-15-1643;

12 (b) board of public accountants, department of  
 13 professional and occupational licensing, created by  
 14 2-15-1641;

15 (c) board of architects, department of professional  
 16 and occupational licensing, created by 2-15-1651;

17 (d) state banking board, department of business  
 18 regulation, created by 2-15-1803;

19 (e) state electrical board, department of professional  
 20 and occupational licensing, created by 2-15-1654;

21 (f) board of professional engineers and land  
 22 surveyors, department of professional and occupational  
 23 licensing, created by 2-15-1653;

24 (g) ~~office of commissioner of insurance and the~~  
 25 ~~insurance department, state auditor's office, created by~~

REFERENCE BILL: Includes Free Joint  
 Conference Committee Report

-2-

HB 594

Dated

4/21/79



1 ~~2-15-1982-and-2-15-1983~~

2 ~~(h)(g)~~ office of the investment commissioner, state  
3 auditor's office, created by 2-15-1901;

4 ~~(h)(h)~~ board of landscape architects, department of  
5 professional and occupational licensing, created by  
6 2-15-1652;

7 ~~(h)(i)~~ board of county printing, department of  
8 community affairs, created by 2-15-1102;

9 ~~(h)(j)~~ board of plumbers, department of professional  
10 and occupational licensing, created by 2-15-1655;

11 ~~(h)(k)~~ board of real estate, department of  
12 professional and occupational licensing, created by  
13 2-15-1642;

14 ~~(h)(l)~~ state board of warm air heating, ventilation,  
15 and air conditioning, department of professional and  
16 occupational licensing, created by 2-15-1656;

17 ~~(h)(m)~~ board of institutions, department of  
18 institutions, created by 2-15-2303.

19 (2) The following agencies shall terminate on July 1,  
20 1981:

21 (a) commission for human rights, department of labor  
22 and industry, created by 2-15-1706;

23 (b) board of athletics, department of professional and  
24 occupational licensing, created by 2-15-1661;

25 (c) board of barbers, department of professional and

1 occupational licensing, created by 2-15-1625;

2 (d) board of chiropractors, department of professional  
3 and occupational licensing, created by 2-15-1613;

4 (e) board of cosmetologists, department of  
5 professional and occupational licensing, created by  
6 2-15-1626;

7 (f) board of dentists, department of professional and  
8 occupational licensing, created by 2-15-1606;

9 (g) board of hearing aid dispensers, department of  
10 professional and occupational licensing, created by  
11 2-15-1616;

12 (h) board of massage therapists, department of  
13 professional and occupational licensing, created by  
14 2-15-1627;

15 (i) Montana state board of medical examiners,  
16 department of professional and occupational licensing,  
17 created by 2-15-1605;

18 (j) board of morticians, department of professional  
19 and occupational licensing, created by 2-15-1619;

20 (k) board of nursing, department of professional and  
21 occupational licensing, created by 2-15-1610;

22 (l) board of nursing home administrators, department  
23 of professional and occupational licensing, created by  
24 2-15-1611;

25 (m) board of optometrists, department of professional

1 and occupational licensing, created by 2-15-1612;  
 2 (n) board of osteopathic physicians, department of  
 3 professional and occupational licensing, created by  
 4 2-15-1607;  
 5 (o) board of pharmacists, department of professional  
 6 and occupational licensing, created by 2-15-1609;  
 7 (p) board of podiatry examiners, department of  
 8 professional and occupational licensing, created by  
 9 2-15-1608;  
 10 (q) board of psychologists, department of professional  
 11 and occupational licensing, created by 2-15-1617;  
 12 (r) board of radiologic technologists, department of  
 13 professional and occupational licensing, created by  
 14 2-15-1614;  
 15 (s) board of speech pathologists and audiologists,  
 16 department of professional and occupational licensing,  
 17 created by 2-15-1615;  
 18 (t) board of veterinarians, department of professional  
 19 and occupational licensing, created by 2-15-1618;  
 20 (u) board of veterans' affairs, department of social  
 21 and rehabilitation services, created by 2-15-2202.  
 22 (3) The following units of state government shall  
 23 terminate on July 1, 1983:  
 24 (a) board of aeronautics, department of community  
 25 affairs, created by 2-15-1103;

1 (b) state board of hail insurance, department of  
 2 agriculture, created by 2-15-3003;  
 3 (c) board of horse racing, department of professional  
 4 and occupational licensing, created by 2-15-1662;  
 5 (d) board of livestock, department of livestock,  
 6 created by 2-15-3102;  
 7 (e) board of milk control, department of business  
 8 regulation, created by 2-15-1802;  
 9 (f) board of oil and gas conservation, department of  
 10 natural resources and conservation, created by 2-15-3303;  
 11 (g) Montana outfitters council, department of fish and  
 12 game, created by 2-15-3403;  
 13 (h) public service commission, department of public  
 14 service regulation, created by 69-1-102;  
 15 (i) board of sanitarians, department of professional  
 16 and occupational licensing, created by 2-15-1631;  
 17 (j) board of water and wastewater operators,  
 18 department of health and environmental sciences, created by  
 19 2-15-2105;  
 20 (k) board of water well contractors, department of  
 21 professional and occupational licensing, created by  
 22 2-15-1632.  
 23 ~~(4) The following agency shall terminate on July 1,~~  
 24 ~~1985: office of commissioner of insurance and the insurance~~  
 25 ~~department, state auditor's office, created by 2-15-1902 and~~

1 ~~2-15-1903.~~"

2 Section 3. ~~Section 33-38-204, MCA, is amended to read~~  
3 ~~"33-38-204. Fees. (1) Every health service~~  
4 ~~corporation subject to the provisions of this chapter shall~~  
5 ~~pay the following fees to the commissioner for enforcement~~  
6 ~~of the provisions of this chapter:~~

- 7 ~~(a) enrollment representative's licenses~~
- 8 ~~(i) application for original license including~~  
9 ~~examination and issuance of license \$10~~
- 10 ~~(ii) annual renewal \$5~~
- 11 ~~(b) filing any other statement or report \$1~~
- 12 ~~(c) for a certified copy of any document or other~~  
13 ~~paper filed in the office of the commissioner per page \$0.50~~
- 14 ~~(d) for the certificate and for affixing the seal~~  
15 ~~thereof \$1~~
- 16 ~~(e) filing of a membership contract \$10~~
- 17 ~~(f) filing of a membership contract package \$25~~
- 18 ~~(g) filing annual report, a fee of 20 cents~~

19 ~~commensurate with cost as determined by the commissioner~~  
20 ~~DETERMINED BY THE APPROPRIATIONS COMMITTEE OF THE~~  
21 ~~LEGISLATURE TO BE SUFFICIENT TO FUND APPROPRIATIONS~~  
22 ~~NECESSARY FOR THE COMMISSIONER'S ADMINISTRATIVE COSTS~~ for  
23 ~~each individual or family unit the corporation covered at~~  
24 ~~the close of the year to which the annual report is~~  
25 ~~applicable, except that the minimum fee payable upon filing~~

1 of an annual report is \$100.

2 (2) The commissioner shall promptly deposit with the  
3 state treasurer to the credit of the general fund all fees  
4 and license fees received by him under this section.

5 Section 3. Effective date. This act is effective on  
6 passage and approval.

-End-

March 8, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 594 be amended as follows:

1. Title, line 8.

Following: "RULES"

Strike: remainder of line 8 in its entirety through "SET" on line 9

Insert: "AND TO PROVIDE THAT THE AMOUNT OF"

2. Title, line 10.

Following: "CORPORATIONS"

Insert: "SHALL BE SUFFICIENT TO FUND THE APPROPRIATIONS NECESSARY  
FOR THE COMMISSIONER'S ADMINISTRATIVE COSTS"

3. Page 7, line 16.

Following: line 15

Strike: "commensurate with cost as determined by the commissioner"

Insert: "determined by the appropriations committee of the  
legislature to be sufficient to fund appropriations necessary  
for the commissioner's administrative costs."