

**HOUSE JOURNAL
58TH LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 19, 2003

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Schrupf. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/19/2003

Correctly printed: **SB 100, SB 104, SB 162, SB 220, SB 307, SJR 2.**

Correctly enrolled: **HB 32, HB 55, HB 97, HB 126, HB 164, HB 180, HB 215, HB 240, HB 250, HB 280, HB 311, HB 455, HB 490, HB 493, HB 552, HB 562, HJR 15, HJR 19.**

Examined by the sponsor and found to be correct: **HB 32, HB 55, HB 97, HB 126, HB 164, HB 180, HB 215, HB 240, HB 250, HB 280, HB 311, HB 455, HB 490, HB 493, HB 552, HB 562, HJR 15, HJR 19.**

APPROPRIATIONS (Lewis, Chairman): 3/18/2003

HB 558, introduced bill, be amended as follows:

1. Page 3.

Following: line 5

Insert: "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 112 and [this act] are both passed and approved, then [section 2 of this act] is amended to read:

"Section 2. Section 23-2-615, MCA, is amended to read:

"23-2-615. Nonresident temporary-use permits -- use of fees. (1) The requirements pertaining to the nonresident temporary-snowmobile-use permit are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department. The forms must include but are not limited to:

(i) the applicant's name and permanent address; and

~~(ii) the make, model, year, and serial number of the snowmobile; and~~

~~(iii)~~(ii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of ~~\$6~~ \$15, of which 50 cents is a search and rescue surcharge, a nonresident temporary-snowmobile-use sticker must be issued. The sticker must be ~~displayed~~ permanently affixed in a conspicuous manner on the snowmobile.

(2) The temporary permit is valid ~~for a consecutive 30-day period as designated by the permit~~ during the fiscal year in which it is issued.

(3) The permit is not proof of ownership, and a certificate of ownership may not be issued.

(4) (a) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that qualifies as a racing snowmobile under 23-2-622.

(b) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that will be used only on trails that are managed jointly by agreement between Montana and another state.

(5) ~~All money~~ Except as provided in subsection (1)(b), money collected by payment of fees under this section must be ~~remitted to the department of revenue and deposited in the state general fund~~ special revenue fund to the credit of the department and used as follows:

(a) \$8 must be expended in areas that are impacted by nonresident snowmobile use to assist in offsetting snowmobile trail grooming costs;

(b) \$1.50 must be used by the department for the enforcement of snowmobile laws pursuant to 23-2-641;

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(c) 50 cents must be remitted to the license agent who sold the nonresident temporary-snowmobile-use permit;
and

(d) \$4.50 must be used by the department for the statewide snowmobile trail grooming program.

(6) The failure to display the permit as required by this section or the making of false statements in obtaining the permit is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100. ""

And, as amended, do pass. Report adopted.

HB 628, introduced bill, be amended as follows:

1. Title, line 7 through line 9.

Strike: "STATE" on line 7 through "COMMISSION" on line 8

Insert: "GENERAL LICENSE"

Strike: "FOR" on line 8 through "CONSERVATION" on line 9

Insert: "AND FEDERAL SPECIAL REVENUE"

Strike: "PROJECTS" on line 9

Insert: "PROJECT"

2. Title, line 10.

Following: "APPROPRIATION"

Insert: "TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

Strike: "AMENDING" through "MCA;"

3. Page 1, line 15 through page 2, line 2.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Oki Mamii grant authorized. The department may spend money appropriated by the legislature from the general license account provided for in 87-1-601 and federal special revenue to fund the Oki Mamii grant to teach in the areas of water conservation and improving fish habitat on the Blackfeet reservation."

4. Page 2, line 4 through line 6.

Strike: "from" on line 4 through "appropriation" on line 6

Insert: "to the department of fish, wildlife, and parks"

5. Page 2, line 6.

Following: "project,"

Insert: "the"

6. Page 2, line 7 through line 9.

Following: "habitat" on line 7

Insert: ":

(1) \$5,000 from the general license account provided for in 87-1-601; and

(2) \$15,000 from federal special revenue"

