

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the proposed adoption of	)	NOTICE OF PUBLIC HEARING
New Rule I pertaining to examination	)	ON PROPOSED ADOPTION
fees for business and industrial	)	
development corporations	)	

TO: All Concerned Persons

1. On October 25, 2007, at 2:00 p.m., a public hearing will be held in Room 342 of the Park Avenue Building, 301 S. Park, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Administration, Division of Banking and Financial Institutions, will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Division of Banking and Financial Institutions no later than 5:00 p.m. on October 18, 2007, to advise us of the nature of the accommodation that you need. Please contact Christopher Romano, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2928; TDD (406) 444-1421; facsimile (406) 841-2930; e-mail to cromano@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I EXAMINATION FEES (1) A business and industrial development corporation (BIDCO) licensee shall pay the Division of Banking and Financial Institutions a fee for the cost of conducting the examination of a BIDCO licensee, an affiliate, or subsidiary of the licensee as well as the cost of preparing the examination report. This fee shall be equal to \$50 per hour per examiner, plus out-of-pocket costs for travel, lodging, and meals while away from the examiner's place of employment.

AUTH: 32-11-105, MCA  
IMP: 32-11-203, MCA

REASON: It is reasonably necessary for the division to propose New Rule I in order to establish the examination fees for a licensed business and industrial development corporation which includes an affiliate or subsidiary of the licensee. The authority to adopt examination fees by rule is specifically referenced in Section 31 of the Business and Industrial Corporation Act. This Act was passed during the 2007 Regular Legislative Session as part of Senate Bill 321. The division anticipates that there will be one licensed business and industrial development corporation. It is anticipated that there will be two examiners required over a period of 144 hours to complete an examination. It is estimated that the total annual revenue from the \$50 per hour charge will be \$7,200. The division anticipates that

the examination would be conducted at a licensee's location which would require overnight travel. The division estimates the out-of-pocket costs for two examiners' travel, lodging, and meals to be \$1,527 for this examination. It is then estimated that the total revenue for this examination to be \$8,727.

4. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to kosullivan@mt.gov, and must be received no later than November 2, 2007.

5. Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, has been designated to preside over and conduct the hearing.

6. An electronic copy of this Proposal Notice is available through the Department of Administration's web site at <http://doa.mt.gov/AdministrativeRules.asp>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

7. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request which includes the name and mailing address or e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Such written requests may be mailed or delivered to Christopher Romano, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to cromano@mt.gov; or may be made by completing a request form at any rules hearing held by the Division of Banking and Financial Institutions.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. Senator John Brueggeman, the primary bill sponsor of SB 321 (2007), was notified on July 27, 2007, by regular mail.

By: /s/ Janet R. Kelly  
Janet R. Kelly, Director  
Department of Administration

By: /s/ Dal Smilie  
Dal Smilie, Rule Reviewer  
Department of Administration

Certified to the Secretary of State September 24, 2007.