

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 28, 2009

House Chambers
State Capitol

House convened at 8:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Butcher. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Augare, Bennett, Hiner, Howard, Kasten, Pease-Lopez, Phillips, Roundstone, Steenson. Quorum present.

Mr. Speaker asked Sgt.-at-Arms Tensley to escort Representatives Klock, McNutt, Wilson and Stoker to the well of the House. All four members of the House have birthdays within the next two days. The body sang Happy Birthday to the Representatives.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 3/28/2009
SB 235, be concurred in. Report adopted.
SB 271, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 3/28/2009
SB 464, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 3/28/2009
HB 669, do pass. Report adopted.
SB 22, be concurred in. Report adopted.
SB 62, be concurred in. Report adopted.
SB 71, be concurred in. Report adopted.
SB 97, be concurred in. Report adopted.
SB 392, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/28/2009

HB 144, introduced by McAlpin
HB 400, introduced by Kottel
HB 530, introduced by Arntzen

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/28/2009

HB 386, introduced by O'Hara

Senate bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/28/2009

SB 260, introduced by Gillan
SB 465, introduced by Hamlett
SB 491, introduced by Lewis
SB 510, introduced by Gebhardt

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FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 34, introduced by McAlpin, Ingraham, Stoker, French, Smith, Sands, P. Noonan, B. Beck, Becker, Furey, Hunter, referred to Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 260, introduced by Gillan, Lake, A. Noonan, Ankney, Gebhardt, Lake, P. Noonan, referred to Taxation.

SB 465, introduced by Hamlett, Story, referred to Taxation.

SB 491, introduced by Lewis, referred to Taxation.

SB 510, introduced by Gebhardt, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 133, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Becker, Wagner.

Total 2

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 150, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 65

Nays: Barrett, P. Beck, Becker, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Hands,

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Henry, Hollenbaugh, MacDonald, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Peterson, Pomnichowski, Reinhart, Sesso, Van Dyk, Wilmer, Wiseman, Mr. Speaker.

Total 29

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 171, Governor's amendments, passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Barrett, Boniek, Grinde, Hands, Kerns, Lake, MacDonald, More, Roberts.

Total 9

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: Welborn.

Total 1

HB 195, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: McGillvray.

Total 1

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

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HB 197, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Regier.

Total 1

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 279 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Randall, Reichner, Reinhart, Sales, Sands, Sesso, Sonju, Stahl, Stoker, Van Dyk, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Bennett, Berry, Boniek, Hendrick, Kerns, Lake, Miller, More, Morgan, Nooney, Peterson, Pomnichowski, Regier, Roberts, Smith, Taylor, Vance, Villa, Wagner, Welborn.

Total 20

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 306 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent,

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Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Boniek, More, Regier, Wagner.
Total 4

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

Absent or not voting: None.
Total 0

HB 317, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: None.
Total 0

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

Absent or not voting: Hoven.
Total 1

HB 354, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: None.
Total 0

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

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Absent or not voting: Milburn.

Total 1

HB 365, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: More, Randall, Sales.

Total 3

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: Boss Ribs, Stahl.

Total 2

HB 397, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 92

Nays: Pomnichowski, Mr. Speaker.

Total 2

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 407, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald,

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MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: None.

Total 0

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 593, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 78

Nays: Blasdel, Boniek, Boss Ribs, Dickenson, Lake, McGillvray, Mendenhall, Miller, Peterson, Randall, Sales, Smith, Sonju, Van Dyk, Wagner, Wiseman.

Total 16

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 598, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Berry, Caferro, Hoven, Lake, Mendenhall, Pomnichowski, Randall, Regier, Sales, Wagner, Wilmer.

Total 11

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

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Total 6

Absent or not voting: Stahl.

Total 1

HB 615, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson.

Total 80

Nays: Belcourt, Boniek, Caferro, Campbell, Jopek, Mendenhall, Miller, More, Pomnichowski, Van Dyk, Wagner, Warburton, Wiseman, Mr. Speaker.

Total 14

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 653, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Ingraham, Kerns, Mendenhall, Randall, Sales, Wagner.

Total 7

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 655, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French,

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Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Reichner, Reinhart, Roberts, Sands, Sesso, Sonju, Stahl, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Berry, Boniek, Hawk, Hoven, Kerns, Lake, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Stoker, Wagner.
Total 15

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

Absent or not voting: None.
Total 0

HJR 30 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Kerns, Morgan, Peterson, Sales.
Total 4

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

Absent or not voting: Vincent, Welborn.
Total 2

Rep. O'Hara left the floor and is excused.

MOTIONS

Rep. Campbell moved to authorize the Speaker to appoint a conference committee for HB 622
Rep. Campbell withdrew her motion.

Rep. Taylor moved that **HB 187** be taken from the House Appropriations Committee and be placed on 2nd reading.
Motion requires 3/5 majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Belcourt, Berry, Blasdel, Blewett, Boniek, Brown, Butcher, Caferro, Campbell, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn,

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Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman.

Total 58

Nays: Barrett, P. Beck, Becker, Boland, Boss Ribs, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pomnichowski, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Mr. Speaker.

Total 32

Excused: Augare, Bennett, Hiner, Howard, Kasten, O'Hara, Pease-Lopez, Phillips, Roundstone, Steenson.

Total 10

Absent or not voting: None.

Total 0

Rep. Butcher moved that **SB 81** be taken from the House Appropriations Committee and be placed on 2nd reading the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Berry, Blasdel, Boniek, Brown, Butcher, French, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Nays: Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pomnichowski, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 44

Excused: Augare, Bennett, Hiner, Howard, Kasten, O'Hara, Pease-Lopez, Phillips, Roundstone, Steenson.

Total 10

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative D. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 23 - Conference Committee Report No. 1 - Representative Himmelberger moved the Conference Committee report to **HB 23** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 221 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 221** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Ankney, P. Beck, Randall, Regier, Stahl, Van Dyk, Wagner.

Total 7

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 290 - Senate Amendments - Representative Grinde moved Senate amendments to **HB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

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Nays: Becker, Caferro, Kerns, Miller, Randall, Taylor, Wagner.
Total 7

Excused: Howard, Kasten.
Total 2

Absent or not voting: Stahl.
Total 1

HB 291 - Senate Amendments - Representative Sonju moved Senate amendments to **HB 291** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Berry, Boniek, Caferro.
Total 3

Excused: Howard, Kasten.
Total 2

Absent or not voting: Washburn.
Total 1

HB 622 - Senate Amendments - Representative Himmelberger moved Senate amendments to **HB 622** be **not be** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Bennett.
Total 1

Excused: Howard, Kasten.
Total 2

Absent or not voting: None.

