

CHAPTER NO. 321

HOUSE BILL NO. 598

INTRODUCED BY GERKE, ELLERD, ELLIS, TROPILA
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 as amended. Report adopted.
February 16, 1979	Printed and placed on members' desks.
February 17, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Business and Industry.
March 2, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 5, 1979	Second reading, concurred in.
March 8, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 9, 1979	Returned from second house. 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.

1 *House* BILL NO. *598*
 2 INTRODUCED BY *Gibson Edward Latta Dwyer*

3 BE REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
 6 STATE BANKING BOARD UNDER EXISTING STATUTORY AUTHORITY AND
 7 RULES; PROVIDING FOR SENATE CONFIRMATION OF BOARD MEMBERS
 8 AND FOR \$35 A DAY COMPENSATION FOR BOARD MEMBERS; AMENDING
 9 SECTIONS 2-8-103, 2-15-1803, AND 32-1-201, MCA; AND
 10 PROVIDING AN EFFECTIVE DATE."

11
 12 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 13 will terminate the state banking board and require a
 14 performance evaluation of the board by the legislative audit
 15 committee; and

16 WHEREAS, as a result of the performance evaluation, the
 17 legislative audit committee recommends that the state
 18 banking board be reestablished under existing statutory
 19 authority.

20
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 Section 1. Reestablishment. The state banking board is
 23 reestablished for 6 years pursuant to 2-8-122 with its
 24 existing statutory authority and rules.

25 Section 2. Section 2-8-103, MCA, is amended to read:

1 *2-8-103. Agencies to terminate. (1) The following
 2 agencies shall terminate on July 1, 1979:

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

5 (b) board of public accountants, department of
 6 professional and occupational licensing, created by
 7 2-15-1641;

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

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

12 ~~(e)~~ (d) state electrical board, department of
 13 professional and occupational licensing, created by
 14 2-15-1654;

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

18 ~~(g)~~ (f) office of commissioner of insurance and the
 19 insurance department, state auditor's office, created by
 20 2-15-1902 and 2-15-1903;

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

23 ~~(i)~~ (h) board of landscape architects, department of
 24 professional and occupational licensing, created by
 25 2-15-1652;

-2- *HB 598*
 INTRODUCED BILL

1 ~~(j)~~(l) board of county printing, department of
2 community affairs, created by 2-15-1102;

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

5 ~~(l)~~(k) board of real estate, department of
6 professional and occupational licensing, created by
7 2-15-1642;

8 ~~(m)~~(l) state board of warm air heating, ventilation,
9 and air conditioning, department of professional and
10 occupational licensing, created by 2-15-1656;

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

13 (2) The following agencies shall terminate on July 1,
14 1981:

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

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

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

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

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

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

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

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

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

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

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

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

21 (n) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
23 2-15-1607;

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

1 (p) board of podiatry examiners, department of
2 professional and occupational licensing, created by
3 2-15-1608;

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

6 (r) board of radiologic technologists, department of
7 professional and occupational licensing, created by
8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
10 department of professional and occupational licensing,
11 created by 2-15-1615;

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

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

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

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

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

22 (c) board of horse racing, department of professional
23 and occupational licensing, created by 2-15-1662;

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

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

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

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

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

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

11 (j) board of water and wastewater operators,
12 department of health and environmental sciences, created by
13 2-15-2105;

14 (k) board of water well contractors, department of
15 professional and occupational licensing, created by
16 2-15-1632.

17 ~~(4) The following agency shall terminate on July 1,
18 1985: state banking board, department of business
19 regulation, created by 2-15-1803.~~

20 Section 3. Section 2-15-1803, MCA, is amended to read:

21 "2-15-1803. State banking board -- composition --
22 allocation. (1) There is a state banking board.

23 (2) The board is composed of seven members, including
24 the director of business regulation who is the chairman of
25 the board. The remaining six members of the board shall be

1 appointed with consideration given banks of small, medium,
 2 and large size and to geographical distribution. At least
 3 one banker member and one public member shall be appointed
 4 from each congressional district of the state. Two of the
 5 six members shall be active officers in state banks of
 6 Montana, one shall be an active officer of a national bank
 7 doing business in Montana, and three shall be members of the
 8 public, none of whom shall be an officer, director, or
 9 shareholder of any state or national bank.

10 (3) The members shall be appointed by the governor
 11 ~~with the consent of the senate~~ for terms of 3 years.
 12 Vacancies shall be filled by appointment for the unexpired
 13 term. No member other than the director of business
 14 regulation may serve more than two consecutive terms.

15 (4) The board is allocated to the department for
 16 administrative purposes only as provided in 2-15-121."

17 Section 4. Section 32-1-201, MCA, is amended to read:
 18 "32-1-201. State banking board -- secretary --
 19 meetings -- per diem. (1) The state banking board, created
 20 in 2-15-1803, shall elect a secretary from its members to
 21 serve at the pleasure of the board.

