



ADMINISTRATIVE RULES OF MONTANA

2.59.1002 MERGER APPLICATION PROCEDURES

- (1) An application to merge one or more banks located in Montana pursuant to 32-1-370, MCA, must be on the form in ARM 2.59.1001.
- (2) An application to merge any two or more banks doing business in this state pursuant to 32-1-371, MCA, must be on the form in ARM 2.59.1001.
- (3) The application to merge must be filed with the Montana Division of Banking and Financial Institutions (division).
- (4) An applicant for approval of a merger transaction shall publish notice of the proposed transaction on at least three occasions at approximately equal intervals in a newspaper of general circulation in the community or communities where the main offices of the merging institutions are located; or, if there is no such newspaper in the community, then in the newspaper of general circulation published nearest to the community.
 - (a) The first publication of the notice must be as close as practicable to the date on which the application is filed with the division, but no more than five days before the filing date.
 - (b) The last publication of the notice must be on the 25th day after the first publication; or, if the newspaper does not publish on the 25th day, on the publication date closest to the 25th day.
- (5) The text of the public notice must include the following information:
 - (a) that an application for merger has been made to the Montana Commissioner of Banking;
 - (b) the name and address of all the parties to the merger;
 - (c) the identity of the surviving institution;
 - (d) that the public may submit comments to the Commissioner, Montana Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546;
 - (e) the closing date of the public comment period; and
 - (f) that the nonconfidential portions of the application are on file with the division and are available for public inspection during regular business hours.
- (6) The comment period must be 30 days.
- (7) The notice may be combined with any notice of an applicable state or federal regulator and published jointly.

- (8) Where public notice is required, the division may determine on a case-by-case basis that unusual circumstances surrounding a particular filing warrant modification of the publication requirements.
- (9) The applicant(s) shall provide the affidavit(s) of publication to the division after it is received.

Authorizing statute(s): 32-1-218, MCA

Implementing statute(s): 32-1-370, 32-1-371, MCA

History: NEW, 2013 MAR p.1817, Eff. 10/18/13; AMD, 2017 MAR p. 1295, Eff. 8/5/17.