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Total 0

SB 57 - Representative Hamilton moved **SB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Blasdel, Boniek, Hawk, Kerns, Lake, McGillvray, Mendenhall, Miller, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Wagner.

Total 16

Excused: Howard, Kasten.

Total 2

Absent or not voting: Hamilton.

Total 1

SB 58 - Representative Hamilton moved **SB 58** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Blasdel, Boniek, Hawk, Kerns, McGillvray, Mendenhall, Miller, Randall, Regier, Reichner, Sales, Smith, Sonju, Warburton, Welborn.

Total 15

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

SB 95 - Representative Cohenour moved **SB 95** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan,

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Milburn, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Kerns, Klock, Lake, McGillvray, Mendenhall, More, Morgan, Nooney, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Wagner, Warburton.

Total 27

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

SB 113 - Representative Vincent moved **SB 113** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 94

Nays: Kerns, Morgan.

Total 2

Excused: Howard, Kasten.

Total 2

Absent or not voting: Kottel, Mr. Speaker.

Total 2

SB 123 - Representative Wilmer moved **SB 123** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Peterson, Wagner.

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Total 2

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

SB 133 - Representative Hamilton moved **SB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Kerns, Kottel, More, Stoker.

Total 5

Excused: Howard, Kasten.

Total 2

Absent or not voting: Miller.

Total 1

SB 148 - Representative Ingraham moved **SB 148** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

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HB 312 - Representative B. Beck moved **HB 312** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Sands, Sesso, Smith, Steenson, Van Dyk, Villa, Wilmer, Wiseman, Mr. Speaker.

Total 62

Nays: Ankney, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, Nooney, Randall, Reichner, Roberts, Roundstone, Sales, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 36

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 361 - Representative Wiseman moved **HB 361** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 657 - Representative Stahl moved **HB 657** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor,

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Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Kerns.

Total 1

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 670 - Representative Vincent moved **HB 670** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 93

Nays: Caferro, Kerns, Pomnichowski, Roundstone, Wiseman.

Total 5

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

Representative French moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Sales, Vance, Wagner.

Total 3

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Excused: Augare, Bennett, Hiner, Howard, Kasten, O'Hara, Pease-Lopez, Phillips, Roundstone, Steenson.
Total 10

Absent or not voting: Brown, Welborn.
Total 2

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 656, introduced bill, be amended as follows:

3/28/2009

1. Title, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "REVENUE;" on line 6

2. Page 1, line 14 through line 16.
Strike: Section 1 in its entirety
Renumber: subsequent section

3. Page 3, line 1.
Strike: "adjust"
Insert: "determine"

4. Page 3, line 2.
Following: "by"
Insert: "using"

And, as amended, do pass. Report adopted.

HB 662, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "PROVIDING" through "LICENSE;"

2. Page 2, line 10.
Following: "include"
Insert: "providing examinations for the purpose of"
Following: "diagnosis"
Insert: ", providing treatments that are outside the scope of the massage therapy,"

3. Page 2, line 11.
Strike: "manual therapy or"

4. Page 2, line 12.
Following: "tape,"
Insert: "manual or"
Following: "traction"
Insert: "when applied to the spine or extremities for the purposes of joint mobilization or manipulation"

5. Page 3, following line 24.
Insert: "(5) adopt rules establishing reasonable requirements for continuing education, which must require 12 hours

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of continuing education to be completed in each 2-year period;"

Renumber: subsequent subsections

6. Page 4, line 19.

Strike: "transitional"

Strike: "as provided for in"

Insert: "under"

7. Page 4, line 20.

Strike: "[sections 1 through 10]"

Insert: "[section 8]"

8. Page 5, line 2.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

9. Page 5, line 12.

Strike: "Transitional licensure"

Insert: "Initial licensure -- grandfather clause"

10. Page 5, line 13.

Strike: "transitional" in two places

11. Page 5, line 15.

Strike: "transitional"

12. Page 5, line 16.

Following: "license"

Insert: "under this section"

13. Page 5, line 17 through line 21.

Strike: subsection (2) in its entirety

Insert: "(2) (a) A license issued under this section is valid for the same initial period as a license issued under [section 8] and is subject to the same renewal requirements and renewal fees as a license issued under [section 8].

(b) A person may not apply for licensure under this section after July 1, 2012."

And, as amended, do pass. Report adopted.

SB 351, be amended as follows:

1. Title, line 7.

Following: "BROKERS"

Insert: ", MORTGAGE LENDERS,"

2. Title, line 8.

Strike: "AND"

Insert: ", "

3. Title, line 9.

Following: "LENDERS"

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Insert: ", AND MORTGAGE LOAN ORIGINATORS"

4. Title, line 10.

Strike: "32-9-108,"

5. Title, line 11.

Following: "32-9-110,"

Strike: "32-9-115,"

6. Title, line 11.

Following: "32-9-124,"

Insert: "32-9-125,"

7. Title, line 12.

Following: "SECTIONS"

Insert: "32-9-108, 32-9-115, 32-9-119,"

8. Title, line 16.

Strike: "AND A TERMINATION DATE"

9. Page 2, line 6.

Following: "originator"

Insert: "with respect to any residential real estate located in Montana"

10. Page 2, line 11.

Following: "person"

Strike: "licensed"

Insert: "acting"

11. Page 2, line 12.

Strike: "or who is employed as a registered mortgage loan originator"

Following: "required to"

Strike: "register"

Insert: "be licensed and registered"

12. Page 2, line 13.

Following: "registry"

Insert: "by the date set forth in [section 6(4)]"

13. Page 2, line 18.

Following: "of a"

Insert: "residential mortgage"

Following: "loan"

Strike: "in the mortgage industry"

14. Page 2, line 26.

Following: "person"

Strike: "or entity"

15. Page 2, line 29 through line 30.

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Strike: "an" on line 29 through "lending" on line 30
Insert: "a person seeking a residential mortgage loan"

16. Page 3, following line 1.

Insert: "(7) (a) "Control" means the power, directly or indirectly, to direct the management or policies of an entity, whether through ownership of securities, by contract, or otherwise.

(b) A person is presumed to control an entity if that person:

- (i) is a director, general partner, or executive officer;
- (ii) directly or indirectly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities;
- (iii) in the case of a limited liability company, is a managing member; or
- (iv) in the case of a partnership, has the right to receive upon dissolution or has contributed 10% or more of the capital."