22 (2) In performing its functions, the board shall have
 23 use of the offices, equipment, and personnel of the
 24 department as it requires.

25 (3) The board shall hold regular meetings each quarter

1 at a fixed date and time at the office of the department.
 2 Special meetings may be called by the chairman at any time
 3 upon 3 days' notice to the members.

4 (4) A quorum for all meetings shall be a majority of
 5 the board members, and a majority of the quorum present at
 6 any meeting may take action.

7 (5) The chairman shall have a voice but no vote in all
 8 meetings except to break a tie.

9 (6) Any board member except the chairman may be
 10 removed by the governor without cause in any case.

11 (7) The board members, except the chairman, shall be
 12 paid ~~\$25~~ \$35 a day or any part thereof devoted to the
 13 performance of their duties and travel expenses, as provided
 14 for in 2-18-501 through 2-18-503, as amended, incurred in
 15 the performance of their duties. The costs and expenses of
 16 the board shall be legitimate charges of the department."

17 Section 5. Effective date. This act is effective on
 18 passage and approval.

-End-

STATE OF MONTANA

Request No. 270-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 1979, there is hereby submitted a Fiscal Note for House Bill 598 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:

Re-establish the State Banking Board in the Department of Business Regulation.

ASSUMPTIONS:

1. Board activities will not change.
2. Compensation for Board members will be increased from \$25.00 to \$35.00 per day.

FISCAL IMPACT:

	<u>FY 79-80</u>	<u>FY 80-81</u>
Expenditures under proposed law	\$6,900	\$6,900
Expenditures under current law	<u>6,300</u>	<u>6,300</u>
Increased Expenditures under proposed law	<u>\$ 600</u>	<u>600</u>

The additional cost must be funded from the State General Fund.

Richard L. Tracy for
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 2/12/79

Approved by Committee
on Business and Industry

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INTRODUCED BY GERKE, ELLERD, ELLIS, TROPILA

BE REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE STATE BANKING BOARD UNDER EXISTING STATUTORY AUTHORITY AND RULES; PROVIDING FOR SENATE CONFIRMATION OF BOARD MEMBERS AND FOR \$35 ~~125~~ A DAY COMPENSATION FOR BOARD MEMBERS; AMENDING SECTIONS 2-8-103, 2-15-1803, AND 32-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, will terminate the state banking board and require a performance evaluation of the board by the legislative audit committee; and

WHEREAS, as a result of the performance evaluation, the legislative audit committee recommends that the state banking board be reestablished under existing statutory authority.

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

Section 1. Reestablishment. The state banking board 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;~~

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

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

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

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

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

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

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

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2 regulation, created by 2-15-1802;

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9 (6) Any board member except the chairman may be
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11 (7) The board members, except the chairman, shall be
 12 paid ~~\$25~~ ~~\$25~~ \$25 a day or any part thereof devoted to the
 13 performance of their duties and travel expenses, as provided
 14 for in 2-18-501 through 2-18-503, as amended, incurred in
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 3 one banker member and one public member shall be appointed
 4 from each congressional district of the state. Two of the
 5 six members shall be active officers in state banks of
 6 Montana, one shall be an active officer of a national bank
 7 doing business in Montana, and three shall be members of the
 8 public, none of whom shall be an officer, director, or
 9 shareholder of any state or national bank.

10 (3) The members shall be appointed by the governor
 11 ~~with the consent of the senate~~ for terms of 3 years.
 12 Vacancies shall be filled by appointment for the unexpired
 13 term. No member other than the director of business
 14 regulation may serve more than two consecutive terms.

15 (4) The board is allocated to the department for
 16 administrative purposes only as provided in 2-15-121."

17 Section 4. Section 32-1-201, MCA, is amended to read:

18 "32-1-201. State banking board -- secretary --
 19 meetings -- per diem. (1) The state banking board, created
 20 in 2-15-1803, shall elect a secretary from its members to
 21 serve at the pleasure of the board.

22 (2) In performing its functions, the board shall have
 23 use of the offices, equipment, and personnel of the
 24 department as it requires.

25 (3) The board shall hold regular meetings each quarter

1 at a fixed date and time at the office of the department.
 2 Special meetings may be called by the chairman at any time
 3 upon 3 days' notice to the members.

4 (4) A quorum for all meetings shall be a majority of
 5 the board members, and a majority of the quorum present at
 6 any meeting may take action.

7 (5) The chairman shall have a voice but no vote in all
 8 meetings except to break a tie.

9 (6) Any board member except the chairman may be
 10 removed by the governor without cause in any case.

11 (7) The board members, except the chairman, shall be
 12 paid ~~\$25~~ ~~\$35~~ \$25 a day or any part thereof devoted to the
 13 performance of their duties and travel expenses, as provided
 14 for in 2-18-501 through 2-18-503, as amended, incurred in
 15 the performance of their duties. The costs and expenses of
 16 the board shall be legitimate charges of the department."

