

BEFORE THE STATE BANKING BOARD
DEPARTMENT OF ADMINISTRATION
STATE OF MONTANA

In the matter of the repeal of ARM) NOTICE OF PROPOSED REPEAL
2.60.401 pertaining to the closure or)
relocation of bank branches) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On February 27, 2021, the Department of Administration proposes to repeal the above-stated rule.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on January 27, 2021, to advise us of the nature of the accommodation that you need. Please contact Heather Hardman, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2922; TDD (406) 841-2974; facsimile (406) 841-2930; or e-mail to banking@mt.gov.

3. The department proposes to repeal the following rule:

2.60.401 ADOPTION OF FORM FOR NOTICE TO PUBLIC OF BANK
BRANCH CLOSURE OR RELOCATION

AUTH: 32-1-218, MCA
IMP: 32-1-202, 32-1-218, MCA

STATEMENT OF REASONABLE NECESSITY: The department proposes to repeal this rule as the Notice to Public of Proposed Closure or Relocation of Bank Branch form dated August 1, 2016, has been replaced in a previous rulemaking. The department adopted new rule ARM 2.59.907 pertaining to the closure or relocation of bank branches on September 11, 2020. The new rule states that the bank shall give notice to its customers by using the Notice of Closure form or Notice of Relocation form, both dated June 29, 2020, as appropriate. Therefore, the form in ARM 2.60.401 is no longer necessary.

4. Concerned persons may present their data, views, or arguments concerning the proposed action 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; or e-mailed to banking@mt.gov. Comments must be received no later than 5:00 p.m., February 12, 2021.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person listed in 4 above no later than 5:00 p.m., January 27, 2021.

6. If the Division of Banking and Financial Institutions receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 4 persons based on the 38 state-chartered banks.

7. An electronic copy of this proposal notice is available through the department's website at <http://doa.mt.gov/administrativerules>. The department strives to make its online version of the notice conform to the official published version, but advises all concerned persons that if a discrepancy exists between the official version and the department's online version, only the official text will be considered. In addition, although the department works to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

8. 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 that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written requests may be mailed or delivered to Heather Hardman, 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 banking@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. The department has determined that under 2-4-111, MCA, the proposed repeal of the above-stated rule will not significantly and directly impact small businesses.

By: /s/ Michael P. Manion
Michael P. Manion, Acting Director
Department of Administration

By: /s/ Don Harris
Don Harris, Rule Reviewer
Department of Administration

Certified to the Secretary of State January 5, 2021.