Renumber: subsequent subsections

17. Page 3, line 6 through line 10.

Strike: "an" on line 6 through "LOANS" on line 10

Insert: "a mortgage loan originator with at least 3 years of experience as a mortgage loan originator or registered mortgage loan originator who is designated by an entity as the individual responsible for the operation of a particular location that is under the designated manager's full management, supervision, and control"

18. Page 3, line 11.

Following: "organization,"

Strike: "other than"

Insert: "including"

19. Page 3, line 11 through line 12.

Following: "proprietorship"

Strike: "or" on line 11 through "services" on line 12

20. Page 3, following line 12.

Insert: "(12) "Escrow account" means a depository account with a financial institution that provides deposit insurance and that is separate and distinct from any personal, business, or other account of the mortgage lender and is maintained solely for the holding and payment of escrow funds.

(13) "Escrow funds" means funds entrusted to a mortgage lender by a borrower for payment of taxes, insurance, or other payments to be made in connection with the servicing of a loan."

Renumber: subsequent subsections

21. Page 3, line 19 through line 20.

Strike: subsection (13) in its entirety

Renumber: subsequent subsections

22. Page 3, following line 26.

Insert: "(18) "Loan commitment" means a statement transmitted in writing or electronically by a mortgage lender setting forth the terms and conditions upon which the mortgage lender is willing to make a particular residential mortgage loan to a particular borrower."

Renumber: subsequent subsections

23. Page 3, line 27.

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Following: "tasks"

Insert: "as an employee"

24. Page 3, line 29 through line 30.

Strike: "mortgage broker" on line 29 through "originator" on line 30

Insert: "licensed mortgage loan originator or registered mortgage loan originator"

25. Page 4, line 8.

Following: "(18)"

Insert: "(a)"

26. Page 4, line 8 through line 12.

Following: "means" on line 8

Strike: "a person" on line 8 through "registry" on line 12

Insert: "an entity that obtains, attempts to obtain, or assists in obtaining a mortgage loan for a borrower from a mortgage lender in return for consideration or in anticipation of consideration.

(b) For purposes of this subsection (21), attempting to or assisting in obtaining a mortgage loan includes referring a borrower to a mortgage lender or mortgage broker, soliciting or offering to solicit a mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a mortgage loan with a mortgage lender on behalf of a borrower"

27. Page 4, line 13 through line 27.

Strike: "a person" on line 13 through "administration" on line 27

Insert: "an entity that closes a residential mortgage loan, advances funds, offers to advance funds, or commits to advancing funds for a mortgage loan applicant"

28. Page 4, line 28 through page 5, line 1.

Following: "who"

Strike: "is" on page 4, line 28 through "underwriter." on page 5, line 1

Insert: "for compensation or gain or in the expectation of compensation or gain:

(i) takes a residential mortgage loan application; or

(ii) offers or negotiates terms of a residential mortgage loan.

(b) The term does not include an individual:

(i) engaged solely as a loan processor or underwriter, except as provided in [section 5]; or

(ii) involved solely in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C.

101(53D)."

29. Page 5, line 9 through line 10.

Following: "registration of" on line 9

Strike: "PERSONS" on line 9 through "INCLUDING" on line 10

30. Page 5, line 14 through line 30.

Strike: strike subsection (24) in its entirety

Renumber: subsequent subsections

31. Page 6, line 1.

Following: "individual,"

Insert: "sole proprietorship,"

32. Page 6, line 10.

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Strike: "or"

33. Page 6, line 12.

Following: "law"

Insert: "; or

(e) offering to engage in any activity or act in any capacity described in subsections (28)(a) through (28)(d)"

34. Page 6, line 14 through line 22.

Strike: subsections (a) and (b) in their entirety

Insert: "(a) meets the definition of mortgage loan originator and is an employee of:

(i) a depository institution;

(ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

(iii) an institution regulated by the farm credit administration; and

(b) is registered with and maintains a unique identifier through the nationwide mortgage licensing system and registry."

35. Page 6, line 25.

Strike: "regulation Z"

Insert: "section 103(v)"

Strike: "12 CFR 226.2"

Insert: "15 U.S.C. 1602(v),"

36. Page 7, following line 2.

Insert: "(33) "Ultimate equity owner" means an individual who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether the individual owns or controls an ownership interest, individually or in any combination, through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint-stock companies, or other entities or devices."

Renumber: subsequent subsection

37. Page 7, line 27 through page 8, line 5.

Strike: subsections (a) and (b) in their entirety

Insert: "(a) an entity that is an agency of the federal, state, or municipal government;

(b) an entity described in 32-9-103(29)(a)(i) through (29)(a)(iii);"

38. Page 8, line 6 through line 9.

Strike: "and the employer" on line 6 through "applies" on line 9

Insert: "when acting for an entity described in 32-9-103(29)(a)(i) through (29)(a)(iii)"

39. Page 8, line 10 through line 13.

Strike: subsection (D) in its entirety

Renumber: subsequent subsections

40. Page 8, line 21.

Following: "MADE BY"

Strike: "A PERSON"

Insert: "an entity"

Strike: "THAT PERSON"

Insert: "the entity"

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41. Page 8, line 23.

Strike: "A PERSON"

Insert: "an entity"

Strike: "NONRESIDENTIAL OR"

42. Page 8, line 24.

Strike: "A PERSON"

Insert: "an entity"

43. Page 9, line 14.

Following: "DEPARTMENT"

Insert: "or the secretary of housing and urban development"

44. Page 9, line 15.

Following: "DEPARTMENT"

Insert: "or the secretary of housing and urban development"

Following: "DETERMINES"

Insert: "by guideline, interpretation, or rule"

45. Page 9, line 25.

Strike: "RESIDENTIAL"

46. Page 9, line 26 through line 27.

Strike: "A MORTGAGE" on line 26 through "OR" on line 27

47. Page 9, line 28.

Strike: "A MORTGAGE BROKER OR"

48. Page 10, line 1 through line 8.

Strike: Section 6 in its entirety

Insert: "NEW SECTION. Section 6. Overall licensing requirements for mortgage brokers, mortgage lenders, and mortgage loan originators. (1) The department is authorized to participate in the nationwide mortgage licensing system and registry and shall require mortgage lenders, mortgage brokers, and mortgage loan originators to apply for state licensure on applications approved by the nationwide mortgage licensing system and registry by the dates set forth in subsection (4).

(2) The department may establish requirements as necessary to comply with the nationwide mortgage licensing system and registry, including:

(a) payment of nonrefundable fees to apply for, maintain, and renew licenses through the nationwide mortgage licensing system and registry;

(b) renewal or reporting dates;

(c) procedures for amending or surrendering a license; and

(d) requirements pertaining to any other activity necessary for participation in the nationwide mortgage licensing system and registry.

(3) The state portion of the licensing fees collected by the nationwide mortgage licensing system and registry under this section must be deposited into the department's account in the state special revenue fund to be used for administering this part.