17 Section 5. Effective date. This act is effective on
 18 passage and approval.

-End-

1 HOUSE BILL NO. 598
 2 INTRODUCED BY GERKE, ELLERD, ELLIS, TROPILA
 3 BE REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
 6 STATE BANKING BOARD UNDER EXISTING STATUTORY AUTHORITY AND
 7 RULES; PROVIDING FOR SENATE CONFIRMATION OF BOARD MEMBERS
 8 AND FOR ~~35 125~~ A--DAY--COMPENSATION--FOR--BOARD--MEMBERS;
 9 AMENDING SECTIONS 2-8-103, AND 2-15-1803, AND 32-1-201, MCA;
 10 AND PROVIDING AN EFFECTIVE DATE."
 11

12 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 13 will terminate the state banking board and require a
 14 performance evaluation of the board by the legislative audit
 15 committee; and

16 WHEREAS, as a result of the performance evaluation, the
 17 legislative audit committee recommends that the state
 18 banking board be reestablished under existing statutory
 19 authority.
 20

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

22 Section 1. Reestablishment. The state banking board is
 23 reestablished for 6 years pursuant to 2-8-122 with its
 24 existing statutory authority and rules.

25 Section 2. Section 2-8-103, MCA, is amended to read:

1 "2-8-103. Agencies to terminate. (1) The following
 2 agencies shall terminate on July 1, 1979:

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

5 (b) board of public accountants, department of
 6 professional and occupational licensing, created by
 7 2-15-1641;

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

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

12 ~~(e) state electrical board, department of~~
 13 ~~professional and occupational licensing, created by~~
 14 ~~2-15-1654;~~

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

18 ~~(g) office of commissioner of insurance and the~~
 19 ~~insurance department, state auditor's office, created by~~
 20 ~~2-15-1902 and 2-15-1903;~~

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

23 ~~(i) board of landscape architects, department of~~
 24 ~~professional and occupational licensing, created by~~
 25 ~~2-15-1652;~~

1 ~~fj~~lll board of county printing, department of
2 community affairs, created by 2-15-1102;

3 ~~fk~~ljl board of plumbers, department of professional
4 and occupational licensing, created by 2-15-1655;

5 ~~ft~~lkl board of real estate, department of
6 professional and occupational licensing, created by
7 2-15-1642;

8 ~~fm~~lll state board of warm air heating, ventilation,
9 and air conditioning, department of professional and
10 occupational licensing, created by 2-15-1656;

11 ~~fn~~lml board of institutions, department of
12 institutions, created by 2-15-2303.

13 (2) The following agencies shall terminate on July 1,
14 1981:

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

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

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

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

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

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

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

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

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

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

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

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

21 (n) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
23 2-15-1607;

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

1 (p) board of podiatry examiners, department of
 2 professional and occupational licensing, created by
 3 2-15-1608;

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

6 (r) board of radiologic technologists, department of
 7 professional and occupational licensing, created by
 8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
 10 department of professional and occupational licensing,
 11 created by 2-15-1615;

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

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

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

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

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

22 (c) board of horse racing, department of professional
 23 and occupational licensing, created by 2-15-1662;

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

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

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

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

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

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

11 (j) board of water and wastewater operators,
 12 department of health and environmental sciences, created by
 13 2-15-2105;

14 (k) board of water well contractors, department of
 15 professional and occupational licensing, created by
 16 2-15-1632.

17 ~~(4) The following agency shall terminate on July 1,~~
 18 ~~1985; state banking board, department of business~~
 19 ~~regulation, created by 2-15-1803a"~~

20 Section 3. Section 2-15-1803, MCA, is amended to read:

21 "2-15-1803. State banking board -- composition --
 22 allocation. (1) There is a state banking board.

23 (2) The board is composed of seven members, including
 24 the director of business regulation who is the chairman of
 25 the board. The remaining six members of the board shall be

1 appointed with consideration given banks of small, medium,
 2 and large size and to geographical distribution. At least
 3 one banker member and one public member shall be appointed
 4 from each congressional district of the state. Two of the
 5 six members shall be active officers in state banks of
 6 Montana, one shall be an active officer of a national bank
 7 doing business in Montana, and three shall be members of the
 8 public, none of whom shall be an officer, director, or
 9 shareholder of any state or national bank.

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 15 the performance of their duties. The costs and expenses of
 16 the board shall be legitimate charges of the department."

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

-End-

March 2, 1979

SENATE STANDING COMMITTEE REPORT
(Business & Industry)

That House Bill No. 598 be amended as follows:

1. Title, line 8.
Following: line 7
Strike: "AND FOR \$35 \$25 A DAY COMPENSATION FOR BOARD MEMBERS"
2. Title, line 9.
Following: "2-8-103"
Strike: ", "
Insert: "AND"
Following: "2-15-1803"
Strike: ",AND 32-1-201"
3. Page 7, line 17 through line 16 on page 8.
Strike: section 4 in its entirety
Renumber: subsequent section