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 Introduced and referred to February 17, 1979 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. Third reading, concurred in. March 19, 1979 IN THE HOUSE Returned from second house. March 20, 1979 Concurred in. Sent to enrollling.

Reported correctly enrolled.

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House MILL NO. 599 1 INTRODUCED BY 2 BY REQUEST OF THE LEGISLATIVE AUDIT CONMITTEE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE 5 OFFICE OF THE INVESTMENT COMMISSIONER IN THE STATE AUDITOR'S 6 7 OFFICE UNDER EXISTING STATUTORY AUTHORITY AND RULES; AMENDING SECTION 2-8-103. MCA: AND PROVIDING AN EFFECTIVE 8 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 the state auditor's office and require a performance 13 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 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 21

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. Section 2. Section 2-8-103, #CA, is amended to read:
 "2-8-103. Agencies to terminate. (1) The following
 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;

(f) board of professional engineers and land
surveyors, department of professional and occupational
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--commissionerv--state
22 ouditor*s-office-ereated-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- HBS97 INTRODUCED BILL

till board of county printing, department of 1 community affairs, created by 2-15-1102; z {k+/_i} board of plumbers, department of professional 3 and occupational licensing, created by 2-15-1655; 4 till board of real estates department of 5 occupational licensing, created by 6 professional and 7 2-15-1642; 8 fm)[]) 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)[a) board of institutions. department of 12 institutions, created by 2-15-2303. 13 (2) The following agencies shall terminate on July 1. 1981: 14 {a} commission for human rights, department of labor 15 16 and industry, created by 2-15-1706; (b) board of athletics, department of professional and 17 18 occupational licensing, created by 2-15-1661; 19 (c) board of barbers, department of professional and 20 occupational licensing, created by 2-15-16251 21 (d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613; 22 (e) board of cosmetologists, department of 23 professional and occupational licensing, created by 24

25 2-15-1626;

(f) boar1 of dentists, department of professional and
 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;

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

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

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

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

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

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

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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
 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;

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

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

(u) board of veterans' affairs, department of social
 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;

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

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

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

(e) board of milk control. department of business 1 2 regulation, created by 2-15-1802; (f) board of oil and gas conservation, department of 3 natural resources and conservation, created by 2-15-3303; 4 (a) Montana outfitters council, department of fish and 5 6 game, created by 2-15-3403; (h) public service commission, department of public 7 8 service regulation, created by 69-1-102; 9 (i) board of sanitarians, department of professional and occupational licensing, created by 2-15-1631; 10

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 la

18 1985: office of the investment commissioners state auditor's

19 offices created by 2-15-1901.

20 Section 3. Effective date. This act is effective on

21 passage and approval.

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STATE OF MONTANA

Request No. 268-79

FISCAL NOTE

Form BD-15

In compliance with a written request received <u>February 7, 1979</u>, there is hereby submitted a Fiscal Note for <u>House Bill 599</u> 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 // 0 Office of Budget and Program Planning Date: 1/3/79

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House well NO. 599 1 INTRODUCED BY 2

BY REQUEST OF THE LEGISLATIVE AUDIT CONNITTEE

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."

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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.

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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. 1Section 2-Section 2-8-103, MCA, is amended to read:2*2-8-103. Agencies to terminate. (1) The following3agencies shall terminate on July 1, 1979:

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

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

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

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

(e) state electrical board, department of professional
 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 th)--office---of--the--investment--commissionerv--state