Strike: "The" on line 7 through "account." on line 9

Following: line 9

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 1]."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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HB 685, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "CHILD-CARE" through "CENTER"
Insert: "CERTAIN FACILITY"
2. Page 1, line 10 through line 11.
Strike: "CHILD-CARE" on line 10 through "center" on line 11
Insert: "facility"
3. Page 1, line 17.
Strike: "CHILD-CARE" through "CENTER"
Insert: "facility"
4. Page 1, line 17 through line 18.
Following: "STATE" on line 17
Strike: remainder of line 17 through "SERVICES" on line 18
5. Page 1, line 19.
Strike: "CHILD-CARE" through "center"
Insert: "facility"
6. Page 1, line 20.
Strike: "CHILD-CARE" through "center's"
Insert: "facility's"
7. Page 1, line 22 through line 23.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections
8. Page 1, line 24.
Strike: "CHILD-CARE" through "center's"
Insert: "facility's"
9. Page 1, line 28 through line 29.
Strike: "CHILD-CARE" on line 28 through "center" on line 29
Insert: "facility"

And, as amended, do pass. Report adopted.

HB 705, introduced bill, be amended as follows:

1. Page 2, line 8.
Following: "**Appropriation.**"
Insert: "(1)"
2. Page 2, line 13 through line 14.
Strike: line 13 through line 14 in their entirety

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3. Page 2, line 17 through line 18.

Strike: line 17 through line 18 in their entirety

4. Page 2, line 19.

Insert: "(2) The following money is appropriated to the department of public health and human services for increases in medicaid payments to nursing facilities:

Fiscal year 2004

Federal special revenue fund \$ 9,404,218

Fiscal year 2005

Federal special revenue fund \$13,587,608"

And, as amended, do pass. Report adopted.

HB 726, do pass. Report adopted.

HB 741, do pass. Report adopted.

HB 743, introduced bill, be amended as follows:

1. Title, line 9.

Following: "CENTER;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 2, line 19.

Strike: "health" through "payment"

Insert: "prevention and stabilization"

3. Page 2, line 23.

Following: line 22

Insert: "NEW SECTION. Section 3. Appropriation. The following money is appropriated to the department of public health and human services:

(1) from the general fund for the payment of the utilization fees provided for in 15-60-102:

Fiscal year 2004 \$71,540

Fiscal year 2005 71,540

(2) from the state special revenue account in [section 14 of House Bill No. 722] for the purposes of financing, administering, and providing health and human services:

Fiscal year 2004 \$ 50,078

Fiscal year 2005 50,078

(3) from federal special revenue for the purposes of financing, administering, and providing health and human services:

Fiscal year 2004 \$186,713

Fiscal year 2005 183,377"

Insert: "NEW SECTION. Section 4. Contingent appropriation. If House Bill No. 705 is passed and approved, [section 3 of this act] is void and the following money is appropriated to the department of public health and human services:

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(1) from the general fund for the payment of the utilization fees provided for in 15-60-102:

Fiscal year 2004 \$114,975

Fiscal year 2005 135,415

(2) from the state special revenue account in [section 14 of House Bill No. 722] for the purposes of financing, administering, and providing health and human services:

Fiscal year 2004 \$80,483

Fiscal year 2005 94,791

(3) from federal special revenue for the purposes of financing, administering, and providing health and human services:

Fiscal year 2004 \$300,076

Fiscal year 2005 347,108"

Renumber: subsequent sections

4. Page 2, line 25.

Strike: "[section 2 of this act] is"

Insert: "[sections 2 through 4 of this act] are"

And, as amended, do pass. Report adopted.

HB 744, introduced bill, be amended as follows:

1. Page 3, line 22.

Strike: "Subject to [section 2], medical"

Insert: "Medical"

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (McKenney, Chairman):

3/18/2003

SB 230, be amended as follows:

1. Page 2, line 16.

Following: "exception."

Insert: "(1)"

Strike: "In"

Insert: "Subject to subsection (2), in"

2. Page 2, line 19.

Following: line 18

Insert: "(2) If trust assets include farm or ranch property, a closely held family business, timber interests, or interests in oil, gas, or minerals, the trustee may elect to retain those assets unless otherwise directed by a majority of adult trust beneficiaries. A trustee's exercise of discretion to retain assets of the character described in this subsection is not a breach of the trustee's duty to diversify investments."

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

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SB 231, be amended as follows:

1. Page 14, line 23.

Strike: "90%"

Insert: "15%"

2. Page 14, line 25.

Strike: "90%"

Insert: "15%"

3. Page 14, line 28.

Strike: "90%"

Insert: "15%"

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

SB 241, be concurred in. Report adopted.