(4) In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage marketplace, the implementation date of subsection (1) is:

(a) April 1, 2010, for all new applicants applying after [the effective date of this act];

(b) June 30, 2010, for all licensees with current licenses as of [the effective date of this act]; and

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(c) for mortgage servicer loss mitigation specialists, if not exempt under 32-9-104(2), a date as set by the department by rule.

(5) The provisions of this part apply to the activities of retail sellers of manufactured homes and recreational vehicles to the extent determined by the United States department of housing and urban development through guidelines, regulations, or interpretive letters."

49. Page 10, line 10 through line 12.

Strike: Section 7 in its entirety

Insert: "NEW SECTION. **Section 7. Dual licensure.** An entity may be simultaneously licensed as a mortgage lender and a mortgage broker provided that the entity meets all requirements for licensure as a mortgage lender and a mortgage broker."

50. Page 10, line 14.

Strike: "mortgage brokers and"

51. Page 10, line 15.

Following: "."

Insert: "(1)"

Strike: "a mortgage broker's license or"

52. Page 10, line 17.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

53. Page 10, following line 20.

Insert: "(2) The preclicensing education courses that comply with the requirements of subsection (1) and that are approved by the nationwide mortgage licensing system and registry for any other state must be accepted with respect to the completion of preclicensing education requirements in Montana.

(3) If allowed by the nationwide mortgage licensing system and registry, the department is authorized to certify to the nationwide mortgage licensing system and registry that continuing education hours that were previously approved by the department have been completed by a mortgage loan originator."

54. Page 10, line 23.

Following: "individual"

Strike: "applying for a license as a mortgage broker"

Insert: "may not act as a designated manager"

55. Page 10, line 24.

Strike: "must have"

Insert: "without"

56. Page 11, line 1.

Strike: "mortgage brokers and"

57. Page 11, line 2.

Following: "seeking a"

Strike: "mortgage broker's license"

Following: "~~seeking~~"

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Strike: "or a"

58. Page 11, line 15.

Following: "registry"

Strike: "and adopted by the department"

59. Page 11, line 26 through line 28.

Strike: subsection (5) in its entirety

Insert: "(5) An individual may retake a test three consecutive times with each consecutive test being taken at least 30 days after the previous testing date.

(6) An individual who fails three consecutive tests may not take the test for at least 6 months from the date of failing the third test.

(7) A licensed mortgage loan originator who fails to maintain a valid license for a period of 5 years shall retake the test. The 5-year period may not take into account any time during which the person is a registered mortgage loan originator."

60. Page 11, line 30 through page 13, line 12.

Strike: Section 11 in its entirety

Insert: "NEW SECTION. Section 11. Application for mortgage broker, mortgage lender, and mortgage loan originator license. (1) An applicant under this part shall apply for a state license in a form prescribed by the department that complies with the requirements of the nationwide mortgage licensing system and registry. Each form must contain content as set forth by the nationwide mortgage licensing system and registry and may be changed or updated by the department as necessary to comply with the nationwide mortgage licensing system and registry.

(2) The department may establish a relationship or contract with the nationwide mortgage licensing system and registry or another entity designated by the nationwide mortgage licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this part.

(3) An applicant shall furnish information to the nationwide mortgage licensing system and registry concerning the applicant's identity, including but not limited to:

(a) fingerprints for submission to the federal bureau of investigation and any governmental agency or entity authorized to receive information for a state, national, and international criminal history background check;

(b) legal name, birth date, and social security number for submission to the criminal investigation bureau of the Montana department of justice as authorized for a state criminal history background check; and

(c) personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, including submission of authorization for the nationwide mortgage licensing system and registry and the department to obtain:

(i) an independent credit report from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p); and

(ii) information related to administrative, civil, or criminal findings by a governmental jurisdiction.

(4) To reduce the points of contact that the federal bureau of investigation may be required to maintain for purposes of subsection (3), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.

(5) To reduce the points of contact that the department may be required to maintain for purposes of subsection (3), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source directed by the department.

(6) The department shall issue a license to an applicant that has met all the requirements of this section, has paid the fee required under 32-9-117, and is not determined ineligible under [section 17]."

61. Page 13, line 14 through page 15, line 1.

Strike: Section 12 in its entirety

Insert: "NEW SECTION. Section 12. Application for licensure. In order for an entity to be considered for state

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licensure, each of the following is required to independently meet the requirements established in [section 17(1)(a) through (1)(d)]:

- (1) ultimate equity owners of 25% or more of the applicant if the equity owners are individuals;
- (2) control persons of the applicant if the control persons are individuals; and
- (3) individuals that control, directly or indirectly, the election of 25% or more of the members of the board of directors of the entity."

62. Page 15, line 4.

Strike: "**Application**" through "**employment**"

Insert: "Employment"

63. Page 15, line 5 through page 16, line 4.

Strike: subsections (1) through (3) in their entirety

ReNUMBER: subsequent subsections

64. Page 16, line 5.

Following: "OR"

Strike: "AN"

Insert: "one"

65. Page 16, line 13.

Following: "termination"

Insert: "and remove sponsorship of the mortgage loan originator on the nationwide mortgage licensing system and registry within 5 business days of the termination"

66. Page 16, line 14 through line 15.

Strike: "submitting" on line 14 through "along with" on line 15

Insert: "complying with the nationwide mortgage licensing system and registry procedures and paying"

67. Page 16, line 15.

Following: "The"

Strike: "return"

Insert: "removal of sponsorship"

68. Page 16, line 16.

Following: "originator"

Strike: "to the department"

69. Page 16, line 18.

Following: "until"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

Following: "followed to"

Strike: "reinstate"

Insert: "sponsor"

70. Page 16, line 19.

Following: "been"

Strike: "returned to the department"

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Insert: "removed from sponsorship"

71. Page 16, following line 20.

Insert: "NEW SECTION. Section 14. Provisional licenses and previously licensed persons. The department may establish by rule licensing requirements, fees, and interim procedures for licensing and acceptance of applications for the purposes of implementing an orderly and efficient licensing process. The department may by rule establish expedited review and licensing procedures for a previously licensed person."

