

SENATE BILL NO. 432

INTRODUCED BY VAN VALKENBURG, QUILICI, STORY, FABREGA,  
HAZELBAKER, KEMMIS, SHONTZ, LORY

BY REQUEST OF THE OFFICE OF THE GOVERNOR

IN THE SENATE

February 11, 1981	Introduced and referred to Committee on State Adminis- tration.  Fiscal note requested.
February 16, 1981	Fiscal note returned.
February 18, 1981	Committee recommend bill do pass as amended. Report adopted.
February 19, 1981	Bill printed and placed on members' desks.
February 20, 1981	Second reading, do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on State Adminis- tration.
March 24, 1981	Committee recommend bill be concurrred in. Report adopted.
March 28, 1981	Second reading, concurrred in.
March 30, 1981	On motion rules suspended and bill allowed to be trans- mitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurrred in. Ayes, 97; Noes, 2.

IN THE SENATE

April 1, 1981

Returned from House. Con-  
curred in. Sent to enrolling.

Reported correctly enrolled.

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*Senate* BILL NO. *432*  
INTRODUCED BY *Van Valkenburg, Luntin, Stroy, Tolson*  
BY REQUEST OF THE OFFICE OF THE GOVERNOR  
*Ray Baker, Kenneth Dwyer*

A BILL FOR AN ACT ENTITLED: "AN ACT TO MERGE THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING AND CERTAIN FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS WITH THE DEPARTMENT OF BUSINESS REGULATION AND TO RENAME THAT DEPARTMENT THE DEPARTMENT OF COMMERCE; TO ALLOCATE CERTAIN FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS TO OTHER DEPARTMENTS OF STATE GOVERNMENT; TO GENERALLY REVISE THE LAWS TO CONFORM TO THE MERGER; TO ABOLISH OTHER FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS, INCLUDING THE STATE AIRCRAFT POOL; TO PROVIDE FOR A STATE INFORMATION AND RESEARCH SYSTEM; REPEALING SECTIONS 2-15-1101, 2-15-1601, AND 67-2-201 THROUGH 67-2-205, MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
Section 1. Section 2-15-104, MCA, is amended to read:  
"2-15-104. Structure of executive branch. (1) In accordance with the constitution, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive branch of state government and their respective functions are allocated by

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this chapter among and within the following departments or entities:  
(a) department of administration;  
~~(b) department of community affairs;~~  
~~(c) department of military affairs;~~  
~~(d) department of revenue;~~  
~~(e) state board of education;~~  
~~(f) department of professional and occupational licensing;~~  
~~(g) department of labor and industry;~~  
~~(h) department of business regulation commerce;~~  
~~(i) department of justice;~~  
~~(j) department of health and environmental sciences;~~  
~~(k) department of social and rehabilitation services;~~  
~~(l) department of institutions;~~  
~~(m) department of highways;~~  
~~(n) department of public service regulation;~~  
~~(o) department of agriculture;~~  
~~(p) department of livestock;~~  
~~(q) department of state lands;~~  
~~(r) department of natural resources and conservation;~~  
~~(s) department of fish, wildlife, and parks.~~

1 (2) For its internal structure, each department shall  
2 adhere to the following standard terms:

3 (a) The principal unit of a department is a division.  
4 Each division shall be headed by an administrator.

5 (b) The principal unit of a division is a bureau. Each  
6 bureau shall be headed by a chief.

7 (c) The principal unit of a bureau is a section. Each  
8 section shall be headed by a supervisor."

9 Section 2. Department of business regulation renamed  
10 department of commerce. The department of business  
11 regulation is renamed the department of commerce. The  
12 functions of the department of business regulation are  
13 retained by the department of commerce. Unless inconsistent  
14 with this act, any reference in the MCA, including laws  
15 passed by the 47th legislature, to the "department of  
16 business regulation" or "department" or "director" (of  
17 business regulation) is changed to the "department of  
18 commerce" or "department" or "director" (of commerce).

19 Section 3. Department of professional and occupational  
20 licensing abolished -- functions transferred to department  
21 of commerce. The department of professional and occupational  
22 licensing is abolished and its functions are transferred to  
23 the department of commerce. Unless inconsistent with this  
24 act, any reference in the MCA, including laws passed by the  
25 47th legislature, to the "department of professional and

1 occupational licensing" or "department" or "director" (of  
2 professional and occupational licensing) is changed to the  
3 "department of commerce" or "department" or "director" (of  
4 commerce).

5 Section 4. Professional and occupational licensing  
6 boards -- reallocation. All boards allocated to the  
7 department of professional and occupational licensing under  
8 Title 2, chapter 15, part 16, are reallocated to the  
9 department of commerce under Title 2, chapter 15, part 18.  
10 The code commissioner shall recodify those sections as an  
11 integral part of Title 2, chapter 15, part 18, and the  
12 provisions of Title 2, chapter 15, apply to those sections.  
13 The code commissioner shall change internal name and section  
14 number references accordingly.

15 NEW SECTION. Section 5. Definition. As used in this  
16 part, "board" means each board [reallocated by section 4].

17 Section 6. Department of community affairs abolished  
18 -- certain functions transferred to department of commerce.

19 (1) The department of community affairs is abolished.

20 (2) The following functions of the department of  
21 community affairs are transferred to the department of  
22 commerce:

23 (a) allocation of state funds for public  
24 transportation in 7-14-102;

25 (b) acting as state administering agency for the

1 Montana Economic Land Development Act under Title 15,  
2 chapter 24, part 13;

3 (c) relating to aviation and contained in 15-70-204,  
4 15-70-221, Title 67, and 80-8-204;

5 (d) assisting development credit corporations,  
6 contained in 32-4-201;

7 (e) relating to recommendations concerning major  
8 facility siting and contained in 75-20-211, 75-20-216, and  
9 75-20-501;

10 (f) prescribing standards for monumentation under  
11 76-3-403;

12 (g) establishing minimum subdivision review rules  
13 under 76-3-502 and 76-4-129;

14 (h) planning and developing the state economy,  
15 contained in Title 90, chapter 1, part 1;

16 (i) furnishing advice concerning secondary industry  
17 development under 90-5-113; and

18 (j) furnishing facilities and information to the coal  
19 board under 90-6-204 and 90-6-207.

20 (3) Unless inconsistent with this act, any reference  
21 to the "department of community affairs" or "department" (of  
22 community affairs) in the sections listed in subsection (2)  
23 and in 2-8-103 are changed to "department of commerce" or  
24 "department" (of commerce).

25 (4) The divisions of the department of community

1 affairs are abolished. Any reference in the sections listed  
2 in subsection (2) to a division in the department of  
3 community affairs is changed to "department" (of commerce).  
4 (5) The governor may by executive order assign to a  
5 department in a manner consistent with this act functions  
6 allocated to the department of community affairs by the 47th  
7 legislature and not transferred by this act.

8 Section 7. Functions of department of community  
9 affairs transferred to department of administration. (1) The  
10 functions of the department of community affairs of auditing  
11 the accounts and financial transactions of political  
12 subdivisions and generally assisting political subdivisions  
13 in Title 2, chapter 7, part 5; 2-9-702; 2-9-802; 7-1-4121;  
14 7-1-4130; 7-1-4145; 7-1-4147; 7-1-4148; Title 7, chapter 2,  
15 part 49; 7-3-146; 7-3-153; 7-4-2634; 7-5-2132; 7-5-4124;  
16 7-6-207; 7-6-209; 7-6-210; 7-6-2114; 7-6-2203; 7-6-2212;  
17 7-6-2302; 7-6-2311; 7-6-2314; 7-6-2315; 7-6-2322; 7-6-4111;  
18 7-6-4113; 7-6-4205; 7-6-4221; 7-6-4225; 7-6-4233; 7-7-123;  
19 15-36-112; 17-6-103; 19-11-206; 19-11-303; 19-11-403;  
20 20-1-212; 20-9-203; 20-9-344; 20-9-504; 61-2-208; 85-7-1616;  
21 85-7-1913; 85-7-2027; and 85-9-611 and disposing of oil and  
22 gas severance taxes in 15-36-112 are transferred to the  
23 department of administration.

