

SENATE BILL NO. 374

INTRODUCED BY NEUMAN, KOLSTAD

BY REQUEST OF THE SENATE BUSINESS AND INDUSTRY COMMITTEE

IN THE SENATE

FEBRUARY 18, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

FEBRUARY 20, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 21, 1987 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 23, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 49; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 24, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

MARCH 17, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 20, 1987 SECOND READING, CONCURRED IN.

MARCH 21, 1987 THIRD READING, CONCURRED IN.
AYES, 94; NOES, 2.

 RETURNED TO SENATE.

IN THE SENATE

MARCH 23, 1987 RECEIVED FROM HOUSE.

 SENT TO ENROLLING.

MARCH 25, 1987

ENROLLING REPORT.

SIGNED BY PRESIDENT.

IN THE HOUSE

MARCH 26, 1987

SIGNED BY SPEAKER.

IN THE SENATE

MARCH 26, 1987

DELIVERED TO GOVERNOR.

MARCH 31, 1987

RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.

APRIL 1, 1987

ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

APRIL 2, 1987

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

APRIL 3, 1987

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

TRANSMITTED TO HOUSE.

IN THE HOUSE

APRIL 10, 1987

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

APRIL 11, 1987

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

RETURNED TO SENATE.

IN THE SENATE

APRIL 13, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

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Senate BILL NO. *374*
Newman Holstad

INTRODUCED BY _____
BY REQUEST OF THE SENATE BUSINESS AND INDUSTRY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE STATE BANKING BOARD TO ISSUE A CERTIFICATE OF AUTHORITY WITHOUT HEARING IN CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 32-1-204, MCA."

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

Section 1. Section 32-1-204, MCA, is amended to read:

"32-1-204. Hearings -- notice. (1) A hearing shall be conducted upon all applications for new bank certificates of authorization, in accordance with the Montana Administrative Procedure Act relating to a contested case, whether or not any protest to the application is filed.

(2) A notice of the filing of an application for a new bank certificate of authorization shall be mailed to all banks within 100 miles of the proposed location, measured in a straight line.

(3) A hearing shall be conducted no sooner than 30 days and not later than 90 days following the mailing of such notice.

(4) Any bank filing a written protest with the board prior to the date of the hearing shall be admitted as a

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"party", as defined in the Montana Administrative Procedure Act, with full rights of a party, including the right of subpoena of witnesses and written materials, the right of cross-examination, the right to have a transcript, and the right to receive all notices, copy of the application, all orders, and the right of judicial review and appeal.

(5) All applications for mergers, consolidations, or relocations of banks shall likewise require a hearing, and all of the rights and procedures stated herein shall apply to these matters.

(6) Notwithstanding the requirements of subsections (1) through (5), when the deposit liability of any closed bank is to be transferred to or assumed by a state bank being organized for that purpose, the board is empowered to issue a certificate of authorization without notice or hearing, according to rules adopted by the board.

-End-



APPROVED BY COMM. ON
BUSINESS & INDUSTRY

1 *Senate* BILL NO. *374*
2 INTRODUCED BY *Deannan Kaled*
3 BY REQUEST OF THE SENATE BUSINESS AND INDUSTRY COMMITTEE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE STATE
6 BANKING BOARD TO ISSUE A CERTIFICATE OF AUTHORITY WITHOUT
7 HEARING IN CERTAIN CIRCUMSTANCES; AND AMENDING SECTION
8 32-1-204, MCA."
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14 authorization, in accordance with the Montana Administrative
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16 any protest to the application is filed.

17 (2) A notice of the filing of an application for a new
18 bank certificate of authorization shall be mailed to all
19 banks within 100 miles of the proposed location, measured in
20 a straight line.

21 (3) A hearing shall be conducted no sooner than 30
22 days and not later than 90 days following the mailing of
23 such notice.

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16 hearing, according to rules adopted by the board."

-End-



-2- SECOND READING
SB-374

1 *Senate* BILL NO. *374*
 2 INTRODUCED BY *Thurman Bolet*
 3 BY REQUEST OF THE SENATE BUSINESS AND INDUSTRY COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE STATE
 6 BANKING BOARD TO ISSUE A CERTIFICATE OF AUTHORITY WITHOUT
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 16 hearing, according to rules adopted by the board."

-End-

GOVERNOR'S PROPOSED AMENDMENT TO
SENATE BILL NO. 374
REFERENCE COPY
MARCH 31, 1987

1. Title, line 7.
Following: "CIRCUMSTANCES;"
Strike: "AND"
2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
3. Page 2, line 17.
Following: line 16
Insert: " NEW SECTION. Section 2. Effective date. This act
is effective on passage and approval"

-END-

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NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