SB 249, be concurred in. Report adopted.

SB 254, be concurred in. Report adopted.

SB 292, be concurred in and be placed on the consent calendar. Report adopted.

SB 341, be concurred in. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman):

3/19/2003

SB 114, be concurred in and be placed on the consent calendar. Report adopted.

SB 211, be concurred in and be placed on the consent calendar. Report adopted.

SJR 26, be concurred in. Report adopted.

TAXATION (Fuchs, Chairman):

3/19/2003

SB 408, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

3/18/2003

SB 460, introduced by Story

House amendments to Senate bills concurred in:

3/18/2003

SB 26, introduced by Mangan

SB 36, introduced by Grimes

House bills concurred in and returned to the House:

3/18/2003

HB 172, introduced by Gallik

HB 339, introduced by Pattison

HB 391, introduced by Balyeat

HB 402, introduced by Parker

HB 429, introduced by Kasten

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HB 635, introduced by Forrester

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/18/2003

HB 211, introduced by Newman

HB 350, introduced by Cohenour

HB 478, introduced by Peterson

House bill not concurred in and returned to the House:

3/18/2003

HB 224, introduced by Shockley

HB 56 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 56**:

3/18/2003

Senator Esp, Chair

Senator Cromley

Senator Stonington

MESSAGES FROM THE GOVERNOR

March 19, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 194** sponsored by Representative Barrett, **House Bill 392** sponsored by Representative Weiss, and **House Bill 601** sponsored by Representative Ripley on March 19, 2003.

Sincerely,

JUDY MARTZ
Governor

March 19, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, Montana 59620

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Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 87, "**AN ACT PROHIBITING THE USE OF A PUNCHCARD VOTING SYSTEM IN AN ELECTION AFTER DECEMBER 31, 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

House Bill No. 87 to provide a contingent effective date. I recommend that House Bill No. 87 be amended as follows: This act is effective on receipt of federal funds that may be used to reimburse counties currently using punchcard voting systems. And, the Secretary of State shall notify the code commissioner of the date of receipt of the federal funds. Until such time that the money is received, House Bill No. 87 should be on hold.

I have enclosed my amendment to that effect. Please be advised that Representative Jent, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 87

1. Title, line 6.

Strike: "AN IMMEDIATE"

Insert: "A CONTINGENT"

2. Page 1, line 16.

Strike: "passage and approval"

Insert: "receipt of federal funds that may be used to reimburse counties currently using punchcard voting systems"

Following: "."

Insert: "The secretary of state shall notify the code commissioner of the date of receipt of the federal funds."

March 19, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

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In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 408, "**AN ACT REQUIRING THE PAYMENT OF LOCAL REGISTRAR FEES TO A COUNTY DEPARTMENT IF THE LOCAL REGISTRAR IS A COUNTY EMPLOYEE; AMENDING SECTION 50-15-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

I recommend that House Bill No. 408 should be amended to change the word "department" in Section 1, 50-15-107(3)(b) to "county office." Currently, there is a definitional section in this part of the Code, 50-15-101(4), MCA, that defines "department" as the department of public health and human services." I trust that is not the intent of House Bill No. 408.

I have enclosed my amendment to that effect. Please be advised that Representative Peterson, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 408

1. Page 1, line 19.
Strike: "department"
Insert: "county office"

FIRST READING AND COMMITMENT OF BILLS

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

HB 756, introduced by Kaufmann, Bixby, Black, Cohenour, Cyr, Gallik, Jent, Kitzenberg, Smith, referred to Appropriations.

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

SB 460, introduced by Story, referred to Taxation.

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

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

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

HB 721 - Representative R. Brown moved consideration of **HB 721** be passed for the day. Motion carried.

HB 604 - Representative Gallik moved **HB 604** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Fuchs.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 722 - Representative E. Clark moved **HB 722** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 95

Noes: Balyeat, Everett, Fuchs, Hawk, Sales.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 403 - Senate Amendments - Representative Keane moved Senate amendments to **HB 403** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley,

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Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 93

Noes: Balyeat, Everett, Kasten, Pattison, Sales, Sinrud, Steinbeisser.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 143 - Representative Mendenhall moved **SB 143** be concurred in.