24 (2) Unless inconsistent with this act, any reference  
25 to "department of community affairs" in the sections listed

1 in subsection (1) or to "municipal audit division" or  
 2 "department" (of community affairs) in those sections or  
 3 related reference to "department" (of community affairs) in  
 4 related sections is changed to "department of  
 5 administration".

6 Section 8. Functions transferred to department of  
 7 justice. (1) The functions of the department of community  
 8 affairs of administering the highway traffic safety program  
 9 under 61-2-102 and 61-2-103 and of assisting in delivery of  
 10 emergency medical services under 50-6-104 and 50-6-203 are  
 11 transferred to the department of justice.

12 (2) Unless inconsistent with this act, any reference  
 13 to the "department of community affairs" or divisions of  
 14 that department in the sections in subsection (1) is changed  
 15 to the "department of justice".

16 Section 9. Functions transferred to department of  
 17 social and rehabilitation services. (1) The functions of the  
 18 department of community affairs of allocating weatherization  
 19 money under 90-4-201 and 90-4-202 are transferred to the  
 20 department of social and rehabilitation services.

21 (2) Unless inconsistent with this act, any reference  
 22 to the "department of community affairs" in the sections in  
 23 subsection (1) is changed to the "department of social and  
 24 rehabilitation services".

25 Section 10. Functions of department of community

1 affairs eliminated. (1) The functions of the department of  
 2 community affairs as a member of the human services agency  
 3 team in 53-10-101 and of receiving for review facility  
 4 siting applications under 75-20-211, 75-20-216, and  
 5 75-20-501 are eliminated.

6 (2) Unless inconsistent with this act, any reference  
 7 to the "department of community affairs" and any words  
 8 dependent on such reference for meaning in those sections in  
 9 subsection (1) are deleted.

10 Section 11. Board of housing -- reallocated to  
 11 department of commerce. (1) The board of housing created in  
 12 2-15-1008 and allocated to the department of administration  
 13 is reallocated to the department of commerce. The code  
 14 commissioner shall recodify that section in Title 2, chapter  
 15 15, part 18, and change internal name and section number  
 16 references accordingly.

17 (2) The functions of the department of administration  
 18 relating to assisting in the financing of housing under  
 19 Title 90, chapter 6, part 1, are transferred to the  
 20 department of commerce. Unless inconsistent with this act,  
 21 any reference in that part to the "department of  
 22 administration" or "department" (of administration) is  
 23 changed to "department of commerce" or "department" (of  
 24 commerce).

25 Section 12. Boards reallocated to department of

1 commerce. The board of county printing, the board of  
2 aeronautics, the coal board, and the office of state  
3 coordinator of Indian affairs, allocated to the department  
4 of community affairs under 2-15-1102 through 2-15-1104 and  
5 2-15-1111, are reallocated to the department of commerce.  
6 The code commissioner shall recodify those sections in Title  
7 2, chapter 15, part 18, and change internal name and section  
8 number references accordingly.

9 NEW SECTION. Section 13. State information and  
10 research system. The department of administration shall, in  
11 cooperation with other state agencies and local governments,  
12 establish and maintain a central depository of statistical,  
13 graphic, library, and other information, including  
14 computer-retrievable files, concerning the significant  
15 characteristics of the state, its people, economy, land, and  
16 physical characteristics. The department shall analyze and  
17 disseminate such information to state and local agencies and  
18 the general public.

19 Section 14. Section 2-15-1803, MCA, is amended to  
20 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 commerce, or his  
25 designee, who is the chairman of the board. The remaining

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

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

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

18 Section 15. Section 37-60-101, MCA, is amended to  
19 read:

20 "37-60-101. General definitions. As used in this  
21 chapter, the following definitions apply:

22 (1) "Department" means the department of ~~professionat~~  
23 ~~and-occupational-licensing~~ commerce.

24 (2) "Director" means the director of the department of  
25 ~~professionat-and-occupational-licensing~~ commerce, or his

1 ~~designee.~~

2 (3) "Licensee" means a person licensed under this  
3 chapter and includes but is not limited to private  
4 investigator and private patrol operator.

5 (4) "Manager" means the individual under whose  
6 direction, control, charge, or management the business of a  
7 licensee is operated.

8 (5) "Person" includes any individual, firm, company,  
9 association, organization, partnership, and corporation."

10 Section 16. Section 60-11-101, MCA, is amended to  
11 read:

12 "60-11-101. Rail planning. The department of commerce  
13 may administer rail planning activities."

14 Section 17. Section 76-3-504, MCA, is amended to read:

15 "76-3-504. Minimum requirements for subdivision  
16 regulations. (1) Not later than December 31, 1973, the  
17 department of ~~community-affairs--through--its--division--of~~  
18 ~~planning, commerce~~ shall, in conformance with the Montana  
19 Administrative Procedure Act, prescribe reasonable minimum  
20 requirements for subdivision regulations adopted pursuant to  
21 this chapter.

22 (2) The minimum requirements shall include detailed  
23 criteria for the content of the environmental assessment  
24 required by this chapter. In prescribing the minimum  
25 contents of the subdivision regulations, the department of

1 ~~community--affairs--through--its--division--of--planning,~~  
2 ~~commerce~~ shall require the submission by the subdivider to  
3 the governing body of an environmental assessment.

4 (3) The department shall provide for the review of  
5 preliminary plats by those agencies of state and local  
6 government and affected public utilities having a  
7 substantial interest in a proposed subdivision. Such agency  
8 or utility review shall not delay the governing body's  
9 action on the plat beyond the time limit specified herein,  
10 and the failure of any agency to complete a review of a plat  
11 shall not be a basis for rejection of the plat by the  
12 governing body."

13 Section 18. Reorganization procedure. The provisions  
14 of sections 2-15-131 through 2-15-137 govern the merger of  
15 the department of community affairs, the department of  
16 professional and occupational licensing, and the department  
17 of business regulation into the department of commerce and  
18 the transfer of the various functions contained in this act.

19 Section 19. Implementation. The governor shall by  
20 executive order implement the provisions of this act.

21 Section 20. Codification instruction. (1) Section 5 is  
22 intended to be codified as an integral part of Title 37,  
23 chapter 1, part 1, and section 5 applies to that part.

24 (2) The code commissioner shall recodify 2-15-1112 and  
25 2-15-1113 as an integral part of Title 90.

1       Section 21. Severability. If a part of this act is  
2       invalid, all valid parts that are severable from the invalid  
3       part remain in effect. If a part of this act is invalid in  
4       one or more of its applications, the part remains in effect  
5       in all valid applications that are severable from the  
6       invalid applications.

7       Section 22. Repealer. Sections 2-15-1101, 2-15-1601,  
8       and 67-2-201 through 67-2-205, MCA, are repealed.

9       Section 23. Effective date. (1) Section 19 is  
10      effective on passage and approval of this act.

11      (2) Sections 1 through 18 and sections 20 through 23  
12      are effective upon signing of the executive order under  
13      section 19 or on July 1, 1981, whichever occurs earlier.

-End-

## STATE OF MONTANA

REQUEST NO. 360-81

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 11, 19 81, there is hereby submitted a Fiscal Note for SB 432 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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.

