

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**BUSINESS AND LABOR COMMITTEE**

DATE 2-8-05

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. JIM KEANE, CHAIR.	✓		
REP. KATHLEEN GALVIN-HALCRO, VICE CHAIR	✓		
REP. JOE MCKENNEY, VICE CHAIR	✓		
REP. ELSIE ARNTZEN	✓		
REP. BOB BERGREN	✓		
REP. TIM DOWELL	✓		
REP. KEVIN FUREY	✓		
REP. DAVE GALLIK	✓		
REP. RALPH HEINERT	✓		
REP. LLEW JONES	✓		
REP. MIKE JOPEK	✓		
REP. HARRY KLOCK	✓		
REP. SCOTT MENDENHALL	✓		
REP. MIKE MILBURN	✓		
REP. DON ROBERTS	✓		
REP. WAYNE STAHL	✓		
REP. DAN VILLA	✓		
REP. JONATHAN WINDY BOY			✓



## HOUSE STANDING COMMITTEE REPORT

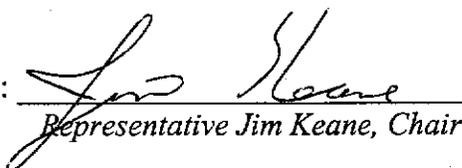
February 8, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 331** (first reading copy -- white) **do pass as amended.**

Signed:

  
Representative Jim Keane, Chair

**And, that such amendments read:**

1. Title, line 6.

**Strike:** "CASUALTY"

**Insert:** "MEDICAL MALPRACTICE"

2. Page 1, line 27.

**Strike:** "casualty"

**Insert:** "medical malpractice"

3. Page 2, line 4.

**Following:** "write"

**Strike:** "and"

**Insert:** "or"

**Strike:** "casualty"

**Insert:** "medical malpractice"

4. Page 2, line 6.

**Strike:** "casualty"

**Insert:** "medical malpractice"

5. Page 2, line 11.

**Following:** "market"

**Insert:** "or with an eligible surplus lines insurer"

**Committee Vote:**

**Yes 18, No 0.**

311425SC.hkh

2/8/05  
jbr

6. Page 2, line 17.

**Following:** "market"

**Insert:** "or with an eligible surplus lines insurer"

7. Page 2, line 22.

**Following:** "market"

**Insert:** "or with an eligible surplus lines insurer"

8. Page 2, line 24.

**Following:** "market"

**Insert:** "or with an eligible surplus lines insurer"

- END -



## HOUSE STANDING COMMITTEE REPORT

February 8, 2005

Page 1 of 3

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 140** (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Jim Keane*  
Representative Jim Keane, Chair

And, that such amendments read:

1. Title, line 8.

**Following:** "SERVICES;"

**Insert:** "PROVIDING THE DEPARTMENT OF ADMINISTRATION WITH  
RULEMAKING AUTHORITY;"

2. Title, line 8.

**Strike:** "AND"

**Following:** "PENALTIES"

**Insert:** "; REPEALING CERTAIN DEBT ADJUSTMENT LAWS; AND REPEALING  
SECTIONS 31-3-201, 31-3-202, AND 31-3-203, MCA"

3. Page 1, line 21.

**Following:** ";"

**Strike:** "and"

4. Page 1, line 23.

**Following:** "accountant"

**Insert:** "; and

(d) debt collectors that do not advertise or hold  
themselves out as a credit counseling service"

5. Page 3, line 18.

**Following:** "plans"

**Insert:** "-- rulemaking authority"

Committee Vote:

Yes 18, No 0.

311424SC.hkh

2/8/05  
JK

6. Page 3, line 29 through line 30.

**Strike:** "a" on line 29 through "provided" on line 30

**Insert:** "a statement, in a prominent location in the plan in at least 10-point bold type, that either party may cancel the agreement without penalty at any time upon 10 days' notice and that a consumer who cancels an agreement is entitled to a refund of all unexpended funds that the consumer has paid to the credit counseling service as of the date of the notice"

7. Page 4, line 1.

**Strike:** "and"

8. Page 4, line 2.

**Following:** "resolved"

**Insert:** "; and

(g) a statement that the credit counseling service has a fiduciary duty to the consumer who is a party to a debt management plan"

9. Page 4, following line 6.

**Insert:** "(4) (a) A credit counseling service may not impose any fees or other charges on a consumer or receive any payment from a consumer or other person on behalf of a consumer except as allowed by this section.

(b) The fees or charges referred to in this subsection (4) include voluntary contributions and any other fees charged to or collected from a consumer or on behalf of a consumer.

(c) A credit counseling service may not charge an initial consultation fee that exceeds an amount set by the department by rule. The fee or portion of the fee may not be charged until the credit counseling service has complied with the provisions of this section.

(d) A credit counseling service may charge a monthly maintenance fee. In the absence of exceptional circumstances as defined in the department's rules, a credit counseling service may not have a total monthly fee in an amount that exceeds the amount set by the rules.

(e) A credit counseling service may not, as a condition of entering into a debt management plan, require a consumer to purchase for a fee a counseling session, an educational program, or materials and supplies.

(f) Fees charged for services other than credit counseling services must be fair and reasonable.

(g) If the credit counseling service imposes any fee or

other charge or receives any funds or other payments not authorized by this section, except as a result of a bona fide error, the debt management plan is void and the credit counseling service shall return to the consumer all fees received from or on behalf of the consumer.

(5) Credit counseling services are prohibited from using hold harmless clauses, confessions of judgment, and waivers of the right to jury trials in debt management plans.

(6) The department may promulgate rules as necessary to implement the provisions of [sections 1 through 7], including setting fees."

10. Page 5, following line 7.

**Insert:** "NEW SECTION. Section 8. Repealer. Sections 31-3-201, 31-3-202, and 31-3-203, MCA, are repealed."

**Renumber:** subsequent section

- END -

**HOUSE OF REPRESENTATIVES**

**Roll Call Vote**

**BUSINESS AND LABOR COMMITTEE**

DATE 2-8-05 BILL NO 49 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

DO PASS AS AMENDED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KATHLEEN GALVIN-HALCRO, VICE CHAIR	✓		
REP. JOE MCKENNEY, VICE CHAIR		✓	
REP. ELSIE ARNTZEN		✓	
REP. BOB BERGREN	✓		
REP. TIM DOWELL	✓		
REP. KEVIN FUREY	✓		
REP. DAVE GALLIK	✓		
REP. RALPH HEINERT		✓	
REP. LLEW JONES		✓	
REP. MIKE JOPEK	✓		
REP. HARRY KLOCK		✓	
REP. SCOTT MENDENHALL		✓	
REP. MIKE MILBURN		✓	
REP. DON ROBERTS		✓	
REP. WAYNE STAHL		✓	
REP. DAN VILLA	✓		
REP. JONATHAN WINDY BOY	✓		
REP. JIM KEANE, CHAIR	✓		

9      9

# VISITORS REGISTER

Montana

House of Representatives

Business & Labor Committee

Bill Number: HB 483

Date: 2/8/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Tom Schneider	MPEA	X		
LARRY Payne	City of Helena <sup>Gr Falls</sup> / Bozeman		X	
Dave Cardillo	Billings PD	X		
Jerry Williams	MT Police Protective Assoc	X		
Tim Hawkins	MT Police Protective Assoc	X		
Levi Talkington	Lewistown Police Dept	X		
Jani McCall	City of Billings		X	
Pat Clinch	MSCFIA	X		
KURT BUSHNELL	MSFA	X		
KEITH SIMENDINGER	MSFA	X		
DOUGLAS H. NEIL	MSFA	X		
STEVE GOLMAR	CITY OF LIVINGSTON		X	
JIM WHITAKER	Great Falls	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

# VISITORS REGISTER

Montana

House of Representatives

Business & Labor Committee

Bill Number: HB 532

Date: 2/8/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Claudia Clifton	AARP	✓		
Russ Spenser	Pfizer/Pharma		✓	
Barbara Renf	MT Chamber		✓	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

# VISITORS REGISTER

Montana

House of Representatives

Business & Labor Committee

Bill Number: HB 493

Date: 2/8/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Randy Gray	City of Great Falls	X		
WILL SWEARINGEN	MSU BOZEMAN	X		
Adrian Hutcherson	SCIENTIFIC MATERIALS	X		
Wendy Barrett	COU Office	X		
Cindy Poole	Commerce	X		
Jim Kambich	MADA/MEDIA	X		
Don Peoples	USE Inc.	X		
D. H. Johnston	MT Univ System	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

# VISITORS REGISTER

Montana

House of Representatives

Business & Labor Committee

Bill Number: HB 481

Date: 2/8/05

Please print ~ Please print ~ Please print ~ Please print

Name	Representing	Support	Oppose	Informational
Duane Ferdinand	citizen	X		
Chere Justo	MPA	X		
Sarah Hansen	NTHP	X		
ROLENE SCHLIESMAN				
Gary Amosby	Rickland Economic Development	X		
Steve Colner	City of Livingston	X		
Mike McGinly	Beaverhead Co	X		
Jani McCall	City of Billings	X		
Stephen Ambrose Tobias	Citizen	X		
Alan Barrett	Gov Office	X		
Candi Fargo	Alliance Dev. Corporation	X		
Arnie Olsen	MT. Hist. Society	X		
Hal Fossum	Downtown Helena	X		
Jim Patrick	city of Kalispell	X		
Andy Park	Dept of Commerce	X		
Marcia Youngman	Bozeman City Commission	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you care to submit written testimony.

Randy Gray Mayor - Great Falls X  
 MARK BANMIKE MT. HISTORICAL SOCIETY/STPO X