Representative Mendenhall moved **SB 143**, second reading copy, be amended as follows:

1. Title, line 9 through line 11.
Strike: "REQUIRING" on line 9 through "AGENCY;" on line 11

2. Page 2, line 20 through line 21.
Strike: subsection (3) in its entirety

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 81

Noes: Balyeat, Barrett, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Jackson, Kasten, Lange, Lewis, Maedje, A. Olson, Pattison, Ripley, Rome, Sales, Sinrud, Witt.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Lawson moved **SB 143**, second reading copy, be further amended as follows:

1. Title, line 11.
Following: "NOTICES;"
Insert: "CONFORMING CHARITABLE GIFT ANNUITY LAWS TO LAWS RELATED TO DEDUCTIONS FOR

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CHARITABLE CONTRIBUTIONS AND TAX CREDITS FOR CONTRIBUTIONS TO QUALIFIED
ENDOWMENTS; AMENDING SECTIONS 15-30-121, 15-30-165, AND 15-31-114, MCA;"

2. Title, line 12.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

3. Page 3, following line 16.

Insert: "**Section 6.** Section 15-30-121, MCA, is amended to read:

"15-30-121. Deductions allowed in computing net income. (1) In computing net income, there are allowed as deductions:

(a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and 211 of the Internal Revenue Code of 1954 (26 U.S.C. 161 and 211), or as sections 161 and 211 are labeled or amended, subject to the following exceptions, which are not deductible:

(i) items provided for in 15-30-123;

(ii) state income tax paid;

(iii) premium payments for medical care as provided in subsection (1)(g)(i);

(iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii); and

(v) a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift annuity as defined in [section 1];

(b) federal income tax paid within the tax year;

(c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as follows:

(i) expenses for household and dependent care services necessary for gainful employment incurred for:

(A) a dependent under 15 years of age for whom an exemption can be claimed;

(B) a dependent as allowable under 15-30-112(5), except that the limitations for age and gross income do not apply, who is unable to provide self-care because of physical or mental illness; and

(C) a spouse who is unable to provide self-care because of physical or mental illness;

(ii) employment-related expenses incurred for the following services, but only if the expenses are incurred to enable the taxpayer to be gainfully employed:

(A) household services that are attributable to the care of the qualifying individual; and

(B) care of an individual who qualifies under subsection (1)(c)(i);

(iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household is furnished by an individual or, if the individual is married during the applicable period, is furnished by the individual and the individual's spouse;

(iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following limitations:

(A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during the year only to the extent that the expenses do not exceed \$4,800;

(B) expenses for services in the household are deductible under subsection (1)(c)(i) for employment-related expenses only if they are incurred for services in the taxpayer's household, except that employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the expenses incurred during the year do not exceed:

(I) \$2,400 in the case of one qualifying individual;

(II) \$3,600 in the case of two qualifying individuals; and

(III) \$4,800 in the case of three or more qualifying individuals;

(v) if the combined adjusted gross income of the taxpayers exceeds \$18,000 for the tax year during which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by one-half of the excess of the combined adjusted gross income over \$18,000;

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- (vi) for purposes of this subsection (1)(c):
- (A) married couples shall file a joint return or file separately on the same form;
 - (B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred are deductible only if:
 - (I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent that they are a direct result of the employment; or
 - (II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);
 - (C) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married;
 - (D) the deduction for employment-related expenses must be divided equally between the spouses when filing separately on the same form;
 - (E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year and payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) are not deductible as employment-related expenses;
 - (d) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code (now repealed) that were in effect for the tax year ended December 31, 1978;
 - (e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;
 - (f) contributions to the child abuse and neglect prevention program provided for in 52-7-101, subject to the conditions set forth in 15-30-156;
 - (g) the entire amount of premium payments made by the taxpayer, except premiums deducted in determining Montana adjusted gross income, or for which a credit was claimed under 15-30-128, for:
 - (i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer; and
 - (ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for:
 - (A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or
 - (B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer for tax years beginning after December 31, 1996;
 - (h) light vehicle registration fees, as provided for in 61-3-560 through 61-3-562, paid during the tax year; and
 - (i) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child and at least one unrelated child in the ordinary course of business may deduct employment-related expenses considered to have been paid for the care of the child.