An act entitled: "An act to merge the Department of Professional and Occupational Licensing and certain functions of the Department of Community Affairs with the Department of Business Regulation and to rename that Department the Department of Commerce; To allocate certain functions of the Department of Community Affairs to other Departments of State Government; to generally revise the Laws to conform to the merger; to abolish other functions of the Department of Community Affairs, including the State Aircraft Pool; to provide for a State Information and Research System; Repealing Sections 2-15-1101, 2-15-1601, and 67-2-201 through 67-2-205, MCA; and providing effective dates."

ASSUMPTION:

Moving costs of \$39,900 will be funded by General Fund monies as a separate appropriation.

COSTS:	1982	1983
Current Law	\$19,918,423.	\$22,202,574.
Proposed Law	15,776,002.	14,001,109.
DIFFERENCE	\$ 4,142,421.	8,201,465.

## FUNDING:

Current Law:		
G.F.	\$ 1,585,144.	\$ 1,588,598.
Other	18,333,279.	20,613,976.
	<u>\$19,918,423.</u>	<u>\$22,202,574.</u>

Proposed Law:		
G.F.	\$ 2,257,862.	\$ 2,373,704.
Other	13,518,140.	11,627,405.
	<u>\$15,776,002.</u>	<u>\$14,001,109.</u>

Estimated Increase (Decrease):		
G.F.	\$ 672,718	\$ 785,106
Other	(4,815,139)	(8,986,571)

*Syle Manley*  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 Date: 2-16-81

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STATE OF MONTANA

REQUEST NO. 355-81

FISCAL NOTE

Revised

Form BD-15

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In compliance with a written request received February 11, , 19 81 , there is hereby submitted a Fiscal Note for Senate Bill 432 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

<sup>Revised</sup>  
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.

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(This is a revised Fiscal Note continuation)

Grants for products	\$ 40,000	
Contracts	500,000	\$ 442,000
Litter Grants	<u>354,500</u>	<u>444,200</u>
TOTAL	<u>\$1,000,000</u>	<u>\$1,000,000</u>

The revenue impact cannot be calculated because there is no data available.

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BUDGET DIRECTOR

Office of Budget and Program Planning

Date: \_\_\_\_\_

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Approved by Committee  
on State Administration

## SENATE BILL NO. 432

INTRODUCED BY VAN VALKENBURG, QUILICI, STORY, FABREGA,

HAZELBAKER, KEMMIS, SHONTZ, LORY

BY REQUEST OF THE OFFICE OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT TO MERGE THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING AND CERTAIN FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS WITH THE DEPARTMENT OF BUSINESS REGULATION AND TO RENAME THAT DEPARTMENT THE DEPARTMENT OF COMMERCE; TO ALLOCATE CERTAIN FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS TO OTHER DEPARTMENTS OF STATE GOVERNMENT; TO GENERALLY REVISE THE LAWS TO CONFORM TO THE MERGER; TO ABOLISH OTHER FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS, INCLUDING THE STATE AIRCRAFT POOL; TO PROVIDE FOR A STATE INFORMATION AND RESEARCH SYSTEM; REPEALING SECTIONS 2-15-1101, 2-15-1601, AND 67-2-201 THROUGH 67-2-205, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 2-15-104, MCA, is amended to read:

"2-15-104. Structure of executive branch. (1) In accordance with the constitution, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive branch of state

government and their respective functions are allocated by this chapter among and within the following departments or entities:

(a) department of administration;

~~(b) department of community affairs;~~

~~(c)~~ (b) department of military affairs;

~~(d)~~ (c) department of revenue;

~~(e)~~ (d) state board of education;

~~(f) department of professional and occupational licensing;~~

~~(g)~~ (e) department of labor and industry;

~~(h)~~ (f) department of business regulation commerce;

~~(i)~~ (g) department of justice;

~~(j)~~ (h) department of health and environmental sciences;

~~(k)~~ (i) department of social and rehabilitation services;

~~(l)~~ (j) department of institutions;

~~(m)~~ (k) department of highways;

~~(n)~~ (l) department of public service regulation;

~~(o)~~ (m) department of agriculture;

~~(p)~~ (n) department of livestock;

~~(q)~~ (o) department of state lands;

~~(r)~~ (p) department of natural resources and conservation;

1        ~~fish~~(g) department of fish, wildlife, and parks.

2        (2) For its internal structure, each department shall  
3 adhere to the following standard terms:

4        (a) The principal unit of a department is a division.  
5 Each division shall be headed by an administrator.

6        (b) The principal unit of a division is a bureau. Each  
7 bureau shall be headed by a chief.

8        (c) The principal unit of a bureau is a section. Each  
9 section shall be headed by a supervisor."

10       Section 2. Department of business regulation renamed  
11 department of commerce. The department of business  
12 regulation is renamed the department of commerce. The  
13 functions of the department of business regulation are  
14 retained by the department of commerce. Unless inconsistent  
15 with this act, any reference in the MCA, including laws  
16 passed by the 47th legislature, to the "department of  
17 business regulation" or "department" or "director" (of  
18 business regulation) is changed to the "department of  
19 commerce" or "department" or "director" (of commerce).

20       Section 3. Department of professional and occupational  
21 licensing abolished -- functions transferred to department  
22 of commerce. The department of professional and occupational  
23 licensing is abolished and its functions are transferred to  
24 the department of commerce. Unless inconsistent with this  
25 act, any reference in the MCA, including laws passed by the

1       47th legislature, to the "department of professional and  
2 occupational licensing" or "department" or "director" (of  
3 professional and occupational licensing) is changed to the  
4 "department of commerce" or "department" or "director" (of  
5 commerce).

6       Section 4. Professional and occupational licensing  
7 boards -- reallocation. All boards allocated to the  
8 department of professional and occupational licensing under  
9 Title 2, chapter 15, part 16, are reallocated to the  
10 department of commerce under Title 2, chapter 15, part 18.  
11 The code commissioner shall recodify those sections as an  
12 integral part of Title 2, chapter 15, part 18, and the  
13 provisions of Title 2, chapter 15, apply to those sections.  
14 The code commissioner shall change internal name and section  
15 number references accordingly.

16       NEW SECTION. Section 5. Definition. As used in this  
17 part, "board" means each board [reallocated by section 4].

18       Section 6. Department of community affairs abolished  
19 -- certain functions transferred to department of commerce.

20       (1) The department of community affairs is abolished.

21       (2) The following functions of the department of  
22 community affairs are transferred to the department of  
23 commerce:

24       (a) allocation of state funds for public  
25 transportation in 7-14-102;

1 (b) acting as state administering agency for the  
2 Montana Economic Land Development Act under Title 15,  
3 chapter 24, part 13;

4 (c) relating to aviation and contained in 15-70-204,  
5 15-70-221, Title 67, and 80-8-204;

6 (d) assisting development credit corporations,  
7 contained in 32-4-201;

8 (e) relating to recommendations concerning major  
9 facility siting and contained in 75-20-211, 75-20-216, and  
10 75-20-501;

11 (f) prescribing standards for monumentation under  
12 76-3-403;

13 (g) establishing minimum subdivision review rules  
14 under 76-3-502 and 76-4-129;

15 (h) planning and developing the state economy,  
16 contained in Title 90, chapter 1, part 1;

17 (i) furnishing advice concerning secondary industry  
18 development under 90-5-113; and

19 (j) furnishing facilities and information to the coal  
20 board under 90-6-204 and 90-6-207.

21 (3) Unless inconsistent with this act, any reference  
22 to the "department of community affairs" or "department" (of  
23 community affairs) in the sections listed in subsection (2)  
24 and in 2-8-103 are changed to "department of commerce" or  
25 "department" (of commerce).

