

**SENATE JOURNAL
61ST LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 29, 2009

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator J. Peterson, excused. Quorum present.

BILLS AND JOURNALS:

1/29/2009

Correctly printed: **SB 9, SB 76, SB 92, SB 121, SB 136, SB 158, SB 209, SB 256, SB 301, SB 302, SB 303, SB 304, SB 305.**

Correctly engrossed: **SB 164, SB 189, SJR 15.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
SB 224, do pass. Report adopted.

1/29/2009

LOCAL GOVERNMENT (Esp, Chairman):
SB 262, do pass. Report adopted.

1/29/2009

NATURAL RESOURCES (Gebhardt, Chairman):
SB 62, introduced bill, be amended as follows:

1/29/2009

1. Title, page 1, line 5.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 75-1-1101"

2. Page 1.

Strike: line 26 through line 27 in their entirety

3. Page 2, line 1.

Strike: "and"

4. Page 2, line 2.

Strike: "."

Insert: "; and"

5. Page 2.

Following: line 2

Insert: "(iii) \$175,000 to be deposited in the environmental contingency account established in 75-1-1101."

6. Page 2, line 16 through page 4, line 15.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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SB 71, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "AUTHORIZING" on line 7 through "ACT;" on line 8
2. Title, page 1, line 10.
Following: "RELEASE;"
Insert: "AND"
3. Title, page 1, line 10 through line 11.
Strike: "; AND" on line 10 through "DATE" on line 11
4. Page 5, line 19 through line 25.
Strike: subsection (11) in its entirety
5. Page 8, line 22.
Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman): 1/29/2009
SB 49, do pass. Report adopted.
SB 252, do pass. Report adopted.

TAXATION (Essmann, Chairman): 1/29/2009
SB 132, introduced bill, be amended as follows:

1. Title, line 10.
Following: "STATE;"
Insert: "AUTHORIZING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN RESOURCE INDEMNITY TRUST AND GROUND WATER ASSESSMENT INFORMATION; LIMITING DISCLOSURE OF RESOURCE INDEMNITY TRUST AND GROUND WATER ASSESSMENT INFORMATION;"
2. Title, line 15.
Following: "15-31-603,"
Insert: "15-38-109,"
Strike: "REPEALING SECTION 15-38-109, MCA;"
3. Page 1, line 18 through line 29.
Strike: the preamble on page 1, line 18 through line 29 in its entirety
4. Page 6, line 22.
Insert: "Section 4. Section 15-38-109, MCA, is amended to read:
"15-38-109. **Restricted access to records information.** (1) The Except as provided in subsection (2), it is unlawful for an employee of the department or any other public official or public employee to divulge or otherwise make known information furnished by the producer to the department for the purpose of this chapter must be treated as provided in 15-31-511 that is disclosed in a report or return required to be filed under this chapter or secured in the administration of this chapter.
(2) (a) This section does not prohibit the disclosure of information to the department of environmental quality

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necessary for the administration of the resource indemnity trust and ground water assessment fee provided for in this chapter.

(b) The information furnished under subsection (2)(a):
(i) is not a public record and may be used only for purposes described in subsection (2)(a); and
(ii) is subject to the same restrictions on disclosure outside the department of environment quality as provided in subsection (1)."

Renumber: subsequent sections

5. Page 8, line 11.

Following: "The"

Insert: "last four digits of the corporation's"

Strike: "of the corporation"

6. Page 9, line 17.

Following: "The"

Insert: "last four digits of the"

7. Page 9, line 20.

Strike: section 7 in its entirety

Renumber: subsequent sections

8. Page 9, line 24.

Strike: "5"

Insert: "6"

Strike: "6"

Insert: "7"

9. Page 9, line 25.

Strike: "7"

Insert: "4"

10. Page 9, line 27.

Strike: "5"

Insert: "6"

Strike: "6"

Insert: "7"

11. Page 9, line 29.

Strike: "7"

Insert: "4"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/28/2009

HB 48, introduced by B. Beck

HB 168, introduced by Roundstone

HB 190, introduced by Van Dyk

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FIRST READING AND COMMITMENT OF BILLS

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

SB 306, introduced by Esp, McGee, Tutvedt, referred to Natural Resources.

SB 307, introduced by Tutvedt, referred to Natural Resources.

SB 308, introduced by Keane, Ankney, Brueggeman, Cohenour, Cooney, Gebhardt, Glaser, Hamlett, Klock, Laslovich, A. Noonan, O'Hara, Stahl, Villa, Wilson, referred to Business, Labor, and Economic Affairs.

SB 309, introduced by Shockley, Gebhardt, referred to State Administration.

SB 310, introduced by Shockley, McGee, referred to Local Government.

SB 311, introduced by Gallus, referred to Judiciary.

SB 312, introduced by Story, referred to Education and Cultural Resources.

SB 313, introduced by Laible, referred to Education and Cultural Resources.

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

Senator Barkus moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator M. Tropila in the chair.

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

SB 123 - Senator Squires moved **SB 123** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 170 - Senator Gebhardt moved **SB 170** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 173 - Senator Murphy moved **SB 173** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 219 - Senator Squires moved **SB 219** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SJR 5 - Senator Laible moved **SJR 5** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 43

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Nays: Essmann, Hinkle, Jent, Keane, McGee, Ripley.
Total 6

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

Senator Barkus moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman M. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

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:

SB 9 passed as follows:

Yeas: Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 39

Nays: Bales, Balyeat, Barkus, Brenden, Curtiss, Hinkle, Jackson, Ripley, Shockley, Steinbeisser.
Total 10

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

SB 76 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.

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Total 1

SB 121 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 136 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

SB 158 passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke.

Total 42

Nays: Balyeat, Esp, Hinkle, Juneau, Laslovich, Wanzenried, Mr. President.

Total 7

Absent or not voting: None.

Total 0

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Excused: Peterson.
Total 1

SB 209 passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

MOTIONS

Senator Brenden moved to change his vote on **SB 9** from yea to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Friday, January 30, 2009. Motion carried.

Senate adjourned at 1:45 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate