

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

Helena, Montana
April 11, 2003

House Chambers
State Capitol

House convened at 1:03 p.m. Mr. Speaker in the Chair. Invocation by Representative R. Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Ripley, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, Parkinson's disease, a progressive disorder of the central nervous system, affects more than one million people in the United States; and

WHEREAS, there is treatment to ease the symptoms, but there is not yet a cure; and

WHEREAS, the American Parkinson Disease Association, Inc., founded in 1961, has sought to "Ease the Burden and Find the Cure" for this disease through research, patient and family services, education and sponsorship of 65 chapters, 57 information and referral centers, and 800 support groups throughout the United States; and

WHEREAS, April 11th marks the birthday of Dr. James Parkinson who first recognized the disease now named for him; and

WHEREAS, the world and the nation will observe "Parkinson's Disease Awareness Month" in April 2003;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: that April 2003 be proclaimed as Parkinson's Disease Awareness Month in the state of Montana.

Signed by Senator Bob Keenan, President of the Senate and Representative Doug Mood, Speaker of the House.

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, the Cut Bank Wolves Basketball team are the 2003 State Class B Champions; and

WHEREAS, the Cut Bank Wolves, during the 2003 season, were undefeated, chalking up the amazing and enviable record of 27-0; and

WHEREAS, the Cut Bank Wolves' coach, Brian Kavanagh, after 13 years as head coach, has the distinguished overall record of 232-99, a 70% winning average with six state tournament appearances; and

WHEREAS, the Cut Bank Wolves basketball team during that time achieved the rank of State Champions in both 1993 and 2003, and runner-up in 1998 and 2000, qualifying for State five out of the last six years; and

WHEREAS, the Wolves basketball team has the honor of being overall State Champions for the following years:

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1937, 1938, 1957, 1966, 1993 and 2003.

WHEREAS, the Cut Bank Wolves, through their hard work and spirit of fair-play, have set a fine example of those qualities which all students in Montana strive to achieve.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: that the congratulations of all Montanans be extended to the members and coaches of the Cut Bank Wolves and their coach, Brian Kavanagh, for the honor they have achieved and the exceptional qualities they have exhibited throughout this season..

Signed by President Keenan, Speaker Mood, Senator Roush, Representative Juneau, and Representative Ballantyne.

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, Carol Ann Cooke of Bozeman was named National Elementary Physical Education Teacher of the Year on April 3, 2003 in Philadelphia; and

WHEREAS, the National Association for Sport and Physical Education gives these awards in recognition of outstanding performance and the ability to motivate today's youth to participate in a lifetime of physical activity; and

WHEREAS, the National Association for Sport and Physical Education is an organization of over 25,000 professionals in the fitness field; and

WHEREAS, Carol Ann Cooke was named Montana's Physical Education Teacher of the Year in 2001, followed by being named the Northwest District Teacher of the Year in 2002; and

WHEREAS, Carol is a native of Big Sandy who has been teaching fitness to children at Emily Dickenson Elementary School in Bozeman for 16 years.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: that the congratulations of all Montanans be extended to Carol Ann Cooke for receiving this national recognition.

Signed by President Keenan, Speaker Mood, Senator Stonington, and Representative Harris.

SPECIAL ORDERS OF THE DAY

Mr. Speaker introduced Baktybek Abdrisaev, Ambassador of the Kyrgyz Republic to the United States. The Ambassador then gave a brief speech and thanked the House for such a warm welcome. Mr. Speaker thanked the Ambassador for traveling such a great distance to visit our state.

BILLS (Bookout-Reinicke, Chairman):

4/11/2003

Correctly printed: **HJR 43**.

Correctly engrossed: **SB 407**.

Correctly enrolled: **HB 127, HB 130, HB 141, HB 155, HB 169, HB 179, HB 203, HB 218, HB 247, HB 256, HB 289, HB 292, HB 299, HB 315, HB 317, HB 358, HB 385, HB 388, HB 435, HB 437, HB 453, HB 478, HB 480, HB 573, HB 584, HB 610, HB 618, HB 647, HB 653, HB 681, HB 703.**

Examined by the sponsor and found to be correct: **HB 126, HB 127, HB 130, HB 141, HB 155, HB 169, HB 179,**

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HB 203, HB 218, HB 247, HB 317, HB 358, HB 385, HB 388, HB 435, HB 437, HB 453, HB 478, HB 584, HB 647, HB 653.