1 (4) The divisions of the department of community  
2 affairs are abolished. Any reference in the sections listed  
3 in subsection (2) to a division in the department of  
4 community affairs is changed to "department" (of commerce).

5 (5) The governor may by executive order assign to a  
6 department in a manner consistent with this act functions  
7 allocated to the department of community affairs by the 47th  
8 legislature and not transferred by this act.

9 Section 7. Functions of department of community  
10 affairs transferred to department of administration. (1) The  
11 functions of the department of community affairs of auditing  
12 the accounts and financial transactions of political  
13 subdivisions and generally assisting political subdivisions  
14 in Title 2, chapter 7, part 5; 2-9-702; 2-9-802; 7-1-4121;  
15 7-1-4130; 7-1-4145; 7-1-4147; 7-1-4148; Title 7, chapter 2,  
16 part 49; 7-3-146; 7-3-153; 7-4-2634; 7-5-2132; 7-5-4124;  
17 7-6-207; 7-6-209; 7-6-210; 7-6-2114; 7-6-2203; 7-6-2212;  
18 7-6-2302; 7-6-2311; 7-6-2314; 7-6-2315; 7-6-2322; 7-6-4111;  
19 7-6-4113; 7-6-4205; 7-6-4221; 7-6-4225; 7-6-4233; 7-7-123;  
20 ~~15-36-112~~ 17-6-103; 19-11-206; 19-11-303; 19-11-403;  
21 20-1-212; 20-9-203; 20-9-344; 20-9-504; 61-2-208; 85-7-1616;  
22 85-7-1913; 85-7-2027; and 85-9-611 and disposing of oil and  
23 gas severance taxes in 15-36-112 are transferred to the  
24 department of administration.

25 (2) Unless inconsistent with this act, any reference

1 to "department of community affairs" in the sections listed  
2 in subsection (1) or to "municipal audit division" or  
3 "department" (of community affairs) in those sections or  
4 related reference to "department" (of community affairs) in  
5 related sections is changed to "department of  
6 administration".

7 Section 8. Functions transferred to department of  
8 justice. (1) The functions of the department of community  
9 affairs of administering the highway traffic safety program  
10 under 61-2-102 and 61-2-103 and of assisting in delivery of  
11 emergency medical services under 50-6-104 and 50-6-203 are  
12 transferred to the department of justice.

13 (2) THE PROGRAM IS ATTACHED FOR ADMINISTRATIVE  
14 PURPOSES ONLY AS PRESCRIBED IN 2-15-121. HOWEVER, THE  
15 PROGRAM MAY HIRE ITS OWN PERSONNEL, AND 2-15-121(2)(D) DOES  
16 NOT APPLY.

17 ~~(2)~~(3) Unless inconsistent with this act, any  
18 reference to the "department of community affairs" or  
19 divisions of that department in the sections in subsection  
20 (1) is changed to the "department of justice".

21 Section 9. Functions transferred to department of  
22 social and rehabilitation services. (1) The functions of the  
23 department of community affairs of allocating weatherization  
24 money under 90-4-201 and 90-4-202 are transferred to the  
25 department of social and rehabilitation services.

1 (2) Unless inconsistent with this act, any reference  
2 to the "department of community affairs" in the sections in  
3 subsection (1) is changed to the "department of social and  
4 rehabilitation services".

5 Section 10. Functions of department of community  
6 affairs eliminated. (1) The functions of the department of  
7 community affairs as a member of the human services agency  
8 team in 53-10-101 ~~and--of--receiving--for--review--facility~~  
9 ~~siting--applications--under--75-20-211v--75-20-216v--and~~  
10 ~~75-20-50t~~ are eliminated.

11 (2) Unless inconsistent with this act, any reference  
12 to the "department of community affairs" and any words  
13 dependent on such reference for meaning in those sections in  
14 subsection (1) are deleted.

15 Section 11. Board of housing -- reallocated to  
16 department of commerce. (1) The board of housing created in  
17 2-15-1008 and allocated to the department of administration  
18 is reallocated to the department of commerce. The code  
19 commissioner shall recodify that section in Title 2, chapter  
20 15, part 18, and change internal name and section number  
21 references accordingly.

22 (2) The functions of the department of administration  
23 relating to assisting in the financing of housing under  
24 Title 90, chapter 6, part 1, are transferred to the  
25 department of commerce. Unless inconsistent with this act,

1 any reference in that part to the "department of  
2 administration" or "department" (of administration) is  
3 changed to "department of commerce" or "department" (of  
4 commerce).

5 Section 12. Boards reallocated to department of  
6 commerce. The board of county printing, the board of  
7 aeronautics, the coal board, and the office of state  
8 coordinator of Indian affairs, allocated to the department  
9 of community affairs under 2-15-1102 through 2-15-1104 and  
10 2-15-1111, are reallocated to the department of commerce.  
11 The code commissioner shall recodify those sections in Title  
12 2, chapter 15, part 18, and change internal name and section  
13 number references accordingly.

14 NEW SECTION. Section 13. State information and  
15 research system. The department of administration shall, in  
16 cooperation with other state agencies and local governments,  
17 establish and maintain a central depository of statistical,  
18 graphic, library, and other information, including  
19 computer-retrievable files, concerning the significant  
20 characteristics of the state, its people, economy, land, and  
21 physical characteristics. The department shall analyze and  
22 disseminate such information to state and local agencies and  
23 the general public.

24 Section 14. Section 2-15-1803, MCA, is amended to  
25 read:

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

3 (2) The board is composed of seven members, including  
4 the director of business--~~regulation~~ commerce, or his  
5 designee, who is the chairman of the board. The remaining  
6 six members of the board shall be appointed with  
7 consideration given banks of small, medium, and large size  
8 and to geographical distribution. At least one banker  
9 member and one public member shall be appointed from each  
10 congressional district of the state. Two of the six members  
11 shall be active officers in state banks of Montana, one  
12 shall be an active officer of a national bank doing business  
13 in Montana, and three shall be members of the public, none  
14 of whom shall be an officer, director, or shareholder of any  
15 state or national bank.

16 (3) The members shall be appointed by the governor  
17 with the consent of the senate for terms of 3 years.  
18 Vacancies shall be filled by appointment for the unexpired  
19 term. No member other than the director of business  
20 regulation COMMERCE may serve more than two consecutive  
21 terms.

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

24 Section 15. Section 37-60-101, MCA, is amended to  
25 read:

1 "37-60-101. General definitions. As used in this  
2 chapter, the following definitions apply:

3 (1) "Department" means the department of professional  
4 and occupational licensing commerce.

5 (2) "Director" means the director of the department of  
6 professional and occupational licensing commerce or his  
7 designee.

8 (3) "Licensee" means a person licensed under this  
9 chapter and includes but is not limited to private  
10 investigator and private patrol operator.

11 (4) "Manager" means the individual under whose  
12 direction, control, charge, or management the business of a  
13 licensee is operated.

14 (5) "Person" includes any individual, firm, company,  
15 association, organization, partnership, and corporation."

16 Section 16. Section 60-11-101, MCA, is amended to  
17 read:

18 "60-11-101. Rail planning. The department of commerce  
19 may administer rail planning activities."

20 Section 17. Section 76-3-504, MCA, is amended to read:

21 "76-3-504. Minimum requirements for subdivision  
22 regulations. (1) Not later than December 31, 1973, the  
23 department of ~~community affairs, through its division of~~  
24 planning, commerce shall, in conformance with the Montana  
25 Administrative Procedure Act, prescribe reasonable minimum

1 requirements for subdivision regulations adopted pursuant to  
2 this chapter.

3 (2) The minimum requirements shall include detailed  
4 criteria for the content of the environmental assessment  
5 required by this chapter. In prescribing the minimum  
6 contents of the subdivision regulations, the department of  
7 ~~community affairs, through its division of~~ planning,  
8 commerce shall require the submission by the subdivider to  
9 the governing body of an environmental assessment.

10 (3) The department shall provide for the review of  
11 preliminary plats by those agencies of state and local  
12 government and affected public utilities having a  
13 substantial interest in a proposed subdivision. Such agency  
14 or utility review shall not delay the governing body's  
15 action on the plat beyond the time limit specified herein,  
16 and the failure of any agency to complete a review of a plat  
17 shall not be a basis for rejection of the plat by the  
18 governing body."

19 Section 18. Reorganization procedure. The provisions  
20 of sections 2-15-131 through 2-15-137 govern the merger of  
21 the department of community affairs, the department of  
22 professional and occupational licensing, and the department  
23 of business regulation into the department of commerce and  
24 the transfer of the various functions contained in this act.

25 Section 19. Implementation. The governor shall by

1 executive order implement the provisions of this act.

2 Section 20. Codification instruction. (1) Section 5 is  
3 intended to be codified as an integral part of Title 37,  
4 chapter 1, part 1, and section 5 applies to that part.

5 (2) The code commissioner shall recodify 2-15-1112 and  
6 2-15-1113 as an integral part of Title 90.

7 Section 21. Severability. If a part of this act is  
8 invalid, all valid parts that are severable from the invalid  
9 part remain in effect. If a part of this act is invalid in  
10 one or more of its applications, the part remains in effect  
11 in all valid applications that are severable from the  
12 invalid applications.

13 Section 22. Repealer. Sections 2-15-1101, 2-15-1601,  
14 and 67-2-201 through 67-2-205, MCA, are repealed.

15 Section 23. Effective date. (1) Section 19 is  
16 effective on passage and approval of this act.

17 (2) Sections 1 through 18 and sections 20 through 23  
18 are effective upon signing of the executive order under  
19 section 19 or on July 1, 1981, whichever occurs earlier.

-End-

SENATE BILL NO. 432

INTRODUCED BY VAN VALKENBURG, QUILICI, STORY, FABREGA,

HAZELBAKER, KEMMIS, SHONTZ, LORY

BY REQUEST OF THE OFFICE OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT TO MERGE THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING AND CERTAIN FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS WITH THE DEPARTMENT OF BUSINESS REGULATION AND TO RENAME THAT DEPARTMENT THE DEPARTMENT OF COMMERCE; TO ALLOCATE CERTAIN FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS TO OTHER DEPARTMENTS OF STATE GOVERNMENT; TO GENERALLY REVISE THE LAWS TO CONFORM TO THE MERGER; TO ABOLISH OTHER FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS, INCLUDING THE STATE AIRCRAFT POOL; TO PROVIDE FOR A STATE INFORMATION AND RESEARCH SYSTEM; REPEALING SECTIONS 2-15-1101, 2-15-1601, AND 67-2-201 THROUGH 67-2-205, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 2-15-104, MCA, is amended to read:

"2-15-104. Structure of executive branch. (1) In accordance with the constitution, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive branch of state

government and their respective functions are allocated by this chapter among and within the following departments or entities:

(a) department of administration;

~~(b) department of community affairs;~~

~~(c)~~ (b) department of military affairs;

~~(d)~~ (c) department of revenue;

~~(e)~~ (d) state board of education;

~~(f) department of professional and occupational licensing;~~

~~(g)~~ (e) department of labor and industry;

~~(h)~~ (f) department of business regulation commerce;

~~(i)~~ (g) department of justice;

~~(j)~~ (h) department of health and environmental sciences;

~~(k)~~ (i) department of social and rehabilitation services;

~~(l)~~ (j) department of institutions;

~~(m)~~ (k) department of highways;

~~(n)~~ (l) department of public service regulation;

~~(o)~~ (m) department of agriculture;

~~(p)~~ (n) department of livestock;

~~(q)~~ (o) department of state lands;

~~(r)~~ (p) department of natural resources and conservation;

1        ~~(s)~~(g) department of fish, wildlife, and parks.

2        (2) For its internal structure, each department shall  
3 adhere to the following standard terms:

4        (a) The principal unit of a department is a division.  
5 Each division shall be headed by an administrator.

6        (b) The principal unit of a division is a bureau. Each  
7 bureau shall be headed by a chief.

8        (c) The principal unit of a bureau is a section. Each  
9 section shall be headed by a supervisor."

10       Section 2. Department of business regulation renamed  
11 department of commerce. The department of business  
12 regulation is renamed the department of commerce. The  
13 functions of the department of business regulation are  
14 retained by the department of commerce. Unless inconsistent  
15 with this act, any reference in the MCA, including laws  
16 passed by the 47th legislature, to the "department of  
17 business regulation" or "department" or "director" (of  
18 business regulation) is changed to the "department of  
19 commerce" or "department" or "director" (of commerce).

20       Section 3. Department of professional and occupational  
21 licensing abolished. Its functions transferred to department  
22 of commerce. The department of professional and occupational  
23 licensing is abolished and its functions are transferred to  
24 the department of commerce. Unless inconsistent with this  
25 act, any reference in the MCA, including laws passed by the

1       47th legislature, to the "department of professional and  
2 occupational licensing" or "department" or "director" (of  
3 professional and occupational licensing) is changed to the  
4 "department of commerce" or "department" or "director" (of  
5 commerce).

6       Section 4. Professional and occupational licensing  
7 boards -- reallocation. All boards allocated to the  
8 department of professional and occupational licensing under  
9 Title 2, chapter 15, part 16, are reallocated to the  
10 department of commerce under Title 2, chapter 15, part 18.  
11 The code commissioner shall recodify those sections as an  
12 integral part of Title 2, chapter 15, part 18, and the  
13 provisions of Title 2, chapter 15, apply to those sections.  
14 The code commissioner shall change internal name and section  
15 number references accordingly.

16       NEW SECTION. Section 5. Definition. As used in this  
17 part, "board" means each board [reallocated by section 4].

18       Section 6. Department of community affairs abolished  
19 -- certain functions transferred to department of commerce.  
20 (1) The department of community affairs is abolished.

21       (2) The following functions of the department of  
22 community affairs are transferred to the department of  
23 commerce:

24       (a) allocation of state funds for public  
25 transportation in 7-14-102;

1 (b) acting as state administering agency for the  
2 Montana Economic Land Development Act under Title 15,  
3 chapter 24, part 13;

4 (c) relating to aviation and contained in 15-70-204,  
5 15-70-221, Title 67, and 80-8-204;

6 (d) assisting development credit corporations,  
7 contained in 32-4-201;

8 (e) relating to recommendations concerning major  
9 facility siting and contained in 75-20-211, 75-20-216, and  
10 75-20-501;

11 (f) prescribing standards for monumentation under  
12 76-3-403;

13 (g) establishing minimum subdivision review rules  
14 under 76-3-502 and 76-4-129;

15 (h) planning and developing the state economy,  
16 contained in Title 90, chapter 1, part 1;

17 (i) furnishing advice concerning secondary industry  
18 development under 90-5-113; and

19 (j) furnishing facilities and information to the coal  
20 boards under 90-6-204 and 90-6-207.

21 (3) Unless inconsistent with this act, any reference  
22 to the "department of community affairs" or "department" (of  
23 community affairs) in the sections listed in subsection (2)  
24 and in 2-8-103 are changed to "department of commerce" or  
25 "department" (of commerce).

1 (4) The divisions of the department of community  
2 affairs are abolished. Any reference in the sections listed  
3 in subsection (2) to a division in the department of  
4 community affairs is changed to "department" (of commerce).

5 (5) The governor may by executive order assign to a  
6 department in a manner consistent with this act functions  
7 allocated to the department of community affairs by the 47th  
8 legislature and not transferred by this act.

