

CHAPTER NO. 439.

HOUSE BILL NO. 599

INTRODUCED BY ELLERD, GERKE

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE HOUSE

February 6, 1979	Introduced and referred to Committee on Business and Industry.
February 13, 1979	Committee recommend bill do pass. Report adopted.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 17, 1979	Introduced and referred to Committee on Business and Industry.
March 13, 1979	Committee recommend bill with Statement of Intent be concurred in. Report adopted.
March 15, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE HOUSE

March 20, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 599
2 INTRODUCED BY Ellen Duke

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 INVESTMENT COMMISSIONER IN THE STATE AUDITOR'S
7 OFFICE UNDER EXISTING STATUTORY AUTHORITY AND RULES;
8 AMENDING SECTION 2-8-103, MCA; AND PROVIDING AN EFFECTIVE
9 DATE."

10
11 WHEREAS, the sunset law sections 2-8-103 and 2-8-112,
12 will terminate the office of the investment commissioner in
13 the state auditor's office and require a performance
14 evaluation of the office of the investment commissioner by
15 the legislative audit committee; and

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

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

22 Section 1. Reestablishment. The office of the
23 investment commissioner in the state auditor's office is
24 reestablished for 6 years pursuant to 2-8-122 with its
25 existing statutory authority and rules.

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

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

6 (b) board of public accountants, department of
7 professional and occupational licensing, created by
8 2-15-1641;

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

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

13 (e) state electrical board, department of professional
14 and occupational licensing, created by 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;~~

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INTRODUCED BILL

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

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

5 ~~(j)(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: office of the investment commissioner, state auditor's~~
19 ~~office, created by 2-15-1901.~~"

20 Section 3. Effective date. This act is effective on
21 passage and approval.

-End-

H B 591

STATE OF MONTANA

Request No. 268-79

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 599 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:

To reestablish the Office of Investment Commissioner in the State Auditor's Office.

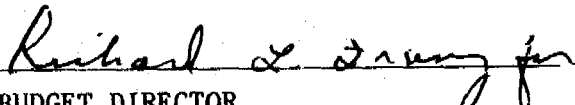
ASSUMPTIONS:

The function of the Office will remain the same as under existing statutory authority and rules.

FISCAL IMPACT:

None.

The proposed legislation continues the Office of Investment Commissioner in the State Auditor's Office in its present configuration. Funding to continue the program is provided in the Executive Budget. The cost is funded from the State General Fund (\$145,137 in FY 80) and revenues (\$204,480 in FY 80) are deposited into the State General Fund.


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/13/79

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 2 INTRODUCED BY Ellen Duke

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
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 6 OFFICE OF THE INVESTMENT COMMISSIONER IN THE STATE AUDITOR'S
 7 OFFICE UNDER EXISTING STATUTORY AUTHORITY AND RULES;
 8 AMENDING SECTION 2-8-103, MCA; AND PROVIDING AN EFFECTIVE
 9 DATE."

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

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

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

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 23 investment commissioner in the state auditor's office is
 24 reestablished for 6 years pursuant to 2-8-122 with its
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 5 and occupational licensing, created by 2-15-1643;

6 (b) board of public accountants, department of
 7 professional and occupational licensing, created by
 8 2-15-1641;

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

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

13 (e) state electrical board, department of professional
 14 and occupational licensing, created by 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)~~(h) board of landscape architects, department of
 24 professional and occupational licensing, created by
 25 2-15-1652;

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 THIRD READING

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

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

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

8 ~~(m)(ll)~~ 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)(ml)~~ 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: office of the investment commissioner, state auditor's
19 office, created by 2-15-1901a."~~

20 Section 3. Effective date. This act is effective on
21 passage and approval.

-End-

1 STATEMENT OF INTENT RE: HB 599
2
3

4 A statement of intent is required for HB 599 in that it
5 continues rulemaking authority for the state auditor as the
6 ex officio investment commissioner under present statutory
7 authority.

8 1. House Bill 599 reestablishes the office of the
9 investment commissioner in the office of the state auditor
10 under existing statutory authority. Section 30-10-107, MCA,
11 sets forth the investment commissioner's present rulemaking
12 authority. It is the intent of the Legislature to reaffirm
13 the rulemaking authority of the investment commissioner as
14 it is limited by 30-10-107. It is further intended that
15 only those rules necessary to carry out statutory
16 responsibilities relating to the regulation of the
17 securities industry will be adopted by the investment
18 commissioner.

19 First adopted by the SENATE BUSINESS AND INDUSTRY
20 COMMITTEE on March 13, 1979.

HB 599

HOUSE BILL NO. 599

INTRODUCED BY ELLERD, GERKE

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE OFFICE OF THE INVESTMENT COMMISSIONER IN THE STATE AUDITOR'S OFFICE UNDER EXISTING STATUTORY AUTHORITY AND RULES; AMENDING SECTION 2-8-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, will terminate the office of the investment commissioner in the state auditor's office and require a performance evaluation of the office of the investment 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 investment commissioner be reestablished under existing statutory authority.

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

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

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22 and occupational licensing, created by 2-15-1613;

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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
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 2 professional and occupational licensing, created by
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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,
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 13 and occupational licensing, created by 2-15-1618;

14 (u) board of veterans' affairs, department of social
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16 (3) The following units of state government shall
 17 terminate on July 1, 1993:

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20 (b) state board of hail insurance, department of
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 23 and occupational licensing, created by 2-15-1662;

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 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 ~~1993: office of the investment commissioner, state auditor's~~
 19 ~~office, created by 2-15-1991."~~

20 Section 3. Effective date. This act is effective on
 21 passage and approval.

-End-