

2015 Department of Administration, Division of Banking, Bill Proposals

Short Title	Amended Statutes	Rationale
Montana Mortgage Act Housekeeping Bill 6101-14-013	32-9-102, 103, 104, 109, 113, 120, 122, 129, and 130	<ul style="list-style-type: none"> • This bill continues to update the Montana Mortgage Act to provide consistency with federal laws. • Clarifies the licensing requirements of loan originators, loan processors and loan underwriters and their relationship with independent contractors who provide mortgage support services. • Prohibits mortgage entities from licensing branches that are located outside of the territorial U.S. • Adopts the federal standard for habitualness and deletes the “regularly engaged in the business of” standard. • Removal of tribal exemption due to sovereign nation status.
Non-Depository Lenders Bill 6101-14-014	31-1-712, 713, 727, 32-5-202, 207, 402, 407 and 408	<ul style="list-style-type: none"> • This bill amends both the Montana Deferred Deposit Act and the Montana Consumer Loan Act. • Clarifies that the Department may serve entities through certified mail and obtain records that are located outside of MT. • Modernizes the late fee statute to provide for charging a late fee regardless of whether payment is to be made by cash, check, or electronic payment. • Eliminates any referral to law enforcement agencies.

<p>Revise Bank Act 6101-14-015</p>	<p>32-1-231, 32-1-234 and 32-1-235</p>	<ul style="list-style-type: none"> • Provides that submission of call reports to appropriate federal agency satisfies requirement to submit to the Division. • Clarifies that work papers associated with examinations and reports are also confidential. • FFTC – bond only. Tried last session to allow submission of verification from home state regulator, but this is not working.
<p>Revise Montana Credit Union Act 6101-14-016</p>	<p>32-3-412</p>	<ul style="list-style-type: none"> • This bill amends the duties of the Board of Directors of credit unions. CU Boards are made up of volunteers who may or may not have sufficient banking or accounting knowledge. • The bill breaks the duties of Directors into those that are non-delegable and those that are delegable. • It adds a requirement that Directors either have or receive basic accounting knowledge and training on risks to financial institutions commensurate with the size and complexity of the credit union. • Clarifies the relationship of the CU's supervisory committee to the Board. • Establishes that approval of member applications, investment of surplus funds, and the setting of interest rates are duties that can be delegated to CU management if appropriate policies are put into place to set standards, conditions and controls to provide guidance to management.