Renumber: subsequent sections

72. Page 16, line 24.

Following: "(1)(b),"

Strike: "an individual mortgage broker or"

73. Page 16, line 26.

Strike: "\$450"

Insert: "\$400"

74. Page 16, line 27.

Strike: "individual mortgage lender or an"

75. Page 17, line 1.

Strike: "(i)"

Following: "mortgage"

Strike: "broker"

Insert: "loan originator"

76. Page 17, line 4 through line 5.

Strike: subsection (ii) in its entirety

77. Page 17, line 7.

Following: "period"

Strike: "and" through "31"

Following: "A"

Insert: "state"

78. Page 17, line 7 through line 8.

Following: "shall" on line 7

Strike: ", " on line 7 through "year," on line 8

79. Page 17, line 8.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

80. Page 17, line 10.

Strike: "subsections"

Insert: "subsection"

81. Page 17, line 11.

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Strike: "(i) and (1)(b)(ii)"

Following: the second "(1)(b)"

Strike: "(i)"

82. Page 17, line 14.

Following: "prescribed"

Insert: "means the license"

83. Page 17, line 14 through line 15.

Following: "automatically"

Strike: "revokes" on line 14 through "license" on line 15

Insert: "expires. The department may adopt procedures for reinstatement of expired licenses that are consistent with the standards established by the nationwide mortgage licensing system and registry"

84. Page 17, line 19.

Following: "PART"

Insert: "and that the licensee has paid all fees for renewal of the license"

85. Page 17, line 20.

Strike: "All"

Insert: "The state portion of the"

86. Page 17, line 23.

Following: "shall"

Strike: "provide" through "by"

Insert: "apply for state licensure on an application form approved by"

87. Page 17, line 28.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

88. Page 17, line 29 through line 30.

Following: "shall" on line 29

Strike: "provide" on line 29 through "simultaneously" on line 30

89. Page 18, line 7.

Following: "INFORMATION"

Strike: "TO ALLOW A SUPPLEMENTAL"

Insert: "for a"

90. Page 18, line 9.

Following: "NUMBER"

Insert: "for submission to the criminal investigation bureau of the Montana department of justice as authorized for a state criminal history background check"

91. Page 18, line 10.

Following: "experience"

Insert: "in a form prescribed by the nationwide mortgage licensing system and registry"

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92. Page 18, following line 14.

Insert: "(2) To reduce the points of contact that the federal bureau of investigation may be required to maintain for purposes of subsection (1), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.

(3) To reduce the points of contact that the department may be required to maintain for purposes of subsection (1), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source directed by the department."

Renumber: subsequent subsections

93. Page 18, line 15.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

94. Page 18, line 18.

Strike: "(i)"

95. Page 18, line 19.

Strike: "their"

Insert: "the"

Following: "jurisdiction"

Strike: ";

Insert: ". A subsequent formal vacation of a revocation means that the revocation may not be considered a revocation. The department may by order vacate a revocation of a license and enter an appropriate order."

96. Page 18, line 20 through line 27.

Strike: subsection (ii) in its entirety

97. Page 18, line 28.

Following: "or"

Strike: "plead"

Insert: "pled"

98. Page 19, line 1.

Following: "laundering"

Strike: ";

Insert: ". The pardon of a conviction is not a conviction for the purposes this subsection (2)(b)."

99. Page 19, line 4.

Strike: "."

Insert: ";

100. Page 19, following line 4.

Insert: "(d) the applicant has not met the surety bond or net worth requirement as required pursuant to 32-9-123;
(e) the applicant has not completed the preclicensing education requirement described in [section 8];
(f) the applicant has not passed a written test that meets the test requirements described in 32-9-110;
(g) the applicant made a material misstatement of fact or material omission of fact in the application."

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101. Page 19, line 10 through page 20, line 6.

Strike: Section 16 in its entirety

Renumber: subsequent sections

102. Page 20, line 12.

Strike: "(i)"

103. Page 20, line 13.

Following: "jurisdiction"

Strike: ";"

Insert: ". A subsequent formal vacation of a revocation means that the revocation may not be considered a revocation. The department may by order vacate a revocation of a license and enter an appropriate order."

104. Page 20, line 14 through line 21.

Strike: subsection (ii) in its entirety

105. Page 20, line 22.

Following: "or"

Strike: "plead"

Insert: "pled"

106. Page 20, line 25.

Following: "laundering"

Strike: ";"

Insert: ". The pardon of a conviction is not a conviction for the purposes of this subsection (1)(b)."

107. Page 20, line 28.

Strike: ". "

Insert: ";"

108. Page 20, following line 28.

Insert: "(d) the applicant has not met the surety bond or net worth requirement as required pursuant to 32-9-123;

(e) the applicant has not completed the preclicensing education requirement described in [section 8];

(f) the applicant has not passed a written test that meets the test requirements described in 32-9-110;

(g) the applicant made a material misstatement of fact or material omission of fact in the application."

109. Page 21, line 3 through line 7.

Strike: subsection (3) in its entirety

110. Page 21, line 10 through line 11.

Strike: "and" on line 10 through the first "brokers" on line 11

111. Page 21, line 11.

Following: ". "

Insert: "(1)"

112. Page 21, line 11.

Strike: "and all individual mortgage brokers"

113. Page 21, line 12.

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Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

114. Page 21, following line 14.

Insert: "(2) The 12 hours of education must include at least:

(a) 3 hours of training on federal laws and regulations;

(b) 2 hours of training in ethics, including instruction on fraud prevention, consumer protection, and fair lending issues; and

(c) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(3) A person who has successfully completed the education requirements that comply with the requirements of subsection (1) and that are approved by the nationwide mortgage licensing system and registry for any other state must be given credit toward completion of continuing education requirements in Montana.

(4) A licensed mortgage loan originator who subsequently becomes unlicensed shall complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license."

115. Page 21, line 21.

Following: "account"

Insert: "or escrow account"

116. Page 21, line 26.

Following: "~~Montana.~~"

Insert: "Whenever a licensee's usual business location is outside of this state the licensee shall, at its election, either maintain its books and records at a location in this state or reimburse the department for expenses incurred, including but not limited to staff time, transportation, food, and lodging expenses, relating to an examination or investigation under this part."

117. Page 21, line 29.

Following: "account"

Insert: "or escrow account"

118. Page 22, line 15.

Following: "office"

Strike: "and shall register with"

Insert: "through"

119. Page 22, line 17.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

120. Page 22, line 18.

Following: "mortgage"

Strike: "broker"

Insert: "loan originator"

121. Page 22, line 21.

Strike: "department"

Insert: "nationwide mortgage licensing system and registry for each office that originates a residential mortgage loan"

122. Page 22, line 22.

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Strike: "broker"

Insert: "loan originator"

Following: "office"

Strike: "and each branch location"

Insert: "and shall designate a separate designated manager to serve each branch location"

123. Page 22, line 23.

Strike: "a mortgage broker,"

124. Page 22, line 24.

Following: the first "originator"

Strike: "₂"

Following: "registered"

Insert: "mortgage"

125. Page 23, line 4 through line 5.

Strike: ", each" on line 4 through "broker," on line 5

126. Page 23, line 8.

Following: "mortgage"

Strike: "lender"

Insert: "loan originator"

127. Page 23, line 9.

Following: "information"

Strike: "in writing to the department"

Insert: "to the nationwide mortgage licensing system and registry"

128. Page 23, line 12.

Following: "termination"

Insert: "and remove the sponsorship of the designated manager on the nationwide mortgage licensing system and registry within 5 business days of the termination"

129. Page 23, line 14.

Following: "BROKER"

Strike: "OR"

Insert: ", "

Following: "LENDER"

Insert: ", or mortgage loan originator"

130. Page 23, line 15.

Following: "FOR A"

Insert: "mortgage broker,"

Following: "LENDER"

Insert: ", or mortgage loan originator"

131. Page 24, line 8 through line 12.

Strike: subsection (1)(a) in its entirety

Insert: "(1) (a) A mortgage loan originator must be covered by a surety bond in accordance with this section. If a mortgage loan originator is an employee of or exclusive agent for a licensed mortgage lender or mortgage

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broker, the surety bond of the licensed mortgage lender or mortgage broker may be used in lieu of a mortgage loan originator's surety bond."