Signed by the Speaker at 8:45 a.m., April 10, 2003: **HB 17, HB 20, HB 40, HB 50, HB 54, HB 67, HB 76, HB 98, HB 104, HB 110, HB 123, HB 134, HB 157, HB 161, HB 170, HB 171, HB 183, HB 210, HB 222, HB 224, HB 237, HB 269, HB 303, HB 337, HB 481, HB 499, HB 527, HB 532.**

Signed by the Speaker at 10:35 a.m., April 10, 2003: **HB 145.**

Signed by the Speaker at 11:30 a.m., April 11, 2003: **HB 127, HB 130, HB 141, HB 155, HB 169, HB 179, HB 203, HB 218, HB 247, HB 317, HB 358, HB 385, HB 388, HB 435, HB 437, HB 453, HB 478, HB 584, HB 647, HB 653.**

Delivered to the Governor for approval at 7:35 a.m., April 11, 2003: **HB 17, HB 20, HB 40, HB 50, HB 54, HB 67, HB 76, HB 98, HB 104, HB 110, HB 123, HB 134, HB 145, HB 157, HB 161, HB 170, HB 171, HB 183, HB 210, HB 222, HB 224, HB 237, HB 269, HB 303, HB 337, HB 481, HB 499, HB 527, HB 532.**

BUSINESS AND LABOR (McKenney, Chairman):

4/11/2003

HJR 44, be adopted. Report adopted.

SB 464, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

April 11, 2003

Marilyn Miller, Chief Clerk
Montana House of Representatives

I am directed by the Senate to request the return of **House Bill 90** by E. Clark, "Voluntary protective services and provisions for dismissal of cases" because of a staff error with a Committee of the Whole amendment. It is our intention to correct the error and return the corrected bill to the House for concurrence in the corrected version.

Rosana Skelton
Secretary of the Senate

House amendments to Senate bills concurred in:

4/10/2003

SB 13, introduced by Mahlum
SB 111, introduced by Nelson
SB 115, introduced by Mahlum

House amendments to Senate bill not concurred in:

4/10/2003

SB 326, introduced by McGee

House bill concurred in and returned to the House:

4/10/2003

HB 758, introduced by Devlin

Conference Committee Report No.1 adopted:

4/10/2003

HB 56, introduced by B. Thomas

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HB 403, introduced by Keane
SB 47, introduced by Gebhardt

HB 107 - 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 107:**
4/10/2003

Senator Glaser, Chair
Senator Black
Senator Elliott

HB 201 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 201:**
4/10/2003

Senator Sprague, Chair
Senator Gebhardt
Senator Wheat

HB 277 - 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 277:**
4/10/2003

Senator Sprague, Chair
Senator Gebhardt
Senator McCarthy

HB 298 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 298:**
4/10/2003

Senator Gebhardt, Chair
Senator McGee
Senator Wheat

HB 642 - 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 642:**
4/10/2003

Senator Story, Chair
Senator Glaser
Senator Toole

SB 126 - 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 **SB 126:**
4/11/2003

Senator Story, Chair
Senator Black
Senator Toole

MESSAGES FROM THE GOVERNOR

April 10, 2003

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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 474** sponsored by Representative Weiss et al. on April 10, 2003.

Sincerely,

JUDY MARTZ
Governor

April 10, 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:

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 693, "**AN ACT PROVIDING THAT CHILD SUPPORT OBLIGATIONS DETERMINED PURSUANT TO ADMINISTRATIVE PROCEDURE ARE EFFECTIVE IMMEDIATELY UPON SERVICE OF A NOTICE OF FINANCIAL RESPONSIBILITY ON THE PARENT OR PARENTS AND THAT FINAL ORDERS ARE RETROACTIVE TO THAT DATE; PROVIDING THAT A NOTICE OF FINANCIAL RESPONSIBILITY MUST INCLUDE A STATEMENT REGARDING ITS IMMEDIATE EFFECTIVENESS; AMENDING SECTION 40-5-225, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

House Bill No. 693 provides child support during the pendency of a child support establishment action before the Child Support Enforcement Division (CSED). This raises constitutional issues, specifically due process violations. The enforcement of private rights, including notice and right to a fair hearing before a tribunal with the power to decide a case, is paramount.

Currently, Montana law provides that an administrative child support order must be first adjudicated, with notice and opportunity for a hearing, prior to any enforcement action. Further, no enforcement is allowed until the final order is entered.

For these reasons, I recommend that House Bill No. 693, Section 40-5-225 (2)(c) in pertinent part read: The notice must include a statement that the monthly support obligation is effective on the date of service of the notice, *unless an objection is made and a hearing is requested*, and may be collected during the proceeding that establishes the

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support obligation by any remedy available to the department for the enforcement of child support obligations.

I have enclosed my amendment to that effect. Please be advised that Representative Sinrud, 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 693

1. Page 1, line 24.

Following: "notice"

Insert: ", unless an objection is made and a hearing is requested,"

FIRST READING AND COMMITMENT OF BILLS

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

HJR 45, introduced by Small-Eastman, referred to Natural Resources.

Majority Leader Brown moved that the House recess until 1:55 p.m. for caucuses. Motion carried.

House recessed at 1:26 p.m.

House reconvened at 1:58 p.m. All members present, except Representative Ripley, excused. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 201**
Report No. 1, April 11, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 201** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 201** (reference copy -- salmon) be amended as follows:

1. Page 3, line 26.

Strike: "under this section"

Insert: "for a federal write-in absentee ballot"

2. Page 6, line 4.

Strike: ";

Insert: ". This information is sufficient to meet any identification requirements provided by law for an elector."

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3. Page 6, line 7.

Following: "ballot for"

Insert: "that election or for"

For the House:

D. Brown, Chairman

Jent

Wagman

For the Senate:

Sprague, Chairman

Gebhardt

Wheat

FREE CONFERENCE COMMITTEE
on **House Bill 259**
Report No. 1, April 11, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 259** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 259** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

Following: "~~BORDER~~"

Insert: "BETWEEN THE CANADIAN BORDER AND REFERENCE MARKER 133 NORTHWEST OF WHITEFISH"

2. Page 1, line 12.

Following: "61-8-310,"

Strike: "AND"

3. Page 1, line 13.

Following: "section,"

Insert: "and subsection (2) of this section,"

4. Page 1.

Following: line 22

Insert: "(2) The speed limit for vehicles traveling on U.S. highway 93 between reference marker 133 northwest of Whitefish and the Idaho border is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway."

Renumber: subsequent subsections

5. Page 1, line 26.

Strike: "SUBSECTION"

Insert: "subsections"

Following: "(2)"

Insert: "and (2)"

6. Page 2, line 1.

Strike: "SUBSECTION"

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Insert: "subsections"

Following: "(2)"

Insert: "and (2)"

For the House:

Maedje, Chairman
Gallik
Lake

For the Senate:

DePratu, Chairman
Cocchiarella
Curtiss

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 277**
Report No. 1, April 11, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 277** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 277** (reference copy -- salmon) be accepted by the House.

For the House:

Younkin, Chairman
Haines
Lindeen

For the Senate:

Sprague, Chairman
Gebhardt
McCarthy

FREE CONFERENCE COMMITTEE
on **House Bill 283**
Report No. 1, April 11, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 283** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 283** (reference copy -- salmon) be accepted by the House.

For the House:

Fuchs, Chairman
Balyeat
Jent

For the Senate:

Sprague, Chairman
McGee
Shea

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 Brueggeman in the chair.

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

SB 89 - Representative Carney moved **SB 89** 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, 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: None.

Total 0

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

SB 243 - Representative Sinrud moved **SB 243** 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, 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

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SB 314 - Representative Raser moved **SB 314** be concurred in.

