

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Thursday, March 5, 2009
Place: Capitol

Time: 8:00 am
Room: 137

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 157, SB 160, SB 169, SB 256

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

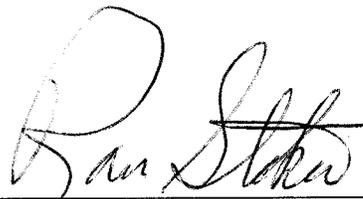
HB 318 (DPAA) SB 169 (Tabled) SB 96 (delayed action)

SB 160 (P) HB 525 (Tabled) SB 108 (tabled)

SB 256 (P) SB 91 (P)

SB 157 (P) SB 103 (P)

COMMENTS:



REP. Ron Stoker, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 3/5/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Peterson	✓	
Rep. Kottel	✓	
Rep. Kerns	✓	
Rep. Sands	✓	
Rep. Bennett	✓	
Rep. MacDonald	✓	
Rep. More	✓	
Rep. Ebinger	✓	
Rep. Wagner	✓	
Rep. Becker	✓	
Rep. Driscoll	✓	
Rep. Regier	✓	
Rep. McClafferty	✓	
Rep. Howard	✓	
Rep. Blewett	✓	
Rep. Warburton	✓	
Rep. Menahan	✓	
Rep. Stoker	✓	



HOUSE STANDING COMMITTEE REPORT

March 5, 2009

Page 1 of 4

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 318** (first reading copy – white) **do pass as amended.**

Signed: _____

Ron Stoker
Representative Ron Stoker, Chair

And, that such amendments read:

1. Page 1, line 15.

Strike: "and"

Insert: "or"

2. Page 1, line 19.

Following: "bank,"

Insert: "agent of a bank,"

3. Page 2.

Following: line 1

Insert: "(3) "Principal amount of the debt" means the total amount of debt of an individual at the time the individual is accepted into a debt settlement program."

4. Page 2, line 4.

Following: "maintain"

Insert: "insurance"

5. Page 2, line 6.

Following: "."

Insert: "The debt settlement provider shall, at the request of the attorney general, make available to the attorney general proof of the insurance coverage required by this subsection (1) (a)."

6. Page 2, line 13.

Committee Vote:

Yes 17, No 1

Fiscal Note Required

HB0318001SC.hjd

Strike: "In addition" through "include"

Insert: "The annual filing by the debt settlement provider must be accompanied by a filing fee of \$750 and must include, in addition to the financial statement, the following"

7. Page 2, line 21.

Following: "(3)"

Insert: "(a)"

Strike: "is required to"

Insert: "shall"

8. Page 2, lines 22 through 24.

Following: "debtor,"

Strike: remainder of line 22 through "settlement." on line 24

Insert: "that:

(i) there will be fees charged by the debt settlement provider and shall disclose the type and amount of all of those fees;

(ii) the settlement of debts through a debt settlement program might have an impact on the debtor's credit history;

(iii) there may be tax consequences for the debtor as a result of a debt settlement;

(iv) collection activity by the creditor for a debt may continue until the creditor accepts a settlement for that debt;

(v) any settlement amount is an estimate based on the experience of prior customers and is not guaranteed to be accepted by the creditor;

(vi) a creditor may not be forced to accept a proposed settlement;

(vii) the debtor is required to meet certain savings goals in order to maximize settlement opportunities;

(viii) the debt settlement provider does not provide legal, accounting, tax, or bankruptcy advice or assistance;

(ix) the debt settlement provider will not use a payment made by the debtor to make a payment to a creditor; and

(x) debt settlement may not be the only option available to the debtor.

(b) "

9. Page 2, line 24.

Strike: "16-point"

Insert: "12-point"

10. Page 2, lines 28 through 29.

Strike: "or accept" on line 28 through "is" on line 29

11. Page 2, line 30.

Following: "fees"

Insert: ", other than setup fees,"

Strike: "are"

Insert: "is"

12. Page 3, line 1.

Following: "debt"

Strike: " ;"

Insert: ". No more than 5% of the principal amount of the debt may be charged as a setup fee."

13. Page 3, line 12.

Strike: "in connection with the debt settlement provider's activities"

Insert: "for performing debt settlement services"

14. Page 3, line 15.

Following: "agents"

Insert: ", affiliates, or contractors"

15. Page 3, line 16.

Following: "debtor"

Insert: ", a company acting on behalf of the debtor or the debtor's debt settlement provider,"

16. Page 3, line 19.

Strike: "actual services are provided"

Insert: "a written debt settlement services contract has been executed by the debtor containing a schedule of fees in the actual amount to be charged the debtor and stating when those fees will be charged"

17. Page 3, line 21.

Strike: "or"

18. Page 3, line 23.

Following: "plan"

Insert: "; or

(n) violate the provisions of any applicable state or federal do-not-call registry or Title 30, chapter 14, part 5"

19. Page 3, line 24 through line 25.

Following: "debtor"

Strike: remainder of line 24 through line 25 in its entirety

Insert: "before the contract is completed, the debt settlement provider shall, on request of the debtor, refund 50% of any collected but unrefunded service fee on a pro rata basis for those accounts that have not received a settlement offer by the time of the cancellation. Fees associated with the setup of a debt settlement service contract are not required to be refunded."