9 Section 7. Functions of department of community  
10 affairs transferred to department of administration. (1) The  
11 functions of the department of community affairs of auditing  
12 the accounts and financial transactions of political  
13 subdivisions and generally assisting political subdivisions  
14 in Title 2, chapter 7, part 5; 2-9-702; 2-9-802; 7-1-4121;  
15 7-1-4130; 7-1-4145; 7-1-4147; 7-1-4148; Title 7, chapter 2,  
16 part 49; 7-3-146; 7-3-153; 7-4-2634; 7-5-2132; 7-5-4124;  
17 7-6-207; 7-6-209; 7-6-210; 7-6-2114; 7-6-2203; 7-6-2212;  
18 7-6-2302; 7-6-2311; 7-6-2314; 7-6-2315; 7-6-2322; 7-6-4111;  
19 7-6-4113; 7-6-4205; 7-6-4221; 7-6-4225; 7-6-4233; 7-7-123;  
20 ~~15-36-112;~~ 17-6-103; 19-11-206; 19-11-303; 19-11-403;  
21 20-1-212; 20-9-203; 20-9-344; 20-9-504; 61-2-208; 85-7-1616;  
22 85-7-1913; 85-7-2027; and 85-9-611 and disposing of oil and  
23 gas severance taxes in 15-36-112 are transferred to the  
24 department of administration.

25 (2) Unless inconsistent with this act, any reference

1 to "department of community affairs" in the sections listed  
 2 in subsection (1) or to "municipal audit division" or  
 3 "department" (of community affairs) in those sections or  
 4 related reference to "department" (of community affairs) in  
 5 related sections is changed to "department of  
 6 administration".

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 8 justice. (1) The functions of the department of community  
 9 affairs of administering the highway traffic safety program  
 10 under 61-2-102 and 61-2-103 and of assisting in delivery of  
 11 emergency medical services under 50-6-104 and 50-6-203 are  
 12 transferred to the department of justice.

13 (2) THE PROGRAM IS ATTACHED FOR ADMINISTRATIVE  
 14 PURPOSES ONLY AS PRESCRIBED IN 2-15-121. HOWEVER, THE  
 15 PROGRAM MAY HIRE ITS OWN PERSONNEL, AND 2-15-121(2)(D) DOES  
 16 NOT APPLY.

17 ~~(2)~~ (3) Unless inconsistent with this act, any  
 18 reference to the "department of community affairs" or  
 19 divisions of that department in the sections in subsection  
 20 (1) is changed to the "department of justice".

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 22 social and rehabilitation services. (1) The functions of the  
 23 department of community affairs of allocating weatherization  
 24 money under 90-4-201 and 90-4-202 are transferred to the  
 25 department of social and rehabilitation services.

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 2 to the "department of community affairs" in the sections in  
 3 subsection (1) is changed to the "department of social and  
 4 rehabilitation services".

5 Section 10. Functions of department of community  
 6 affairs eliminated. (1) The functions of the department of  
 7 community affairs as a member of the human services agency  
 8 team in 53-10-101 ~~and--of--receiving--for--review--facility~~  
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 10 ~~75-20-501~~ are eliminated.

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 12 to the "department of community affairs" and any words  
 13 dependent on such reference for meaning in those sections in  
 14 subsection (1) are deleted.

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 16 department of commerce. (1) The board of housing created in  
 17 2-15-1008 and allocated to the department of administration  
 18 is reallocated to the department of commerce. The code  
 19 commissioner shall recodify that section in Title 2, chapter  
 20 15, part 18, and change internal name and section number  
 21 references accordingly.

22 (2) The functions of the department of administration  
 23 relating to assisting in the financing of housing under  
 24 Title 90, chapter 6, part 1, are transferred to the  
 25 department of commerce. Unless inconsistent with this act,

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2 administration" or "department" (of administration) is  
3 changed to "department of commerce" or "department" (of  
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5 Section 12. Boards reallocated to department of  
6 commerce. The board of county printing, the board of  
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15 research system. The department of administration shall, in  
16 cooperation with other state agencies and local governments,  
17 establish and maintain a central depository of statistical,  
18 graphic, library, and other information, including  
19 computer-retrievable files, concerning the significant  
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21 physical characteristics. The department shall analyze and  
22 disseminate such information to state and local agencies and  
23 the general public.

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3 (2) The board is composed of seven members, including  
4 the director of business--regulation commerce, or his  
5 designee, who is the chairman of the board. The remaining  
6 six members of the board shall be appointed with  
7 consideration given banks of small, medium, and large size  
8 and to geographical distribution. At least one banker  
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10 congressional district of the state. Two of the six members  
11 shall be active officers in state banks of Montana, one  
12 shall be an active officer of a national bank doing business  
13 in Montana, and three shall be members of the public, none  
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15 state or national bank.

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18 Vacancies shall be filled by appointment for the unexpired  
19 term. No member other than the director of business  
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21 terms.

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

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7 designee.

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18 "60-11-101. Rail planning. The department of commerce  
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21 "76-3-504. Minimum requirements for subdivision  
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24 planning, commerce shall, in conformance with the Montana  
25 Administrative Procedure Act, prescribe reasonable minimum

1 requirements for subdivision regulations adopted pursuant to  
2 this chapter.

3 (2) The minimum requirements shall include detailed  
4 criteria for the content of the environmental assessment  
5 required by this chapter. In prescribing the minimum  
6 contents of the subdivision regulations, the department of  
7 community--affairs--through-its-division--of--planning  
8 commerce shall require the submission by the subdivider to  
9 the governing body of an environmental assessment.

10 (3) The department shall provide for the review of  
11 preliminary plats by those agencies of state and local  
12 government and affected public utilities having a  
13 substantial interest in a proposed subdivision. Such agency  
14 or utility review shall not delay the governing body's  
15 action on the plat beyond the time limit specified herein,  
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20 of sections 2-15-131 through 2-15-137 govern the merger of  
21 the department of community affairs, the department of  
22 professional and occupational licensing, and the department  
23 of business regulation into the department of commerce and  
24 the transfer of the various functions contained in this act.

25 Section 19. Implementation. The governor shall by

1 executive order implement the provisions of this act.

2 Section 20. Codification instruction. (1) Section 5 is  
3 intended to be codified as an integral part of Title 37,  
4 chapter 1, part 1, and section 5 applies to that part.

5 (2) The code commissioner shall recodify 2-15-1112 and  
6 2-15-1113 as an integral part of Title 90.

7 Section 21. Severability. If a part of this act is  
8 invalid, all valid parts that are severable from the invalid  
9 part remain in effect. If a part of this act is invalid in  
10 one or more of its applications, the part remains in effect  
11 in all valid applications that are severable from the  
12 invalid applications.

13 Section 22. Repealer. Sections 2-15-1101, 2-15-1601,  
14 and 67-2-201 through 67-2-205, MCA, are repealed.

15 Section 23. Effective date. (1) Section 19 is  
16 effective on passage and approval of this act.

17 (2) Sections 1 through 18 and sections 20 through 23  
18 are effective upon signing of the executive order under  
19 section 19 or on July 1, 1981, whichever occurs earlier.

