

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
TENTH LEGISLATIVE DAY**

Helena, Montana  
January 13, 2011

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, SD 6 vacant. Quorum present.

**BILLS AND JOURNALS:**

1/12/2011

Correctly engrossed: **SB 27, SB 49, SB 63.**

Correctly enrolled: **SR 1.**

Signed by the President at 11:45 a.m., January 12, 2011: **SR 1.**

Signed by the Secretary of the Senate at 9:57 a.m., January 12, 2011: **SR 1.**

Delivered to the Secretary of State at 2:11 p.m., January 12, 2011: **SR 1.**

Correctly printed: **SB 19, SB 21, SB 31, SB 32.**

1/13/2011

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the first, second, third, fourth, and fifth legislative days, find the same to be correct.

Senator Brown, Chair

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman):  
**SB 23**, do pass. Report adopted.

1/13/2011

**SB 64**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "ACCESS TO"

**Insert:** "CERTAIN"

2. Page 1, line 17.

**Strike:** "wholly owned"

3. Page 1, line 18.

**Following:** "subsidiary bank"

**Insert:** "to the extent that the records pertain to the operations and financial condition of the subsidiary bank or to the holding company's indebtedness. The authority granted in this section does not authorize the division to regulate or charge assessments to a bank holding company"

And, as amended, do pass. Report adopted.

SENATE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

**SB 78**, introduced bill, be amended as follows:

1. Page 7, line 3.

**Strike:** "(8)(b)(i)"

**Insert:** "(11)(b)(i)"

**Strike:** "(8)(b)(viii)"

**Insert:** "(11)(b)(viii)"

2. Page 8, line 19.

**Following:** "governing"

**Strike:** "person or"

**Following:** "persons"

**Strike:** "of the plan sponsor"

3. Page 9, lines 29 and 30.

**Following:** "reinsure" on line 29

**Insert:** ", or cause to be guaranteed, assumed, or reinsured,"

**Following:** "insurer" on line 29

**Strike:** "or cause" on line 29 through "reinsured" on line 30

4. Page 10, line 17.

**Strike:** "individual"

**Insert:** "nongroup"

5. Page 15, line 24.

**Strike:** "who is not a member insurer"

6. Page 15, line 24 through line 25.

**Strike:** "on behalf" on line 24 through "insurer" on line 25

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/13/2011

**SB 36**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "RIGHT;"

**Insert:** "PROHIBITING THE AWARD OF COSTS AND ATTORNEY FEES INCURRED AS A RESULT OF ADMINISTRATIVE PROCEEDINGS;"

2. Page 1, line 16.

**Following:** "fees."

**Insert:** "The district court may not award costs or attorney fees incurred as a result of administrative proceedings."

SENATE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

And, as amended, do pass. Report adopted.

**SB 60**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "AMENDING" on line 5 through "ALLOW" on line 6

**Insert:** "ALLOWING"

2. Title, page 1, line 6.

**Following:** "PARENT"

**Strike:** "OR"

**Insert:** ", "

**Following:** "GUARDIAN"

**Insert:** ", OR CONSERVATOR"

**Following:** "MINOR"

**Strike:** "OR AN"

**Insert:** ", "

3. Title, page 1, line 7.

**Following:** "PERSON"

**Insert:** ", OR PROTECTED PERSON"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "30-14-1726"

**Insert:** "AND 30-14-1727"

4. Page 1, line 14.

**Following:** "individual"

**Strike:** "or"

**Insert:** ", "

5. Page 1, line 15.

**Following:** "72-5-101"

**Insert:** ", or a conservator in the case of a protected person as defined in 72-5-101"

6. Page 2, line 11.

**Following:** line 10

**Insert:** "**Section 2.** Section 30-14-1727, MCA, is amended to read:

**"30-14-1727. Placement of security freeze.** (1) A consumer may elect to place a security freeze on the consumer's own credit report by making a request:

(1)(a) in writing by regular or certified mail to a consumer reporting agency at an address designated by the consumer reporting agency to receive the request; or

(2)(b) directly to the consumer reporting agency through a secure electronic connection specified by the consumer reporting agency ~~by January 31, 2009.~~

(2) A consumer, acting in the capacity of a parent or guardian in the case of a minor or of

SENATE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

an incapacitated person as defined in 72-5-101 or a conservator in the case of a protected person as defined in 72-5-101, may request that a consumer reporting agency place a freeze on the credit report of the minor or incapacitated or protected person by making a request in writing to the consumer reporting agency at an address designated by the consumer reporting agency to receive the request.""

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Sonju, Chairman):  
**SB 95**, introduced bill, be amended as follows:

1/12/2011

1. Page 2, line 8.

**Following:** "and"

**Insert:** "and"

**Strike:** ", and margin"

2. Page 2, line 9.

**Following:** "section."

**Insert:** "If the notarial seal is made by impression of an embosser, the seal is exempt from the margin requirements of this section."

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Barrett, Chairman):  
**SB 30**, do pass. Report adopted.  
**SB 87**, do pass. Report adopted.

1/12/2011

**STATE ADMINISTRATION** (Shockley, Chairman):  
**SB 59**, do pass. Report adopted.

1/12/2011

**TAXATION** (Tutvedt, Chairman):  
**SB 12**, do pass. Report adopted.

1/13/2011

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 162**, introduced by Wanzenried, referred to Local Government.

**SB 163**, introduced by Hawks, referred to Local Government.

**SB 164**, introduced by Hawks, referred to Local Government.

**SB 165**, introduced by Balyeat, Olson, Steinbeisser, Windy Boy, Hutton, Brenden, Keane, C. Smith, Vance, Berry, Jackson, Wittich, Hinkle, Stewart-Peregoy, Arthun, Moore, Shockley, Buttrey, Gibson, Essmann, Jones, referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

**SB 166**, introduced by Balyeat, Brown, Hinkle, Steinbeisser, Arthun, Vincent, Olson, Shockley, Wittich, Jones, Jackson, Hutton, Brenden, Blasdel, Moore, Buttrey, Lake, Gibson, Essmann, Walker, referred to Taxation.

**SB 167**, introduced by Blewett, Wilmer, Branae, Kaufmann, Dick Barrett, Malek, Gallus, Hawks, Hunter, Sesso, Wanzenried, Moss, Hamlett, McClafferty, Erickson, Hollenbaugh, Driscoll, Belcourt, Hoven, Hands, McNally, Hill, Court, Sands, Squires, B. Bennett, Larsen, C. Williams, referred to Judiciary.

**SB 168**, introduced by Van Dyk, referred to Business, Labor, and Economic Affairs.

**SB 169**, introduced by Hinkle, Hutton, O'Hara, Warburton, Jackson, Lewis, More, Wagner, Balyeat, Buttrey, Walker, Howard, Skees, Knox, Hale, referred to Judiciary.

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

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

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

**SB 32** - Senator Wanzenried moved **SB 32** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Caferro moved the Committee of the Whole report be adopted. Report adopted unanimously.

SENATE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

**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 19** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: SD 6.  
Total 1

**SB 21** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: SD 6.  
Total 1

**SB 31** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent,

SENATE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2011

Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, January 14, 2011. Motion carried.

Senate adjourned at 1:15 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate