

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 19, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Schmidt, Chairman): 1/19/2007  
**SB 60**, introduced bill, be amended as follows:

1. Page 2, line 12.

**Following:** "safety of"

**Strike:** "vulnerable"

**Insert:** "those"

**Following:** "population"

**Insert:** "who are most in need, as defined by their economic, social, or medical circumstances"

And, as amended, do pass. Report adopted.

**SB 71**, introduced bill, be amended as follows: 1/19/2007

1. Page 1, line 25.

**Following:** "enacted"

**Insert:** "or amended"

2. Page 1, line 26.

**Following:** "in the notice"

**Strike:** "if" through "section"

3. Page 2, line 16.

**Following:** "enacted"

**Insert:** "or amended"

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 19, 2007

4. Page 2, line 18.

**Following:** the second "date"

**Strike:** "of the postmark"

**Insert:** "on which the notice is mailed by the agency"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

1/19/2007

**SB 133**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "THAT"

**Strike:** "RETIREMENT FUNDING MECHANISMS AND"

2. Title, line 6.

**Following:** "JUDGMENT;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 23 through line 30.

**Strike:** subsection (e) in its entirety

**Insert:** "(e) except as provided in subsection (2), individual retirement accounts, as defined in 26 U.S.C. 408(a), to the extent of deductible contributions made before the suit resulting in judgment was filed and the earnings on those contributions, and Roth individual retirement accounts, as defined in 26 U.S.C. 408A, to the extent of qualified contributions made before the suit resulting in judgment was filed and the earnings on those contributions;"

4. Page 2, line 9 through line 11.

**Strike:** subsection (i) in its entirety

**Insert:** "(i) benefits or payments paid or payable from a retirement system or plan within Title 19, chapters 3, 5 through 9, and 13, as provided by 19-2-1004; and

(j) benefits or payments paid or payable from a retirement system or plan within Title 19, chapter 20, as provided by 19-20-706; and"

**Renumber:** subsequent subsection

5. Page 2, line 31.

**Following:** line 30

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/19/2007

**SB 47**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

1/19/2007

**SB 121**, introduced bill, be amended as follows:

1. Page 1, line 12.

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 19, 2007

**Strike:** "and may not"

**Insert:** ", receive any consideration for, or"

2. Page 1, line 16.

**Strike:** "United States"

**Insert:** "state"

**Following:** "unless"

**Insert:** ": (a)"

**Following:** "disclosure"

**Insert:** ";

(b) the tax return preparer located outside of the state agrees:

(i) not to sell or receive any consideration for the tax return information; and

(ii) not to otherwise disclose the tax return information for its benefit or for the benefit of any person controlling, controlled by, or under common control with it; and

(c) the local tax return preparer indemnifies the taxpayer for the damages provided for in subsection (3)(d) for any sale or disclosure by the tax return preparer located outside the state in violation of subsection (2)(b)"

3. Page 1, line 18.

**Following:** "(1)"

**Insert:** "or (2)"

4. Page 1, line 21.

**Following:** "(1)"

**Insert:** "or (2)"

5. Page 1, line 24.

**Strike:** "\$1,000"

**Insert:** "up to \$10,000"

6. Page 1, line 30 through page 2, line 1.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsection

7. Page 2, line 20.

**Strike:** "(6)(b)(i)"

**Insert:** "(5)(b)(i)"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 1/19/2007

**HB 21**, introduced by Morgan

**House bill** passed and transmitted to the Senate for concurrence: 1/19/2007

**HB 22**, introduced by McAlpin

**House bill** passed and transmitted to the Senate for concurrence: 1/19/2007

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 19, 2007

**HB 87**, introduced by Cordier

**House bills** passed and transmitted to the Senate for concurrence:

1/19/2007

**HB 207**, introduced by Ingraham

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 310**, introduced by Brown, Jackson, Wanzenried, Essmann, referred to State Administration.

**SB 311**, introduced by Brown, Jackson, McGillvray, Lange, referred to Natural Resources and Energy.

**SB 312**, introduced by Lind, Cobb, Butcher, Wiseman, Gillan, Schmidt, Kottel, Klock, Olson, Becker, Everett, Driscoll, Campbell, Grinde, Augare, Becker, Laible, Perry, Stahl, Branae, Elliott, Perry, Stoker, Mendenhall, Ankney, referred to Public Health, Welfare and Safety.

**SB 313**, introduced by Wanzenried, Jacobson, Cohenour, Erickson, Branae, Hamilton, Grinde, Bixby, Hands, referred to Natural Resources and Energy.

**SB 314**, introduced by Steinbeisser, Smith, Stahl, referred to Fish and Game.

**SB 315**, introduced by Cobb, referred to Business, Labor, and Economic Affairs.

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

**SJR 4**, introduced by Curtiss, Bales, Vincent, Gebhardt, Heinert, referred to Education and Cultural Resources.

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

**SR 2**, introduced by Kitzenberg, Smith, referred to Fish and Game.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HB 21**, introduced by Morgan, referred to Taxation.

**HB 22**, introduced by McAlpin, referred to Local Government.

**HB 87**, introduced by Cordier, referred to Natural Resources and Energy.

**HB 207**, introduced by Ingraham, referred to State Administration.

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

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

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

**SB 104** - Senator Squires moved **SB 104** do pass. Motion carried unanimously.

**SB 83** - Senator Schmidt moved **SB 83** do pass. Motion carried unanimously.

**SB 85** - Senator Schmidt moved **SB 85** do pass. Motion carried unanimously.

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 19, 2007

**SB 139** - Senator Cobb moved **SB 139**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "\$400"

**Insert:** "\$300"

2. Page 1, line 25.

**Strike:** "\$400"

**Insert:** "\$300"

3. Page 1, line 30.

**Strike:** "\$400"

**Insert:** "\$300"

4. Page 2, line 4.

**Strike:** "\$400"

**Insert:** "\$300"

5. Page 2, line 8.

**Strike:** "\$400"

**Insert:** "\$300"

6. Page 2, line 12.

**Strike:** "\$400"

**Insert:** "\$300"

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Kaufmann, McGee, Perry, Peterson, Stapleton, Steinbeisser, Tash.

Total 16

Nays: Balyeat, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 139** - Senator Gebhardt moved **SB 139**, second reading copy, be amended as follows:

1. Title, line 9.

**Following:** "RESIDENCE"

**Insert:** "AND ON RENTAL MULTIFAMILY DWELLINGS AND "SMALL BUSINESS" COMMERCIAL BUILDINGS AND THE PARCELS OF LAND ON WHICH THEY ARE SITUATED OWNED BY A TAXPAYER RESIDING IN THE STATE FOR AT LEAST 7 MONTHS DURING 2006"

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 19, 2007

2. Page 1, line 18.

**Following:** "that"

**Insert:** "is a rental multifamily dwelling unit or a commercial building, and the parcel of land on which it is situated, or"

3. Page 1, line 25.

**Following:** "on"

**Insert:** "(i) a rental multifamily dwelling or combination of dwellings or a commercial building, and the parcel of land on which it is situated, owned by the taxpayer or taxpayers residing in the state for at least 7 months during 2006; and  
(ii)"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 139** - Senator Harrington moved **SB 139** do pass. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Essmann, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**THIRD READING OF BILLS**

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

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 19, 2007

manner:

**SB 35** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 70** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 126** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, McGee, Story.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.

SENATE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 19, 2007

Total 0

**SB 150** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Monday, January 22, 2007. Motion carried.

Senate adjourned at 3:15 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate