

HOUSE BILL NO. 303

1/21 Introduced
1/21 Referred to Business & Labor
1/30 Hearing
1/31 Adverse Committee Report
2/01 Bill Killed

1 HOUSE BILL NO. 303
 2 INTRODUCED BY Jamirez, Rodery
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING TRUST OFFICES
 5 OF SUBSIDIARY TRUST COMPANIES AND BANKS TO BE LOCATED IN THE
 6 SAME CITY OR TOWN AS THE MAIN OFFICE AND ELIMINATING THE
 7 REQUIREMENT THAT THEY BE LOCATED IN THE SAME BUILDING;
 8 AMENDING SECTIONS 32-1-805, 32-1-806, AND 32-1-808, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 32-1-805, MCA, is amended to read:
 12 "32-1-805. Trust offices of subsidiary trust
 13 companies. Notwithstanding the provisions of 32-1-372, a
 14 subsidiary trust company may have a trust office at any one
 15 or more locations in this state in the same ~~building-with~~
 16 city or town as the main office of any affiliated bank which
 17 on January 1, 1975, was authorized to act in fiduciary
 18 capacities ~~but-not-elsewhere.~~"

19 Section 2. Section 32-1-806, MCA, is amended to read:
 20 "32-1-806. Trust offices of affiliated banks.
 21 Notwithstanding the provisions of 32-1-372, a bank having
 22 trust powers may be authorized by the department or by the
 23 comptroller of the currency, in the case of a national
 24 banking association, to maintain a trust office at any one
 25 or more locations in this state in the same ~~building-with~~

1 city or town as the main office of any affiliated bank which
 2 on January 1, 1975, was authorized to act in fiduciary
 3 capacities."

4 Section 3. Section 32-1-808, MCA, is amended to read:

5 "32-1-808. Transfer of fiduciary relationships between
 6 affiliated banks. (1) Any bank which has received approval
 7 pursuant to 32-1-806 to maintain a trust office in the same
 8 ~~building-with~~ city or town as the main office of any
 9 affiliated bank may file its verified application in the
 10 district court of the county in which its main office is
 11 located requesting that it be substituted, except as may be
 12 expressly excluded in such application, in every fiduciary
 13 capacity for such affiliated bank, and such affiliated bank
 14 shall join in such application. Such application shall
 15 indicate the county wherein the main office of such
 16 affiliated bank is located and shall designate each
 17 fiduciary account existing at the date thereof with respect
 18 to which the applicant bank requests substitution, but
 19 fiduciary capacities in other cases need not be listed. Such
 20 application shall additionally set forth, with regard to
 21 each existing fiduciary account designated therein, the name
 22 and address last known to the applicant of each person
 23 entitled to mailed notice of hearing thereon, who shall be
 24 those persons specified in subsections (1)(a) through (1)(e)
 25 of 32-1-807.



1 (2) When any such application has been filed, the
 2 clerk of the court where filed shall make an order fixing a
 3 date and time for hearing thereon and shall cause notice
 4 thereof to be given by publication and mailing in the manner
 5 required by 32-1-807.

6 (3) The notice to be published and mailed with respect
 7 to each application shall state the time and place of the
 8 hearing thereon, the name of the bank which has filed the
 9 application, the name of the affiliated bank which has
 10 joined in such application, that the application requests
 11 that the applicant bank be substituted in every fiduciary
 12 capacity for the affiliated bank specified in the
 13 application, and that any person beneficially interested in
 14 any affected fiduciary account may appear on or before the
 15 date of hearing and file his written objection to such
 16 substitution as to such affected fiduciary account, and such
 17 notice shall refer to such application for further
 18 particulars.

19 (4) On or before the date and time of hearing any such
 20 application, any person beneficially interested in any
 21 fiduciary account as to which substitution of the applicant
 22 bank is requested may appear and file objection to
 23 substitution and shall be entitled to be heard with respect
 24 to such objection.

25 (5) On such date of hearing, upon finding that due

1 notice has been given as required by this part and upon
 2 finding that the applicant bank has received the requisite
 3 approval from the department or the comptroller of the
 4 currency if the applicant bank is a national banking
 5 association, the district court shall enter an order
 6 substituting the applicant bank in every fiduciary capacity
 7 for the affiliated bank designated in the application,
 8 excepting as may be otherwise specified in the application
 9 and excepting fiduciary capacities in any account with
 10 respect to which an objection has been filed pursuant to
 11 this section. Upon entry of such order, the applicant bank
 12 shall, without further act, be substituted in every such
 13 fiduciary capacity. Such substitution may be made a matter
 14 of record in any county of this state by filing a certified
 15 copy of the order of substitution in the office of the clerk
 16 of any district court in this state or by filing a certified
 17 copy of such order in the office of the clerk and recorder
 18 of any county in this state to be by such officer recorded
 19 and indexed in like manner and with like effect as other
 20 orders and decrees of court are recorded and indexed.

21 (6) Each designation, in a will or other instrument
 22 heretofore or hereafter executed, of a bank as fiduciary
 23 shall be deemed a designation of the applicant bank
 24 substituted for such bank pursuant to this section except
 25 where such will or other instrument is executed after such

1 substitution and expressly negates the application of this
2 section. Any grant in any such will or other such
3 instrument of any discretionary power shall be deemed
4 conferred upon the applicant bank deemed designated as the
5 fiduciary pursuant to this section.

6 (7) A bank shall account jointly with the applicant
7 bank which has been substituted as fiduciary for such bank
8 pursuant to this section for the accounting period during
9 which the applicant bank is initially so substituted. Upon
10 substitution pursuant to this section, the affiliated bank
11 for which substitution has been made shall deliver to such
12 applicant bank all assets held by such affiliated bank as
13 fiduciary (except assets held for accounts with respect of
14 which there has been no substitution pursuant to this
15 section) and upon such substitution all such assets shall
16 become the property of such applicant bank without the
17 necessity of any instrument of transfer or conveyance."

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