-End-

## 1 SENATE BILL NO. 432

2 INTRODUCED BY VAN VALKENBURG, QUILICI, STORY, FABREGA,

3 HAZELBAKER, KEMMIS, SHONTZ, LORY

4 BY REQUEST OF THE OFFICE OF THE GOVERNOR

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO MERGE THE DEPARTMENT  
7 OF PROFESSIONAL AND OCCUPATIONAL LICENSING AND CERTAIN  
8 FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS WITH THE  
9 DEPARTMENT OF BUSINESS REGULATION AND TO RENAME THAT  
10 DEPARTMENT THE DEPARTMENT OF COMMERCE; TO ALLOCATE CERTAIN  
11 FUNCTIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS TO OTHER  
12 DEPARTMENTS OF STATE GOVERNMENT; TO GENERALLY REVISE THE  
13 LAWS TO CONFORM TO THE MERGER; TO ABOLISH OTHER FUNCTIONS OF  
14 THE DEPARTMENT OF COMMUNITY AFFAIRS, INCLUDING THE STATE  
15 AIRCRAFT POOL; TO PROVIDE FOR A STATE INFORMATION AND  
16 RESEARCH SYSTEM; REPEALING SECTIONS 2-15-1101, 2-15-1601,  
17 AND 67-2-201 THROUGH 67-2-205, MCA; AND PROVIDING EFFECTIVE  
18 DATES."

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 2-15-104, MCA, is amended to read:

22 "2-15-104. Structure of executive branch. (1) In  
23 accordance with the constitution, all executive and  
24 administrative offices, boards, commissions, agencies, and  
25 instrumentalities of the executive branch of state

1 government and their respective functions are allocated by  
2 this chapter among and within the following departments or  
3 entities:

4 (a) department of administration;

5 ~~{b}~~--department-of-community-affairs†6 ~~{c}~~{b} department of military affairs;7 ~~{d}~~{c} department of revenue;8 ~~{e}~~{d} state board of education;9 ~~{f}~~--department---of---professional---and---occupational  
10 †licensing†11 ~~{g}~~{e} department of labor and industry;12 ~~{h}~~{f} department of business-regulation commerce;13 ~~{i}~~{g} department of justice;14 ~~{j}~~{h} department of health and environmental  
15 sciences;16 ~~{k}~~{i} department of social and rehabilitation  
17 services;18 ~~{l}~~{j} department of institutions;19 ~~{m}~~{k} department of highways;20 ~~{n}~~{l} department of public service regulation;21 ~~{o}~~{m} department of agriculture;22 ~~{p}~~{n} department of livestock;23 ~~{q}~~{o} department of state lands;24 ~~{r}~~{p} department of natural resources and  
25 conservation;

1        ~~(9)~~ department of fish, wildlife, and parks.

2        (2) For its internal structure, each department shall  
3 adhere to the following standard terms:

4        (a) The principal unit of a department is a division.  
5 Each division shall be headed by an administrator.

6        (b) The principal unit of a division is a bureau. Each  
7 bureau shall be headed by a chief.

8        (c) The principal unit of a bureau is a section. Each  
9 section shall be headed by a supervisor."

10       Section 2. Department of business regulation renamed  
11 department of commerce. The department of business  
12 regulation is renamed the department of commerce. The  
13 functions of the department of business regulation are  
14 retained by the department of commerce. Unless inconsistent  
15 with this act, any reference in the MCA, including laws  
16 passed by the 47th legislature, to the "department of  
17 business regulation" or "department" or "director" (of  
18 business regulation) is changed to the "department of  
19 commerce" or "department" or "director" (of commerce).

20       Section 3. Department of professional and occupational  
21 licensing abolished -- functions transferred to department  
22 of commerce. The department of professional and occupational  
23 licensing is abolished and its functions are transferred to  
24 the department of commerce. Unless inconsistent with this  
25 act, any reference in the MCA, including laws passed by the

1       47th legislature, to the "department of professional and  
2 occupational licensing" or "department" or "director" (of  
3 professional and occupational licensing) is changed to the  
4 "department of commerce" or "department" or "director" (of  
5 commerce).

6       Section 4. Professional and occupational licensing  
7 boards -- reallocation. All boards allocated to the  
8 department of professional and occupational licensing under  
9 Title 2, chapter 15, part 16, are reallocated to the  
10 department of commerce under Title 2, chapter 15, part 18.  
11 The code commissioner shall recodify those sections as an  
12 integral part of Title 2, chapter 15, part 18, and the  
13 provisions of Title 2, chapter 15, apply to those sections.  
14 The code commissioner shall change internal name and section  
15 number references accordingly.

16       NEW SECTION. Section 5. Definition. As used in this  
17 part, "board" means each board [reallocated by section 4].

18       Section 6. Department of community affairs abolished  
19 -- certain functions transferred to department of commerce.

20       (1) The department of community affairs is abolished.

21       (2) The following functions of the department of  
22 community affairs are transferred to the department of  
23 commerce:

24       (a) allocation of state funds for public  
25 transportation in 7-14-102;

1 (b) acting as state administering agency for the  
2 Montana Economic Land Development Act under Title 15,  
3 chapter 24, part 13;

4 (c) relating to aviation and contained in 15-70-204,  
5 15-70-221, Title 67, and 80-8-204;

6 (d) assisting development credit corporations,  
7 contained in 32-4-201;

8 (e) relating to recommendations concerning major  
9 facility siting and contained in 75-20-211, 75-20-216, and  
10 75-20-501;

11 (f) prescribing standards for monumentation under  
12 76-3-403;

13 (g) establishing minimum subdivision review rules  
14 under 76-3-502 and 76-4-129;

15 (h) planning and developing the state economy,  
16 contained in Title 90, chapter 1, part 1;

17 (i) furnishing advice concerning secondary industry  
18 development under 90-5-113; and

19 (j) furnishing facilities and information to the coal  
20 board under 90-6-204 and 90-6-207.

21 (3) Unless inconsistent with this act, any reference  
22 to the "department of community affairs" or "department" (of  
23 community affairs) in the sections listed in subsection (2)  
24 and in 2-8-103 are changed to "department of commerce" or  
25 "department" (of commerce).

1 (4) The divisions of the department of community  
2 affairs are abolished. Any reference in the sections listed  
3 in subsection (2) to a division in the department of  
4 community affairs is changed to "department" (of commerce).

5 (5) The governor may by executive order assign to a  
6 department in a manner consistent with this act functions  
7 allocated to the department of community affairs by the 47th  
8 legislature and not transferred by this act.

9 Section 7. Functions of department of community  
10 affairs transferred to department of administration. (1) The  
11 functions of the department of community affairs of auditing  
12 the accounts and financial transactions of political  
13 subdivisions and generally assisting political subdivisions  
14 in Title 2, chapter 7, part 5; 2-9-702; 2-9-802; 7-1-4121;  
15 7-1-4130; 7-1-4145; 7-1-4147; 7-1-4148; Title 7, chapter 2,  
16 part 49; 7-3-146; 7-3-153; 7-4-2634; 7-5-2132; 7-5-4124;  
17 7-6-207; 7-6-209; 7-6-210; 7-6-2114; 7-6-2203; 7-6-2212;  
18 7-6-2302; 7-6-2311; 7-6-2314; 7-6-2315; 7-6-2322; 7-6-4111;  
19 7-6-4113; 7-6-4205; 7-6-4221; 7-6-4225; 7-6-4233; 7-7-123;  
20 ~~15-36-112~~ 17-6-103; 19-11-206; 19-11-303; 19-11-403;  
21 20-1-212; 20-9-203; 20-9-344; 20-9-504; 61-2-208; 85-7-1616;  
22 85-7-1913; 85-7-2027; and 85-9-611 and disposing of oil and  
23 gas severance taxes in 15-36-112 are transferred to the  
24 department of administration.

25 (2) Unless inconsistent with this act, any reference

1 to "department of community affairs" in the sections listed  
 2 in subsection (1) or to "municipal audit division" or  
 3 "department" (of community affairs) in those sections or  
 4 related reference to "department" (of community affairs) in  
 5 related sections is changed to "department of  
 6 administration".