(b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal to the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of care. The employment-related expenses apply regardless of whether any expenses actually have been paid. Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

(c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the deduction under this subsection (2)."

Insert: "Section 7. Section 15-30-165, MCA, is amended to read:

"15-30-165. (Temporary) Qualified endowments credit -- definitions -- rules. For the purposes of 15-30-166, the following definitions apply:

(1) Subject to subsection (3), "planned gift" means an irrevocable contribution to a permanent endowment held by a tax-exempt organization, or for a tax-exempt organization, when the contribution uses any of the following techniques that are authorized under the Internal Revenue Code:

- (a) charitable remainder unitrusts, as defined by 26 U.S.C. 664;

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- (b) charitable remainder annuity trusts, as defined by 26 U.S.C. 664;
- (c) pooled income fund trusts, as defined by 26 U.S.C. 642(c)(5);
- (d) charitable lead unitrusts qualifying under 26 U.S.C. 170(f)(2)(B);
- (e) charitable lead annuity trusts qualifying under 26 U.S.C. 170(f)(2)(B);
- (f) charitable gift annuities undertaken pursuant to 26 U.S.C. 1011(b);
- (g) deferred charitable gift annuities undertaken pursuant to 26 U.S.C. 1011(b);
- (h) charitable life estate agreements qualifying under 26 U.S.C. 170(f)(3)(B);
- (i) paid-up life insurance policies meeting the requirements of 26 U.S.C. 170.

(2) (a) "Qualified endowment" means a permanent, irrevocable fund that is held by a Montana incorporated or established organization that:

- (i) is a tax-exempt organization under 26 U.S.C. 501(c)(3); or
- (ii) is a bank or trust company, as defined in Title 32, chapter 1, part 1, that is holding the fund on behalf of a tax-exempt organization.

(b) For the purposes of sections 15-30-165 through 15-30-167, the affordable housing revolving loan account established in 90-6-133 is considered to be a qualified endowment.

(3) (a) A contribution using a technique described in subsection (1)(a) or (1)(b) is not a planned gift unless the trust agreement provides that the trust may not terminate and the beneficiaries' interest in the trust may not be assigned or contributed to the qualified endowment sooner than the earlier of:

- (i) the date of death of the beneficiaries; or
- (ii) 5 years from the date of the contribution.

(b) A contribution using the technique described in subsection (1)(g) is not a planned gift unless the payment of the annuity is required to begin within the life expectancy of the annuitant or of the joint life expectancies of the annuitants, if more than one annuitant, as determined using the actuarial tables adopted by rule by the department in effect on the date of the contribution.

(c) A contribution using a technique described in subsection (1)(f) or (1)(g) is not a planned gift unless the annuity agreement provides that the interest of the annuitant or annuitants in the gift annuity may not be assigned to the qualified endowment sooner than the earlier of:

- (i) the date of death of the annuitant or annuitants; or
- (ii) 5 years after the date of the contribution.

(d) A contribution using a technique described in subsection (1)(f) or (1)(g) is not a planned gift unless the annuity is a qualified charitable gift annuity as defined in [section 1].

(4) The department shall adopt rules to prepare life expectancy tables that are derived from the actuarial tables contained in the most recent Publication 1457 by the internal revenue service. (Subsection (2)(b) terminates December 31, 2004--sec. 7, Ch. 411, L. 2001; section terminates December 31, 2007--sec. 5, Ch. 226, L. 2001.)"

Insert: "Section 8. Section 15-31-114, MCA, is amended to read:

"15-31-114. Deductions allowed in computing income. (1) In computing the net income, the following deductions are allowed from the gross income received by the corporation within the year from all sources:

(a) all the ordinary and necessary expenses paid or incurred during the taxable year in the maintenance and operation of its business and properties, including reasonable allowance for salaries for personal services actually rendered, subject to the limitation contained in this section, and rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title or in which it has no equity. A deduction is not allowed for salaries paid upon which the recipient has not paid Montana state income tax. However, when domestic corporations are taxed on income derived from outside the state, salaries of officers paid in connection with securing the income are deductible.