132. Page 24, line 17.

Following: "broker"

Strike: "or"

Insert: ", "

Following: "lender"

Insert: ", or mortgage loan originator"

133. Page 24, line 22.

Following: "residential"

Insert: "mortgage"

134. Page 25, line 10.

Following: "requirement"

Insert: "provided that the actual net worth determined in the department of housing and urban development's approval is equivalent to the bond amount set forth for the corresponding dollar amount range set forth in subsections (2)(b)(i) through (2)(b)(iii)"

135. Page 25, following line 17.

Insert: "NEW SECTION. Section 23. Escrow fund. (1) An escrow fund authorized for any purpose by a mortgage loan contract is subject to applicable state and federal requirements. Money received from a borrower by a mortgage lender licensed under this part must be considered as held in trust immediately upon receipt. The mortgage lender shall place escrow funds in a depository institution prior to the end of the third business day following their receipt.

(2) An escrow fund account must be a separate account established to hold only borrowers' funds. The account must be designated and maintained for the benefit of borrowers. Escrow funds may not be commingled with any other funds.

(3) Escrow funds must be kept in the segregated account until disbursement. Money maintained in an escrow fund account is exempt from execution, attachment, or garnishment.

(4) A licensee may not encumber the corpus of an escrow fund account or commingle other operating funds with account funds.

(5) An escrow fund account may be used only for:

(a) a payment authorized by the borrower or the mortgage loan contract or required by federal or state law;

(b) a refund to the borrower;

(c) transfer to a depository institution;

(d) transfer to the appropriate mortgage lender or mortgage servicer in the case of a transfer of servicing;

(e) a purpose authorized by the mortgage loan contract; or

(f) purposes of complying with an order issued by the commissioner or a court.

(6) Accounting for escrow funds must be performed in compliance with the aggregate accounting rules established in regulation X, 24 CFR 3500, and in compliance with 71-1-115."

Insert: "NEW SECTION. Section 24. Disclosure of mortgage costs by mortgage lender. (1) Within 3 business days of taking a mortgage loan application and prior to receiving any consideration from the borrower, the mortgage lender shall disclose the terms of the loan to the borrower in compliance with the disclosure requirements of the federal Real Estate Settlement Procedures Act, 12 U.S.C. 2601, et seq., the federal Truth in Lending Act, 15 U.S.C. 1601, et seq., and any regulations promulgated under those acts.

(2) A mortgage lender shall disclose the terms of any prepayment penalty on the mortgage loan, including the amount of the prepayment penalty or the formula for calculating the prepayment penalty. If the initial mortgage loan offer does not include a prepayment penalty, but a prepayment penalty is later included in the mortgage loan

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offer, disclosure of the terms of the prepayment penalty must be made within 3 business days of the prepayment penalty being added to the mortgage loan offer.

(3) A licensed mortgage lender may not require a borrower to pay any fees or charges prior to the mortgage loan closing, except:

(a) charges to be incurred by the mortgage lender on behalf of the borrower for services from third parties necessary to process the application, such as credit reports and appraisals;

(b) an application fee;

(c) an interest rate lock-in fee if the borrower is provided an interest rate lock-in agreement, the terms of which must include but are not limited to:

(i) the expiration date of the interest rate lock-in agreement;

(ii) the principal amount of the mortgage loan, the term of the mortgage loan, and identification of the residential real estate;

(iii) the initial interest rate and the discount points to be paid; and

(iv) the amounts and payment terms of the interest rate lock-in, along with a statement as to whether the fee is refundable and the terms and conditions necessary to obtain a refund; and

(d) a loan commitment fee, upon approval of the mortgage loan application, if the borrower is provided with a loan commitment in writing that it is signed by the mortgage lender and the borrower and the terms include the terms and conditions of the mortgage loan as well as the terms and conditions of the loan commitment, including but not limited to:

(i) the time period during which the loan commitment is irrevocable and may be accepted by the borrower, which may not be less than 7 calendar days from the date of the loan commitment or the date of mailing, whichever is later;

(ii) the amount and payment terms of the loan commitment fee, along with a statement as to whether the fee is refundable and the terms and conditions necessary to obtain a refund;

(iii) the expiration date of the loan commitment;

(iv) conditions precedent to closing; and

(v) the terms and conditions, if any, for obtaining a refund of fees for third-party services or arranging for the transfer of third-party service work products to another mortgage lender.

(4) Any amount collected under subsection (3) in excess of the actual costs must be returned to the borrower within 60 days after rejection, withdrawal, or closing.

(5) (a) Except as provided in subsection (5)(b), fees or charges collected pursuant to this section, other than fees for third-party services collected pursuant to subsection (3)(a), must be refunded if a valid loan commitment is not produced or if closing does not occur.

(b) Applicable fees may be retained by the licensee in accordance with the terms of the loan commitment upon the licensee's ability to demonstrate any of the following:

(i) the borrower withdraws the mortgage loan application after the lender has issued a loan commitment on the same terms and conditions disclosed to the borrower on the most recent good faith estimate;

(ii) the borrower has made a material misrepresentation or omission on the mortgage loan application; or

(iii) the borrower has failed to provide documentation necessary to the processing or closing of the mortgage loan application and closing does not occur without fault of the lender."