7 Section 8. Functions transferred to department of  
 8 justice. (1) The functions of the department of community  
 9 affairs of administering the highway traffic safety program  
 10 under 61-2-102 and 61-2-103 and of assisting in delivery of  
 11 emergency medical services under 50-6-104 and 50-6-203 are  
 12 transferred to the department of justice.

13 (2) THE PROGRAM IS ATTACHED FOR ADMINISTRATIVE  
 14 PURPOSES ONLY AS PRESCRIBED IN 2-15-121. HOWEVER, THE  
 15 PROGRAM MAY HIRE ITS OWN PERSONNEL, AND 2-15-121(2)(D) DOES  
 16 NOT APPLY.

17 ~~2~~(3) Unless inconsistent with this act, any  
 18 reference to the "department of community affairs" or  
 19 divisions of that department in the sections in subsection  
 20 (1) is changed to the "department of justice".

21 Section 9. Functions transferred to department of  
 22 social and rehabilitation services. (1) The functions of the  
 23 department of community affairs of allocating weatherization  
 24 money under 90-4-201 and 90-4-202 are transferred to the  
 25 department of social and rehabilitation services.

1 (2) Unless inconsistent with this act, any reference  
 2 to the "department of community affairs" in the sections in  
 3 subsection (1) is changed to the "department of social and  
 4 rehabilitation services".

5 Section 10. Functions of department of community  
 6 affairs eliminated. (1) The functions of the department of  
 7 community affairs as a member of the human services agency  
 8 team in 53-10-101 ~~and--of--receiving--for--review--facility~~  
 9 ~~siting--applications---under---75-20-211v---75-20-216v--and~~  
 10 ~~75-20-504~~ are eliminated.

11 (2) Unless inconsistent with this act, any reference  
 12 to the "department of community affairs" and any words  
 13 dependent on such reference for meaning in those sections in  
 14 subsection (1) are deleted.

15 Section 11. Board of housing -- reallocated to  
 16 department of commerce. (1) The board of housing created in  
 17 2-15-1008 and allocated to the department of administration  
 18 is reallocated to the department of commerce. The code  
 19 commissioner shall recodify that section in Title 2, chapter  
 20 15, part 18, and change internal name and section number  
 21 references accordingly.

22 (2) The functions of the department of administration  
 23 relating to assisting in the financing of housing under  
 24 Title 90, chapter 6, part 1, are transferred to the  
 25 department of commerce. Unless inconsistent with this act,

1 any reference in that part to the "department of  
2 administration" or "department" (of administration) is  
3 changed to "department of commerce" or "department" (of  
4 commerce).

5 Section 12. Boards reallocated to department of  
6 commerce. The board of county printing, the board of  
7 aeronautics, the coal board, and the office of state  
8 coordinator of Indian affairs, allocated to the department  
9 of community affairs under 2-15-1102 through 2-15-1104 and  
10 2-15-1111, are reallocated to the department of commerce.  
11 The code commissioner shall recodify those sections in Title  
12 2, chapter 15, part 18, and change internal name and section  
13 number references accordingly.

14 NEW SECTION. Section 13. State information and  
15 research system. The department of administration shall, in  
16 cooperation with other state agencies and local governments,  
17 establish and maintain a central depository of statistical,  
18 graphic, library, and other information, including  
19 computer-retrievable files, concerning the significant  
20 characteristics of the state, its people, economy, land, and  
21 physical characteristics. The department shall analyze and  
22 disseminate such information to state and local agencies and  
23 the general public.

24 Section 14. Section 2-15-1803, MCA, is amended to  
25 read:

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

3 (2) The board is composed of seven members, including  
4 the director of business--regulation commerce, or his  
5 designee, who is the chairman of the board. The remaining  
6 six members of the board shall be appointed with  
7 consideration given banks of small, medium, and large size  
8 and to geographical distribution. At least one banker  
9 member and one public member shall be appointed from each  
10 congressional district of the state. Two of the six members  
11 shall be active officers in state banks of Montana, one  
12 shall be an active officer of a national bank doing business  
13 in Montana, and three shall be members of the public, none  
14 of whom shall be an officer, director, or shareholder of any  
15 state or national bank.

16 (3) The members shall be appointed by the governor  
17 with the consent of the senate for terms of 3 years.  
18 Vacancies shall be filled by appointment for the unexpired  
19 term. No member other than the director of business  
20 regulation COMMERCE may serve more than two consecutive  
21 terms.

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

24 Section 15. Section 37-60-101, MCA, is amended to  
25 read:

1 "37-60-101. General definitions. As used in this  
2 chapter, the following definitions apply:

3 (1) "Department" means the department of professional  
4 and-occupational-licensing commerce.

5 (2) "Director" means the director of the department of  
6 professional--and--occupational--licensing commerce or his  
7 designee.

8 (3) "Licensee" means a person licensed under this  
9 chapter and includes but is not limited to private  
10 investigator and private patrol operator.

11 (4) "Manager" means the individual under whose  
12 direction, control, charge, or management the business of a  
13 licensee is operated.

14 (5) "Person" includes any individual, firm, company,  
15 association, organization, partnership, and corporation."

16 Section 16. Section 60-11-101, MCA, is amended to  
17 read:

18 "60-11-101. Rail planning. The department of commerce  
19 may administer rail planning activities."

20 Section 17. Section 76-3-504, MCA, is amended to read:

21 "76-3-504. Minimum requirements for subdivision  
22 regulations. (1) Not later than December 31, 1973, the  
23 department of community--affairs--through-its-division-of  
24 planning, commerce shall, in conformance with the Montana  
25 Administrative Procedure Act, prescribe reasonable minimum

1 requirements for subdivision regulations adopted pursuant to  
2 this chapter.

3 (2) The minimum requirements shall include detailed  
4 criteria for the content of the environmental assessment  
5 required by this chapter. In prescribing the minimum  
6 contents of the subdivision regulations, the department of  
7 community--affairs--through-its-division--of--planning,  
8 commerce shall require the submission by the subdivider to  
9 the governing body of an environmental assessment.

10 (3) The department shall provide for the review of  
11 preliminary plats by those agencies of state and local  
12 government and affected public utilities having a  
13 substantial interest in a proposed subdivision. Such agency  
14 or utility review shall not delay the governing body's  
15 action on the plat beyond the time limit specified herein,  
16 and the failure of any agency to complete a review of a plat  
17 shall not be a basis for rejection of the plat by the  
18 governing body."

19 Section 18. Reorganization procedure. The provisions  
20 of sections 2-15-131 through 2-15-137 govern the merger of  
21 the department of community affairs, the department of  
22 professional and occupational licensing, and the department  
23 of business regulation into the department of commerce and  
24 the transfer of the various functions contained in this act.

25 Section 19. Implementation. The governor shall by

1 executive order implement the provisions of this act.

2 Section 20. Codification instruction. (1) Section 5 is  
3 intended to be codified as an integral part of Title 37,  
4 chapter 1, part 1, and section 5 applies to that part.

5 (2) The code commissioner shall recodify 2-15-1112 and  
6 2-15-1113 as an integral part of Title 90.

7 Section 21. Severability. If a part of this act is  
8 invalid, all valid parts that are severable from the invalid  
9 part remain in effect. If a part of this act is invalid in  
10 one or more of its applications, the part remains in effect  
11 in all valid applications that are severable from the  
12 invalid applications.

13 Section 22. Repealer. Sections 2-15-1101, 2-15-1601,  
14 and 67-2-201 through 67-2-205, MCA, are repealed.

15 Section 23. Effective date. (1) Section 19 is  
16 effective on passage and approval of this act.

17 (2) Sections 1 through 18 and sections 20 through 23  
18 are effective upon signing of the executive order under  
19 section 19 or on July 1, 1981, whichever occurs earlier.

-End-