Representative Raser moved **SB 314**, second reading copy, be amended as follows:

1. Page 2, line 9 through line 10.

Following: "THAT ARE" on line 9

Strike: "IN EXCESS" on line 9 through "THAN" on line 10

Insert: "deposited into the general fund, as provided in 2-4-603(1)(b), and that are unanticipated by revenue estimates adopted by the legislature for fiscal years 2004 and 2005, excluding tax audit collections, of up to"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, 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, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, 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 96

Noes: Sales.

Total 1

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Jent, Maedje.

Total 3

Motion that **SB 314**, as amended, be concurred in carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Ryan, Schruppf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 55

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 44

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Voted Absentee: Ripley, No.

Excused: None.

Total 0

Absent or not voting: Newman.

Total 1

SB 424 - Representative Andersen moved **SB 424**, as amended, be concurred in.

Representative Lawson moved **SB 424**, second reading copy, be amended as follows:

1. Title, line 13.

Strike: the first "AN"

Strike: the first "DATE"

Insert: "DATES"

Strike: the second "AN"

Strike: the second "DATE"

Insert: "DATES"

2. Page 10.

Following: line 29

Insert: "NEW SECTION. Section 9. Extension of school election deadlines. In order to allow for the orderly and efficient conduct of the regular school elections scheduled for May 6, 2003, it may not be possible to comply with certain statutory deadlines relating to a school election. Therefore, in 2003 only, a school district may limit the regular school election scheduled for May 6, 2003, to trustee elections only and may reschedule a single general fund operating levy election at any time prior to the adoption of a final budget pursuant to 20-9-131. In addition, all statutory deadlines for the May 6, 2003, regular school election that fall on or before April 18 are extended to April 28, 2003, except that the timeline for posting the election notice is changed to April 28, 2003, through May 2, 2003."

Renumber: subsequent section

3. Page 11.

Following: line 2

Insert: "(3) [Sections 9, 11, and this section] are effective on passage and approval."

Insert: "NEW SECTION. Section 11. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to actions taken by the trustees of a school district on or after March 27, 2003."

Amendment adopted 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, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, 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 97

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Noes: Balyeat, Everett.
Total 2

Voted Absentee: Ripley, Aye.

Excused: None.
Total 0

Absent or not voting: Newman.
Total 1

Representative Lawson moved **SB 424**, second reading copy, be further amended as follows:

1. Title, line 4.

Following: "FINANCE;"

Insert: "PROVIDING FOR ANNUAL INFLATION-RELATED ADJUSTMENTS TO THE BASE FUNDING PROGRAM AMOUNTS FOR SCHOOL DISTRICT BASIC ENTITLEMENTS AND PER-ANB ENTITLEMENTS;"

2. Title, line 13.

Strike: the first "AN"

Strike: the first "DATE"

Insert: "DATES"

3. Page 1.

Following: line 15

Insert: "NEW SECTION. Section 1. Annual inflation-related adjustments to basic entitlements and per-ANB entitlements. (1) The superintendent of public instruction shall determine the inflation factor for each school fiscal year by dividing the consumer price index for July 1 of the current school fiscal year by the consumer price index for July 1 of the prior school fiscal year.

(2) The present law base for K-12 public education, calculated under Title 17, chapter 7, part 1, must consist of any enrollment increases or decreases plus the inflation factor calculated pursuant to this section.

(3) For the purposes of this section, "consumer price index" means the consumer price index, U.S. city average, all urban consumers, for all items, using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor."

Renumber: subsequent sections

4. Page 11, line 1.

Strike: "date"

Insert: "dates"

Strike: "[This"

Insert: "(1) Except as provided in subsections (2) and (3), [this"

5. Page 11.

Following: line 2

Insert: "(2) [Section 1] is effective July 1, 2005."