Renumber: subsequent sections

136. Page 26, line 8.

Strike: "if" through "CONDUCTS"

Insert: "conduct"

137. Page 26, following line 18.

Insert: "(2) A mortgage lender may not do any of the following:

(a) cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer;

(b) disburse the mortgage loan proceeds to a closing agent in any form other than, as applicable:

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- (i) direct deposit to a borrower's account;
- (ii) wire;
- (iii) bank or certified check;
- (iv) attorney's check drawn on a trust account; or
- (v) other form as specifically authorized by applicable law;
- (c) disburse the proceeds of a mortgage loan without sufficient collected funds on hand at the time of the disbursement in the account upon which the funds are drawn;
- (d) fail to disburse funds in accordance with a loan commitment to make a mortgage loan that was accepted by the borrower;
- (e) fail to take the actions required to affect a release of the lender's security interest in the property as described in 71-1-212;
- (f) advertise that a mortgage applicant will have unqualified access to credit without disclosing what material limitations on the availability of credit exist, such as the percentage of down payment required, that a higher rate or points could be required, or that restrictions as to the maximum principal amount of the mortgage loan offered could apply;
- (g) advertise a mortgage loan for which a prevailing rate is indicated in the advertisement unless the advertisement specifically states that the expressed rate could change or not be available at commitment or closing;
- (h) advertise mortgage loans, including rates, margins, discounts, points, fees, commissions, or other material information, including material limitations on mortgage loans, unless the person is able to make advertised mortgage loans to a reasonable number of qualified applicants; or
- (i) falsely advertise or misuse names in violation of 18 U.S.C. 709."

Renumber: subsequent subsections

138. Page 26, line 19.

Following: "the"

Strike: "mortgage broker OR"

139. Page 26, line 20.

Strike: "licensee"

Insert: "working for a mortgage broker"

140. Page 26, line 24.

Following: "licensed mortgage"

Strike: "broker"

Insert: "loan originator"

Strike: "brokerage"

Insert: "loan origination"

141. Page 27, line 22.

Following: "the"

Strike: "mortgage broker or"

142. Page 27, following line 22.

Insert: "**Section 26.** Section 32-9-125, MCA, is amended to read:

"32-9-125. Trust accounts -- bona fide third-party fees. (1) Every mortgage broker and mortgage lender doing business in this state shall:

(a) maintain a trust account at a federally insured financial institution ~~located in this state whose deposits or shares are insured~~, and the trust account funds may not be commingled with any other funds of the mortgage broker or mortgage lender;

(b) deposit into the trust account any bona fide third-party fee that the mortgage broker or mortgage lender

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receives; and

(c) pay third-party fees to a bona fide third party from the ~~mortgage broker's~~ trust account unless the borrower, the seller, or another person involved in the transaction pays the bona fide third party directly.

(2) A mortgage broker or mortgage lender may not charge or receive, directly or indirectly, fees for assisting a borrower in obtaining a mortgage until all of the services that the mortgage broker or mortgage lender has agreed to perform for the borrower are completed. A mortgage broker or mortgage lender may not charge a residential loan application fee in excess of the amount allowed by federal law. Prior to completion of services, the fees provided for in subsection (3) incurred by a bona fide third party in assisting the borrower to obtain a mortgage must be paid.

(3) The following fees must be paid by the borrower, the seller, or another person involved in the transaction directly to the bona fide third party providing the services or must be paid by the borrower, the seller, or another person involved in the transaction to the mortgage broker or mortgage lender for payment of services performed by the bona fide third party:

(a) credit report fees;

(b) notary fees;

(c) title search, appraisal, or survey fees;

(d) rate-lock fees not exceeding 3% of the mortgage loan amount; and

(e) fees paid directly by the borrower, the seller, or another person involved in the transaction to a state or federal government agency or instrumentality for purposes of processing a mortgage application relating to a government-sponsored or guaranteed mortgage program.

(4) The department shall by rule define the meaning of "another person involved in the transaction"."

Renumber: subsequent sections

143. Page 27, line 25.

Following: "suspension,"

Insert: "conditioning,"

144. Page 27, line 27.

Following: "suspension"

Insert: ", conditioning,"

145. Page 27, line 28.

Following: "suspend"

Insert: ", condition,"

146. Page 28, line 4.

Following: "suspended"

Strike: "or revoked"

147. Page 28, following line 7.

Insert: "(5) The department may by order vacate a revocation of a license and enter an appropriate order."

148. Page 29, line 20 through line 22.

Strike: subsection (4)(a) in its entirety

Insert: "(4) (a) For the purposes of investigating violations or complaints arising under this part or for the purposes of examination, the department may review, investigate, or examine any licensee or person subject to this part as often as necessary in order to carry out the purposes of this part.

(b) The commissioner may direct, subpoena, or order the attendance of and may examine under oath any person whose testimony may be required about the subject matter of any examination or investigation and may direct, subpoena, or order the person to produce books, accounts, records, files, and any other documents the commissioner considers relevant to the inquiry.

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(5) Each licensee or person subject to this part shall make available to the department upon request the documents and records relating to the operations of the licensee or person. The department may access the documents and records and may interview the officers, principals, mortgage loan originators, employees, independent contractors, agents, customers of the licensee or person concerning the business of the licensee or person, or any other person having knowledge the department considers relevant.

(6) (a) The department may conduct investigations and examinations for the purposes of initial licensing, license renewal, license suspension, license conditioning, license revocation, or license termination or to determine compliance with this part.

(b) The department has the authority to access, receive, and use any books, accounts, records, files, documents, information, or evidence, including but not limited to:

(i) criminal, civil, and administrative history information, including confidential criminal justice information as defined in 44-5-103;

(ii) personal history and experience information, including independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681, et seq.; and

(iii) any other documents, information, or evidence the department considers relevant to an inquiry or investigation regardless of the location, possession, control, or custody of the documents, information, or evidence."

149. Page 29, line 25.

Strike: "(B)"

Insert: "(7)(a)"

Strike: "INVESTIGATION OR"

Following: "EXAMINATION"

Insert: "or investigation"

150. Page 29, line 27.

Strike: "INSPECTION OR"

Following: "EXAMINATION"

Insert: "or investigation"

151. Page 30, line 2 through line 4.

Strike: subsection (c) in its entirety

Insert: "(b) The cost of an examination or investigation must be paid by the licensee or person within 30 days after the date of the invoice. Failure to pay the cost of an examination or investigation when due must result in the suspension or revocation of a licensee's license."