27 ouditor#s-officer-created-by-2-15-1901t

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

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1	tjt[i] board of county printing, department of	1	(f) board of dentists, department of professional and
2	community affairs, created by 2-15-1102;	2	occupational licensing, created by 2-15-1606;
3	<pre>tktill board of plumbers. department of professional</pre>	3	(g) board of hearing aid dispensers, department of
4	and occupational licensing, created by 2-15-1655;	4	professional and occupational licensing, created by
5	<pre>the test of real estate, department of</pre>	5	2-15-1616;
6	professional and occupational licensing, created by	6	(h) board of massage therapists, department of
7	2-15-1642;	7	professional and occupational licensing, created by
8	<pre>fm)(l) state board of warm air heating, ventilation;</pre>	6	2-15-1627;
9	and air conditioning, department of professional and	9	(i) Montana state board of medical examiners,
10	occupational licensing, created by 2-15-1656;	10	department of professional and occupational licensing.
11	<pre>tmt(m) board of institutions, department of</pre>	11	created by 2-15-1605;
12	institutions, created by 2-15-2303.	12	<pre>(j) board of morticians. department of professional</pre>
13	(2) The following agencies shall terminate on July 1.	13	and occupational licensing, created by 2-15-1619;
14	1981:	14	(k) board of nursing, department of professional and
15	(a) commission for human rights, department of labor	15	occupational licensing, created by 2-15-1610;
16	and industry, created by 2-15-1706;	16	() board of nursing home administrators, department
17	(b) board of athletics. department of professional and	17	of professional and occupational licensing, created by
18	occupational licensing, created by 2-15-1661;	18	2-15-1611;
19	(c) board of barbers, department of professional and	19	(m) board of optometrists, department of professional
20	occupational licensing, created by 2-15-1625;	20	and occupational licensing, created by 2-15-1612;
21	(d) board of chiropractors, department of professional	21	(n) board of osteopathic physicians. department of
22	and occupational licensing, created by 2-15-1613;	22	professsional and occupational licensing, created by
23	(e) board of cosmetologists, department of	23	2-15-1607;
24	professional and occupational licensings created by	24	(o) board of pharmacists, department of professional
25	2-15-1626;	25	and occupational licensing, created by 2-15-1609;

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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;

(t) board of veterinarians, department of professional
 and occupational Ficensing, 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;

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

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

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

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(g) Montana outfitters council, department of fish and game, created by 2-15-3403;
 (h) public service commission, department of public service regulation, created by 69-1-102;
 (i) board of sanitarians, department of professional and occupational licensing, created by 2-15-1631;

regulation, created by 2-15-1802;

(a) board of milk control, department of business

(f) board of oil and cas conservation, department of

natural resources and conservation, created by 2-15-3303;

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.

17 141 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.

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STATEMENT OF INTENT RE: HB 599

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A statement of intent is required for HB >99 in that it continues rulemaking authority for the state auditor as the ex officio investment commissioner under present statutory authority.

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

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

HB 599

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DATE.*

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1 Section 2. Section 2-8-103. MCA, is imended to read: HOUSE BILL NO. 599 INTRODUCED BY ELLERD. GERKE 2 #2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979: BY REJUEST OF THE LEGISLATIVE AUDIT COMMITTEE 1 4 (a) board of abstracters, department of professional A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE 5 and occupational licensing, created by 2-15-1643; UFFICE OF THE INVESTMENT COMMISSIONER IN THE STATE AUDITOR'S (b) board of public accountants, department of 6 OFFICE UNDER EXISTING STATUTORY AUTHORITY AND PULES: 7 professional and occupational licensing, created by AMENDING SECTION 2-9-103. MCA: AND PROVIDING AN FFECTIVE 2-15-1641: 9 9 (c) board of architects, department of professional 10 and occupational licensing, created by 2-15-1651; WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, 11 (d) state banking board, department of business will terminate the office of the investment commissioner in regulation, created by 2-15-1903; 12 the state auditor's office and require a performance 13 (e) state electrical board+ department of professional evaluation of the office of the investment commissioner by 14 and occupational licensing, created by 2-15-1654; the legislative audit committee; and 15 (f) board of professional engineers and land 16 surveyors, department of professional and occupational WHEREAS, as a result of the performance evaluation, the 17 licensing, created by 2-15-1653; legislative audit committee recommends that the office of 10 (a) office of commissioner of insurance and the the investment commissioner be reestablished under existing 19 insurance department, state auditor's office, created by statutory authority. 20 2-15-1902 and 2-15-1903: BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 21 tht--office---of--the--investment--commissionerv--state auditor As-officey-created-by-2-15-1901+ Section 1. Reestablishment. The office of the 22 investment commissioner in the state auditor's office is 23 (++)(h) board of landscape architects, department of reestablished for 6 years pursuant to 2+8-122 with its 24 professional and occupational licensing, created by 25 2-15-1652; existing statutory authority and rules.

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REFERENCE BILL

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2 community affairs, created by 2-15-1192;

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9 (i) Montana state board of medical examiners,
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12 (j) board of morticians, department of professional
 13 and occupational licensing, created by 2-15-1619;

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

16 (1) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1011;

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(n) board of osteopathic physicians, department of
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 25 and occupational licensing, created by 2-15-1609;

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

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(a) board of milk control, department of business
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17 141__Ibe__following__agency__sball_terminute_on_July_ls

18 1985: office of the investment commissioner: state auditor's

19 officer_created_by_2=15=1901.**

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

-End-