Amendment adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 53

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 47

Voted Absentee: Ripley, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Facey moved **SB 424**, second reading copy, be further amended as follows:

1. Title, line 10.

Following: "DISTRICT;"

Insert: "REVISING BASE AID; INCLUDING 40 PERCENT OF THE SPECIAL EDUCATION ALLOWABLE COST PAYMENT IN THE DEFINITION OF "BASE AID"; PROVIDING A PER-EDUCATOR ENTITLEMENT OF \$1,000 FOR EACH FULL-TIME EQUIVALENT EDUCATOR EMPLOYED BY A PUBLIC SCHOOL DISTRICT, A SPECIAL EDUCATION COOPERATIVE, THE MONTANA SCHOOL FOR THE DEAF AND BLIND, AND A STATE YOUTH CORRECTIONAL FACILITY; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DISTRIBUTE THE PER-EDUCATOR ENTITLEMENT TO CERTAIN ENTITIES;"

Following: "SECTIONS"

Insert: " 20-9-306, 20-9-344,"

2. Title, line 13.

Following: "PROVIDING"

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE"

Insert: "DATES"

3. Page 1, line 16.

"NEW SECTION. Section 1. Per-educator entitlement paid to state-funded K-12 schools and special education cooperatives. (1) (a) The state shall provide a total per-educator entitlement to:

- (i) public school districts, as defined in 20-6-101 and 20-6-701;
- (ii) special education cooperatives, as described in 20-7-451;
- (iii) the Montana school for the deaf and blind, as described in 20-8-101; and
- (iv) state youth correctional facilities, as defined in 41-5-103.

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(b) A special education cooperative that has not met the requirements of 20-7-453 and 20-7-454 may not be funded under the provisions of this section except by approval of the superintendent of public instruction.

(2) The total per-educator entitlement for special education cooperatives, the Montana school for the deaf and blind, and state youth correctional facilities must be calculated as provided in 20-9-306 and distributed directly to those entities by the superintendent of public instruction.

Insert: "Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; ~~and~~

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and ~~up to~~ 40% of the special education allowable cost payment; and

(c) the total per-educator entitlement.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total per-educator entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) \$213,819 for each high school district;

(b) \$19,244 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) \$19,244 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) \$213,819 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total per-educator entitlement for the district, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$5,205 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with

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each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of \$3,906 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of \$3,906 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$5,205 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(11) "Total per-educator entitlement" means the entitlement resulting from multiplying \$1,000 by the number of full-time equivalent educators, as reported to the office of public instruction for accreditation purposes in the previous school year, each of whom:

(a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in [section 1] in a position that requires an educator license in accordance with the administrative rules adopted by the board of public education; or

(b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-23-201, 37-24-301, or 37-25-302; and

(ii) is employed by an entity listed in [section 1] to provide services to students."

Insert: "Section 3. Section 20-9-344, MCA, is amended to read:

"20-9-344. Duties of board of public education for distribution of BASE aid. (1) The board of public education shall administer and distribute the BASE aid and state advances for county equalization in the manner and with the powers and duties provided by law. To this end, the board of public education ~~shall~~:

(a) shall adopt policies for regulating the distribution of BASE aid and state advances for county equalization in accordance with the provisions of law;

(b) must have the power to require reports from the county superintendents, budget boards, county treasurers, and trustees as that it considers necessary; and

(c) shall order the superintendent of public instruction to distribute the BASE aid on the basis of each district's annual entitlement to the aid as established by the superintendent of public instruction. In ordering the distribution of BASE aid, the board of public education may not increase or decrease the BASE aid distribution to any district on account of any difference that may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

(2) The board of public education may order the superintendent of public instruction to withhold distribution of BASE aid from a district when the district fails to:

(a) submit reports or budgets as required by law or rules adopted by the board of public education; or

(b) maintain accredited status.

(3) Prior to any proposed order by the board of public education to withhold distribution of BASE aid or county equalization money, the district is entitled to a contested case hearing before the board of public education, as provided under the Montana Administrative Procedure Act.

(4) If a district or county receives more BASE aid than it is entitled to, the county treasurer shall return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the superintendent of public instruction.