152. Page 30, line 5.

Strike: "(5)(a)"

Insert: "(8)(a)"

Renumber: subsequent subsections

153. Page 30, following line 15.

Insert: "(ii) retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

(iii) use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee or person subject to this part;"

Renumber: subsequent subsections

154. Page 30, line 23.

Strike: "INVESTIGATION OR"

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Following: "EXAMINATION"

Insert: "or investigation"

155. Page 30, line 24.

Strike: "(5)(a)(i)"

Insert: "(8)(a)(i)"

Strike: "30"

Insert: "33"

156. Page 31, line 5 through line 6.

Following: "REGISTRY"

Strike: "₂" on line 5 through "COSTS" on line 6

157. Page 31, line 7.

Following: "originator"

Strike: "licensees"

Insert: "applicants"

158. Page 31, line 8.

Following: "part"

Strike: "register with,"

Insert: "apply for state licensure and"

Following: "TO"

Strike: "₂"

159. Page 31, line 22.

Strike: "OF SUBSECTION (8)(A)"

Insert: "that the United States department of housing and urban development determine to not be in compliance with the requirements of the Secure and Fair Enforcement for Mortgage Licensing Act, Public Law 110-289,"

160. Page 32, line 5.

Following: "revoking"

Insert: ", conditioning,"

161. Page 32, line 7.

Following: "broker"

Strike: "OR"

Insert: ", "

162. Page 32, line 8.

Following: "LENDER"

Strike: "business" through "ORIGINATOR"

Insert: ", or mortgage loan origination business"

163. Page 32, line 12.

Following: "in the"

Strike: "state general fund"

Insert: "department's account in the state special revenue fund and used to administer the provisions of this part"

164. Page 32, line 13.

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Following: "broker"

Insert: ", mortgage lender,"

165. Page 33, line 22.

Following: "Sections"

Insert: "32-9-108, 32-9-115, 32-9-119,"

166. Page 33, lines 28 and 29.

Strike: "[Sections" on line 28 through "30" on line 29

Insert: "[Sections 5 through 8, 11, 12, 14, 16, 17, 21, 23, 24, 28 through 30, and 33]"

167. Page 33, line 30 through page 34, line 1.

Strike: "[Section" on page 33, line 30 through "30" on page 34, line 1

Insert: "[Sections 5 through 8, 11, 12, 14, 16, 17, 21, 23, 24, 28 through 30, and 33]"

168. Page 34, following line 7.

Insert: "NEW SECTION. Section 37. Contingent suspension. If the secretary of housing and urban development determines by guideline, interpretation, or rule that any part of [this act] is out of compliance with the Secure and Fair Enforcement for Mortgage Licensing Act, Public Law 110-289, the operation and effect of that part is suspended."

Renumber: subsequent sections

169. Page 34, line 11 through line 12.

Strike: Section 35 in its entirety

And, as amended, be concurred in. Report adopted.

SB 371, be amended as follows:

1. Title, line 7.

Strike: "IMMEDIATE"

2. Page 6, line 15.

Following: "unpaid"

Insert: ", and the employee is not engaged in duties for the employer"

3. Page 6, line 16.

Following: "is"

Insert: "voluntarily"

4. Page 6, line 18.

Following: "activity"

Insert: "and the employee is not engaged in duties assigned by the employer"

5. Page 6, line 19.

Following: "is"

Strike: "expressly"

Insert: "either in a paid work status while participating in the recreational or social activity or is"

6. Page 6, line 20.

Following: "the"

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Insert: "recreational or social"

7. Page 8, line 22.

Strike: "on passage and approval"

Insert: "July 1, 2009"

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman):
SB 330, be amended as follows:

3/28/2009

1. Title, page 1, line 6.

Following: "ACCOUNTABILITY"

Insert: "AND REQUIRING REPORTS"

2. Page 2, line 6.

Strike: ", as provided in 52-3-406, on"

Insert: "only as necessary to implement"

3. Page 2.

Following: line 7

Insert: "NEW SECTION. Section 3. Reporting requirement. The department of public health and human services shall report to the children, families, health, and human services interim committee on a quarterly basis during the 2009-2010 interim on the department's progress in complying with [section 2]."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 399, be amended as follows:

1. Title, page 1, line 7.

Strike: "AND"

2. Title, page 1, line 10.

Following: "NEEDS"

Insert: "; AND AMENDING SECTION 52-2-302, MCA"

3. Page 3.

Following: line 14

Insert: "**Section 3.** Section 52-2-302, MCA, is amended to read:

"52-2-302. Definitions. The following definitions apply to this part:

(1) (a) "High-risk child with multiagency service needs" means a child under 18 years of age who is seriously emotionally disturbed, who is placed or who imminently may be placed in an out-of-home setting, and who has a need for collaboration from more than one state agency in order to address the child's needs.

(b) The term does not include a child incarcerated in a state youth correctional facility.

(2) "Least restrictive and most appropriate setting" means a setting in which a high-risk child with multiagency service needs is served:

(a) within the child's family or community; or

(b) outside the child's family or community where the needed services are not available within the child's family or community and where the setting is determined to be the most appropriate alternative setting based on:

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(i) the safety of the child and others;
(ii) ethnic and cultural norms;
(iii) preservation of the family;
(iv) services needed by the child and the family;
(v) the geographic proximity to the child's family and community if proximity is important to the child's treatment.

(3) "Provider" means an agency of state or local government, a person, or a program authorized to provide treatment or services to a high-risk child with multiagency service needs who is suffering from mental, behavioral, or emotional disorders.

(4) "Services" has the meaning as defined in 52-2-202.

(5) "System of care" means an integrated service support system that:

(a) emphasizes the strengths of the child and the child's family;

(b) is comprehensive and individualized; and

(c) provides for:

(i) culturally competent and developmentally appropriate services in the least restrictive and most appropriate setting;

(ii) full involvement of families and providers as partners;

(iii) interagency collaboration; and

(iv) unified care and treatment planning at the individual child level.

(6) "Wraparound philosophy of care" means a planning process that is designed to address the needs of a child and the child's family and that:

(a) empowers the family to take the lead in making decisions affecting the planning for support systems and services;

(b) reflects the family's values, preferences, culture, strengths, and needs;

(c) emphasizes community-based natural and informal support systems;

(d) involves collaboration among members of a team that is developed with involvement of the family and that includes agencies, providers, and others who offer support to the child and family;

(e) provides services in the least restrictive and most accessible setting possible; and

(f) contains measurable outcomes that are regularly reviewed by the team and adjusted as necessary."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

MOTIONS

Rep. Reinhard moved that the Speaker be authorized to appoint a conference committee on **HB 622** and request the senate to appoint a like committee.

Speaker Bergren appoints

Rep. Dickenson - vice chair

Rep. Hands

Rep. MacLaren

Rep. Himmelberger

ANNOUNCEMENTS

Mr. Speaker announced that Today, Saturday the 28th of March - Concealed Weapon Permit Class is being held this afternoon with Gregg Trude. Targets, pistols and ammunition provided by Capitol Sports. Cost is free and course is NRA approved. Maps and information available in the Speakers office.

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Mr. Speaker announced - We have two transmittal deadlines coming up on Tuesday and Thursday of next week. Please anticipate long boards Monday and Tuesday and possibly Wednesday.

Committee meetings were announced by the committee chairs.

Representative French moved that the House adjourn until 12:00 p.m., Monday, March 30, 2009. Motion carried.

House adjourned at 10:05 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House