(b) (i) all losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear and obsolescence of property used in the trade or business. The allowance is determined according to the provisions of section 167 of the Internal Revenue Code in effect with respect to the taxable year. All elections for depreciation must be the same as the elections made for federal income tax purposes. A deduction is not allowed for any amount paid out for any buildings, permanent improvements, or

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betterments made to increase the value of any property or estate, and a deduction may not be made for any amount of expense of restoring property or making good the exhaustion of property for which an allowance is or has been made. A depreciation or amortization deduction is not allowed on a title plant as defined in 33-25-105(15).

(ii) There is allowed as a deduction for the taxable period a net operating loss deduction determined according to the provisions of 15-31-119.

(c) in the case of mines, other natural deposits, oil and gas wells, and timber, a reasonable allowance for depletion and for depreciation of improvements. The reasonable allowance must be determined according to the provisions of the Internal Revenue Code in effect for the taxable year. All elections made under the Internal Revenue Code with respect to capitalizing or expensing exploration and development costs and intangible drilling expenses for corporation license tax purposes must be the same as the elections made for federal income tax purposes.

(d) the amount of interest paid within the year on its indebtedness incurred in the operation of the business from which its income is derived. Interest may not be allowed as a deduction if paid on an indebtedness created for the purchase, maintenance, or improvement of property or for the conduct of business unless the income from the property or business would be taxable under this part.

(e) (i) taxes paid within the year, except the following:

(A) taxes imposed by this part;

(B) taxes assessed against local benefits of a kind tending to increase the value of the property assessed;

(C) taxes on or according to or measured by net income or profits imposed by authority of the government of the United States;

(D) taxes imposed by any other state or country upon or measured by net income or profits.

(ii) Taxes deductible under this part must be construed to include taxes imposed by any county, school district, or municipality of this state.

(f) that portion of an energy-related investment allowed as a deduction under 15-32-103;

(g) (i) except as provided in subsection (1)(g)(ii) or (1)(g)(iii), charitable contributions and gifts that qualify for deduction under section 170 of the Internal Revenue Code, as amended.

(ii) The public service commission may not allow in the rate base of a regulated corporation the inclusion of contributions made under this subsection.

(iii) A deduction is not allowed for a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift annuity as defined in [section 1].

(h) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) In lieu of the deduction allowed under subsection (1)(g), the taxpayer may deduct the fair market value, not to exceed 30% of the taxpayer's net income, of a computer or other sophisticated technological equipment or apparatus intended for use with the computer donated to an elementary, secondary, or accredited postsecondary school located in Montana if:

(a) the contribution is made no later than 5 years after the manufacture of the donated property is substantially completed;

(b) the property is not transferred by the donee in exchange for money, other property, or services; and

(c) the taxpayer receives a written statement from the donee in which the donee agrees to accept the property and representing that the use and disposition of the property will be in accordance with the provisions of subsection (2)(b).

(3) In the case of a regulated investment company or a fund of a regulated investment company, as defined in section 851(a) or 851(h) of the Internal Revenue Code of 1986, as that section may be amended or renumbered, there is allowed a deduction for dividends paid, as defined in section 561 of the Internal Revenue Code of 1986, as that section may be amended or renumbered, except that the deduction for dividends is not allowed with respect to dividends attributable to any income that is not subject to tax under this chapter when earned by the regulated investment company. For the purposes of computing the deduction for dividends paid, the provisions of sections 852(b)(7) and 855 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered, apply. A regulated investment company is not allowed a deduction for dividends received as defined in sections 243 through 245 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered.""

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Renumber: subsequent sections

4. Page 3, following line 22.

Insert: "NEW SECTION. **Section 11. Applicability.** [This act] applies to charitable contributions made after [the effective date of this act]."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, R. Brown, Everett, Kasten, Laszloffy, Lewis, Pattison, Sales, Sinrud, Waitschies.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 143**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 86

Noes: Balyeat, Barrett, Everett, Fuchs, Jackson, Kasten, Laszloffy, Lewis, Maedje, Malcolm, Ripley, Rome, Sales, Witt.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 183 - Representative Galvin-Halcro moved **SB 183** be concurred in. Motion carried as follows:

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Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Lawson, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 75

Noes: Ballantyne, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Kasten, Lake, Laslovich, Laszloffy, Lehman, Lewis, Malcolm, Newman, Pattison, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt.

Total 24

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

SB 216 - Representative Keane moved **SB 216** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

SJR 24 - Representative Windy Boy moved **SJR 24** be concurred in.