HOUSE STANDING COMMITTEE REPORT

March 5, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 160** (third reading copy – blue) **be concurred in.**

Signed:

A handwritten signature in cursive script, appearing to read "Ron Stoker".

Representative Ron Stoker, Chair

To be carried by Representative Bob Wagner

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required

SB0160001SC06487.hjd



HOUSE STANDING COMMITTEE REPORT

March 5, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 256** (third reading copy – blue) **be concurred in.**

Signed: _____

Ron Stoker
Representative Ron Stoker, Chair

To be carried by Representative David Howard

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required

SB0256001SC06469.hjd



HOUSE STANDING COMMITTEE REPORT

March 5, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 157** (third reading copy – blue) **be concurred in.**

Signed: _____


Representative Ron Stoker, Chair

To be carried by Representative Gerald Bennett

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required

SB0157001SC06458.hjd



HOUSE STANDING COMMITTEE REPORT

March 5, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 91** (third reading copy – blue) be concurred in.

Signed:

A handwritten signature in cursive script, appearing to read "Ron Stoker".

Representative Ron Stoker, Chair

To be carried by Representative Keith Regier

- END -

Committee Vote:

Yes 13, No 5

Fiscal Note Required

SB0091001SC06479.hjd



HOUSE STANDING COMMITTEE REPORT

March 5, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 103** (third reading copy – blue)
be concurred in.

Signed: _____

A handwritten signature in cursive script, appearing to read "Ron Stoker".

Representative Ron Stoker, Chair

To be carried by Representative Wendy Warburton

- END -

Committee Vote:

Yes 17, No 1

Fiscal Note Required

SB0103001SC06488.hjd

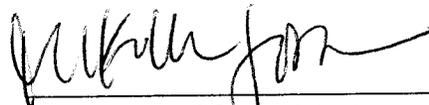
COMMITTEE FILE COPY

TABLED BILL

The **HOUSE JUDICIARY COMMITTEE** TABLED **HB 525, SB 108, SB 169**, by motion, on **Thursday, March 5, 2009**.



(For the Committee)



(Chief Clerk of the House)

_____, 3/5
(Time) (Date)

March 5, 2009

Jennifer L. Eck, Secretary

Phone: 444-4832

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3/5/09 BILL NO HB 318 MOTION NO. _____

MOTION: _____
HB 318 do pass as amended.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel	X		
Krayton Kerns		X	X
Diane Sands	X		
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More	X		
Bob Ebinger	X		
Bob Wagner	X		
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard	X		
Anders Blewett	X		X
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3/5/09 BILL NO HB 525 MOTION NO. _____
 MOTION: _____

DO PASS HB 525 AS AMENDED.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson		X	
Deborah Kottel		X	
Krayton Kerns		X	
Diane Sands		X	
Gerald Bennett		X	
Margaret MacDonald	X		
Michael More		X	
Bob Ebinger		X	
Bob Wagner		X	
Arlene Becker		X	
Robyn Driscoll	X		
Keith Regier		X	
Edith McClafferty	X		
David Howard		X	
Anders Blewett	X		X
Wendy Warburton		X	
Mike Menahan		X	
Ron Stoker		X	

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3/5/09 BILL NO SB 91 MOTION NO. _____
 MOTION: _____

DO CONCUR IN SB 91.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson		X	
Deborah Kottel	X		
Krayton Kerns		X	
Diane Sands	X		
Gerald Bennett		X	
Margaret MacDonald	X		
Michael More		X	X
Bob Ebinger	X		
Bob Wagner	X		
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard		X	
Anders Blewett	X		X
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 3/5/09 BILL NO SB108 MOTION NO. _____

MOTION: _____
DO CONCUR IN SB108.

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson		X	
Deborah Kottel		X	
Krayton Kerns		X	
Diane Sands		X	
Gerald Bennett		X	
Margaret MacDonald		X	
Michael More		X	
Bob Ebinger		X	
Bob Wagner		X	
Arlene Becker		X	
Robyn Driscoll		X	
Keith Regier		X	
Edith McClafferty		X	
David Howard		X	
Anders Blewett		X	X
Wendy Warburton		X	
Mike Menahan	X		
Ron Stoker		X	

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judging

Committee because of other commitments. I desire to leave my proxy vote with:

Deb Kead

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 318	X		HB 525 DPAA	X	
SB 160	X		HB 525 to table	X	
SB 256	X		SB 108 to table	X	
SB 157	X				
SB 169 To Take	X				
HB 525 amend	X				
SB 91	X				
SB 103	X				
SB 108		X			
HB 318 - to segregate	X				
HB 318 - to amend	X				

Rep. 
(Signature)

Date March 5, '09

