

2011 DRAFTING REQUEST

Senate Amendment (SA-SB390)

Received: 01/31/2012

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Lance Burri**

May Contact:

Drafter: **agary**

Subject: **Fin. Inst. - banking inst.
Fin. Inst. - int. rates/loans
Fin. Inst. - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Eliminate mortgage loan originator council

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	agary 01/31/2012	kfollett 01/31/2012	jmurphy 01/31/2012	_____	lparisi 01/31/2012	lparisi 01/31/2012	

FE Sent For:

<END>

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/?	agary	1/16/12 1/31	jm 1/31				

FE Sent For:

<END>

Gary, Aaron

From: Burri, Lance
Sent: Tuesday, January 31, 2012 11:44 AM
To: Gary, Aaron
Subject: RE: Amendment for Sen. Grothman on SB 393

Aaron, would you please draft the mortgage loan originator council portion of that bill as an amendment to SB 390? We are going to exec the bill tomorrow afternoon.

Thanks.

Lance Burri
Office of Sen. Glenn Grothman
608-266-7513

From: Gary, Aaron
Sent: Tuesday, January 31, 2012 10:00 AM
To: Burri, Lance
Subject: RE: Amendment for Sen. Grothman on SB 393

Hi Lance,

I got your voice mail.

You should have received this amendment last week, LRBa2206. It removes everything from SB-393 except the mortgage loan originator council. Let me know if you need anything else.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Burri, Lance
Sent: Wednesday, January 25, 2012 3:21 PM
To: Gary, Aaron; Rose, Laura
Cc: Kelley, Margit
Subject: RE: Amendment for Sen. Grothman on SB 393

Next Tuesday.

Lance Burri
Office of Sen. Glenn Grothman
608-266-7513

From: Gary, Aaron
Sent: Wednesday, January 25, 2012 3:15 PM
To: Rose, Laura
Cc: Burri, Lance; Kelley, Margit
Subject: RE: Amendment for Sen. Grothman on SB 393

Hi Laura,

I entered this as LRBa2206. When is the amendment needed? Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Rose, Laura
Sent: Wednesday, January 25, 2012 2:42 PM
To: Gary, Aaron
Cc: Burri, Lance; Kelley, Margit
Subject: Amendment for Sen. Grothman on SB 393

Hi, Aaron,

There was a hearing on SB 393 today. As a result, Senator Grothman would like to have an amendment drafted to this bill that removes everything from it except for the provisions that eliminate the mortgage loan originator council.

Let me know if you have any questions.

Thanks,

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

in
1/31



LRBa2222/1

ARG: leg. f &
wlj

TODAY

B-Note

SENATE AMENDMENT,
TO 2011 SENATE BILL 390

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: delete "and".

3 2. Page 1, line 3: after "exchanges" insert ", and INSERT A".

4 3. Page 2, line 1: before that line insert:

5 ADD INSERT B HERE

6 4. Page 2, line 1: delete "SECTION 1f" and substitute "SECTION 1m".

7 5. Page 3, line 14: after that line insert:

8 ADD INSERT C HERE

9 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2765/1
ARC:wlj:ph

2011 BILL

INSERTS

insert A

1 AN ACT *to repeal* 15.187; and *to amend* 15.09 (6), 224.79 (1) and 224.79 (2) of
2 the statutes; **relating to:** eliminating the mortgage loan originator council.

Analysis by the Legislative Reference Bureau

Under current law, there is a mortgage loan originator council (council) created in the Department of Financial Institutions (DFI). The council consists of six persons appointed by the secretary of financial institutions (secretary) and the secretary or his or her designee. The only function specified by statute for the council is that the division of banking (division) in DFI must consult with the council in promulgating rules related to residential mortgage brokerage service contracts and disclosures.

This bill eliminates the council.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 " SECTION 1. 15.09 (6) of the statutes is amended to read:

4 15.09 (6) REIMBURSEMENT FOR EXPENSES. Members of a council shall not be
5 compensated for their services, but, except as otherwise provided in this subsection,
6 members of councils created by statute shall be reimbursed for their actual and

insert B

BILL

1 necessary expenses incurred in the performance of their duties, such reimbursement
 2 in the case of an elective or appointive officer or employee of this state who represents
 3 an agency as a member of a council to be paid by the agency which pays his or her
 4 salary. ~~Members of the mortgage loan originator council under s. 15.187 (1) may not~~
 5 ~~be reimbursed for their actual and necessary expenses incurred in the performance~~
 6 ~~of their duties.~~ Members of the agricultural education and workforce development
 7 council may not be reimbursed for their actual and necessary expenses incurred in
 8 the performance of their duties.

9 ~~SECTION 15.187~~¹⁹ of the statutes is repealed. " o

10 "SECTION 224.79³ (1) of the statutes is amended to read:

11 224.79 (1) FORM AND CONTENT OF MORTGAGE BROKERAGE AGREEMENTS. Every
 12 contract between a mortgage broker and an individual under which the mortgage
 13 broker agrees to provide brokerage services to the individual relating to a residential
 14 mortgage loan shall be in writing, in the form prescribed by rule of the division, and
 15 shall contain all information required by rule of the division. The division shall
 16 promulgate rules to administer this subsection ~~in consultation with the mortgage~~
 17 ~~loan originator council under s. 15.187 (1).~~ The division and shall design these rules
 18 to facilitate the comparison of similar charges and total charges assessed by different
 19 mortgage brokers.

20 SECTION 224.79^{3r} (2) of the statutes is amended to read:

21 224.79 (2) DISCLOSURE STATEMENT. Before entering into a contract with an
 22 individual to provide brokerage services relating to a residential mortgage loan, a
 23 mortgage broker shall give the individual a copy of a disclosure statement, explain
 24 the content of the statement, and ensure that the individual initials or signs the
 25 statement, acknowledging that the individual has read and understands the

Insert
B
cont'd

Insert
C

BILL

Msx
C
cont
d

1 statement. The disclosure statement shall contain a brief explanation of the
2 relationship between the individual and the mortgage broker under the proposed
3 contract, a brief explanation of the manner in which the mortgage broker may be
4 compensated under the proposed contract, and any additional information required
5 by rule of the division. The division shall promulgate rules to administer this
6 subsection ~~in consultation with the mortgage loan originator council under s. 15.187~~
7 (1) and, by rule, shall specify the form and content of the disclosure statement
8 required under this subsection. //

(END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2222/1dn

ARG...*kgf*

Date

ATTN: Lance Burri

Under this amendment, the elimination of the mortgage loan originator council will take effect with the other provisions of the bill, which is the first day of the 3rd month beginning after publication. Please let me know if this is not okay.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2222/1dn
ARG:kjf:jm

January 31, 2012

ATTN: Lance Burri

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Aaron R. Gary
Legislative Attorney
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