Representative Windy Boy moved **SJR 24**, second reading copy, be amended as follows:

1. Title, line 5.

Strike: "URGING"

Insert: "REQUESTING"

Strike: "END" through "OF"

Insert: "AUTHORIZE A FEASIBILITY STUDY AND DEMONSTRATION PROJECT TO CONSIDER"

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2. Title, page 6.

Following: "FUNDS"

Insert: "ALLOCATED"

3. Title, line 7.

Strike: "THROUGH" through "AGENCY"

4. Title, line 8.

Strike: "BY" through the second ","

5. Title, line 9.

Following: "MONTANA'S"

Insert: "FEDERALLY RECOGNIZED"

Following: "PAYMENTS"

Insert: "INSTEAD OF TRANSFERRING FUNDS THROUGH A STATE AGENCY"

6. Page 1, line 21.

Following: "members"

Insert: "; and

WHEREAS, a feasibility study will enhance the ability to provide direct funding to federally recognized tribal governments in Montana and will provide for an orderly transition in federal funding practices"

7. Page 1, line 25.

Strike: "strongly urged"

Insert: "requested"

Strike: "end" through "of"

Insert: "authorize a feasibility study and demonstration project to consider"

Following: "funds"

Insert: "allocated"

8. Page 1, line 26.

Strike: "through" through "agency"

9. Page 1, line 27.

Strike: "by" through the second ","

10. Page 1, line 28.

Following: "Montana's"

Insert: "federally recognized"

Following: "payments"

Insert: "instead of transferring funds through a state agency"

Following: line 28

Insert: "BE IT FURTHER RESOLVED, that the feasibility study consider the following issues associated with changing payment methods to make direct payments to Montana's federally recognized tribal governments:

- (1) the probable effects on specific programs and program beneficiaries;
- (2) statutory, regulatory, or other impediments;
- (3) probable costs or savings; and
- (4) other issues identified in consultation with Montana's federally recognized tribal governments.

BE IT FURTHER RESOLVED, that the feasibility study focus on the development of a direct funding

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demonstration project for appropriate federal programs, services, functions, and activities of various federal agencies.

BE IT FURTHER RESOLVED, that the feasibility study and demonstration project be implemented jointly by the State of Montana, the federal government, and Montana's federally recognized Indian tribes through government-to-government consultation."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Fuchs, Malcolm.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SJR 24**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Fuchs, Hedges, Lake, Malcolm, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Buzzas, Franklin, Fuchs, Gillan, Golie.

Total 6

Excused: None.

Total 0

Absent or not voting: 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 manner:

SB 84, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Sales.

Total 1

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

SB 146, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher,

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Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.
Total 87

Noes: Bergren, Bixby, P. Clark, Cohenour, Franklin, Galvin-Halcro, Kaufmann, Parker, Raser, Small-Eastman, Smith, Weiss, Windy Boy.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 229, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 363 passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Dickenson, Everett, Fuchs, Gallus, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 65

Noes: Balyeat, Barrett, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dowell, Erickson, Facey, Fisher,

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Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Jayne, Jent, Juneau, Lambert, Lindeen, Maedje, Newman, Parker, Raser, Sales, Small-Eastman, Wanzenried, Wilson.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 569 passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.
Total 82

Noes: Balyeat, Everett, Fisher, Hawk, Hedges, Jackson, Laszloffy, A. Olson, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Steinbeisser, Stoker, Witt, Mr. Speaker.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SB 83 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 87

Noes: Bixby, Buzzas, Carney, Cohenour, Dowell, Gallik, Galvin-Halcro, Gutsche, Harris, Jayne, Juneau, Laslovich, Wanzenried.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 103 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Buzzas.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 121 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 131 concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: Balyeat, Laszloffy, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 257 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 25 concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 85

Noes: Balyeat, Barrett, Fuchs, Jayne, Jent, Kasten, Laslovich, Malcolm, B. Olson, Rice, Ripley, Sales, Shockley, Sinrud, Stoker.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on **HB 403**. Motion carried.

The Speaker appointed the following members:

Representative Steinbeisser, Chair
Representative Lange
Representative Keane

Representative R. Brown moved to pass consideration on **HB 721** until Legislative Day 62. There being no objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Brown moved that the House adjourn until 8:00 a.m., Thursday, March 20, 2003. Motion carried.

House adjourned at 2:23 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House