(5) Except as provided in 20-9-347(2), the BASE aid payment must be distributed according to the following schedule:

(a) from August to October of the school fiscal year, 10% of the direct state aid and total per-educator entitlement to each district;

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(b) from December to April of the school fiscal year, 10% of the direct state aid and total per-educator entitlement to each district;

(c) in November of the school fiscal year, one-half of the guaranteed tax base aid payment to each district or county that has submitted a final budget to the superintendent of public instruction in accordance with the provisions of 20-9-134;

(d) in May of the school fiscal year, the remainder of the guaranteed tax base aid payment to each district or county; and

(e) in June of the school fiscal year, the remaining payment to each district of direct state aid and total per-educator entitlement.

(6) The distribution provided for in subsection (5) must occur by the last working day of each month.""

Renumber: subsequent sections

4. Page 10, line 30.

Insert: "NEW SECTION. Section 11. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 1]."

Renumber: subsequent section

5. Page 11, line 1.

Strike: "date"

Insert: "dates"

Following: "applicability."

Insert: "(1) [Sections 1 through 3] are effective July 1, 2004.

(2)"

Strike: "[This act] is"

Insert: "[Sections 4 through 12] are "

6. Page 11, line 2.

Strike: "applies"

Insert: "apply"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Voted Absentee: Ripley, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Motion that **SB 424**, 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, 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, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, 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, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, E. Clark, Everett, Kasten, Lewis, Pattison, Sales, Sinrud, Waitschies.

Total 9

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

SB 454 - Representative Jackson moved **SB 454** be 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, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, 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, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Everett, Gallus, Lawson, Lewis, Sales, Wanzenried.

Total 7

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: Devlin.

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Total 1

SB 458 - Representative A. Olson moved **SB 458** be concurred in.

Representative Lake moved for cloture. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Erickson, Fisher, Forrester, Fritz, Gallus, Haines, Hawk, Hurwitz, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Wagman, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Balyeat, Bergren, Bixby, Branae, Buzzas, Carney, Cohenour, Dickenson, Dowell, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jayne, Juneau, Kaufmann, Keane, Maedje, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy.

Total 38

Excused: Ripley.

Total 1

Absent or not voting: Becker, P. Clark, Fuchs, Hedges, Lehman, Lewis.

Total 6

Representative Laszloffy moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 73

Noes: Bergren, Buzzas, Carney, Cohenour, Dickenson, Dowell, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jackson, Kaufmann, Musgrove, Newman, Parker, Raser, Shockley, Smith, Wanzenried, Wilson, Windy Boy.

Total 25

Excused: Ripley.

Total 1

Absent or not voting: Ross.

Total 1

Motion that **SB 458** be concurred in carried as follows:

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Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Cyr, Devlin, Everett, Forrester, Fuchs, Gallus, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Sales, Shockley, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.
Total 47

Voted Absentee: Ripley, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 407 - Representative Devlin moved **SB 407** be concurred in.

Representative Wanzenried moved **SB 407**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Strike: "ESTABLISHING A CAPITAL GAINS CREDIT;"

2. Title, page 1, line 8 through line 11.

Strike: "CLARIFYING" on line 8 through "DEDUCTION;" on line 11

Insert: "PROVIDING A PROPERTY TAX CREDIT FOR CERTAIN RESIDENTIAL PROPERTY;"

3. Title, page 1, line 17 through line 18.

Strike: "13-37-218" on line 17 through "15-30-142," on line 18

4. Title, page 1, line 19.

Strike: "EFFECTIVE DATES"

Insert: "AN IMMEDIATE EFFECTIVE DATE"

5. Page 23, line 20 through page 37, line 7.

Strike: section 40 through section 47 in their entirety

Insert: "NEW SECTION. Section 40. Credit for property taxes on certain residences. (1) There is a credit against property taxes levied on single occupancy class four residential improvements with a value that is at least \$7,500 but not more than \$75,000. The amount of the credit will be calculated by the department of revenue and is the product of dividing \$15,752,000 by the number of residential properties that qualify for the credit. The amount of the credit must be printed on the notice sent to qualifying property owners under 15-16-101(2). The credit applies to qualifying residences attached to real property for the billing period of November 2004 and May 2005 and for residences upon which taxes are not a lien on real property for the billing period of May 2005 and November 2005.

(2) The treasurer shall credit the amount determined under subsection (1) to the owner's property taxes due

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and record that the credit was granted. The county treasurer shall then determine the total amount of credits granted and, prior to the remittance of the levy imposed under 20-9-360, reduce the remittance to the department of revenue by the total amount of the credits granted. The amount of the reduction of the remittance must be reported in detail to the department of revenue with the remittance."

Renumber: subsequent sections

6. Page 41, line 5.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 40] are"

7. Page 41, line 8 through line 9.

Strike: subsection (3) in its entirety

8. Page 41, line 11 through line 12.

Strike: section 57 in its entirety

Renumber: subsequent sections

9. Page 41, line 21.

Strike: "dates"

Insert: "date"

Strike: "(1) Except as provided in subsection (2), [this]"

Insert: "[This]"

10. Page 41, line 23.

Strike: subsection (2) in its entirety

11. Page 41, line 25.

Strike: "(1)"

12. Page 41, line 27.

Strike: "(A)"

Insert: "(1)"

Renumber: subsequent subsections

13. Page 42, lines 3 and 4.

Strike: subsection (2) in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser,

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Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 55

Voted Absentee: Ripley, No.

Excused: None.
Total 0

Absent or not voting: Laslovich.
Total 1

Representative Kaufmann moved **SB 407**, second reading copy, be amended as follows:

1. Title, page 1, line 17.

Following: "PRODUCTS;"

Insert: "PROVIDING FOR A GROSS RECEIPTS TAX ON RETAIL SALES IN EXCESS OF \$20 MILLION IN AN INDIVIDUAL LOCATION; PROVIDING FOR TAX RATES AND THE ALLOCATION OF THE TAX PROCEEDS; PROVIDING FOR THE REPORTING, ADMINISTRATION, AND COLLECTION OF THE TAX;"

2. Page 40, line 16.

Insert: "NEW SECTION. Section 54. Definitions. As used in [sections 54 through 63], the following definitions apply:

(1) "Farm implement" means any vehicle, machine, or attachment designed or adapted and used exclusively for agricultural operations and only incidentally operated or used on the highways.

(2) (a) "Gross receipts" means all receipts from retail sales from each specific store within the state, whether in the form of money, credits, or other valuable consideration, received as a result of engaging in or conducting a retail sales business, without deduction on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid, taxes, losses, or any other expense. A retail sales establishment may deduct the cost of employer contributions for retirement benefits and health insurance for employees from gross receipts.

(b) The term does not include cash discounts allowed and taken on sales and sales refunds, either in cash or by credit, uncollectible accounts written off from time to time, or payments received in final liquidation of accounts included in the gross receipts of any previous return made by the person.

(2) "Retail sale" means any transfer of tangible personal property for consideration for any purpose other than for resale, sublease, or subrent.

(3) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus.

(4) (a) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched or that is in any other manner perceptible to the senses.

(b) The term does not include farm implements, special mobile equipment, or vehicles.

(5) "Vehicle" means a device in, upon, or by which any person or property may be transported or drawn that is required to be registered or that is subject to a tax or fee imposed under Title 23, chapter 2, parts 5, 6, or 8, or Title 61, chapter 3, part 5. "

Insert: "NEW SECTION. Section 55. Retail sales gross receipts tax. (1) There is a retail sales gross receipts tax. The tax applies to all retail sales of tangible personal property from a single establishment that are in excess of \$20 million each calendar year.

(2) The rate of tax on gross receipts in excess of \$20 million is as follows:

(a) \$20 million to \$30 million, 1%;

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- (b) amounts in excess of \$30 million up to and including \$40 million, 1.5%; and
- (c) amounts in excess of \$40 million, 2%."

Insert: "NEW SECTION. Section 56. Returns -- payment -- authority of department. (1) Each person engaged in a retail sales business within this state or using property within this state that is subject to tax under [sections 54 through 63] shall file a return. Retail sales businesses are subject to the reporting and payment provisions of subsection (3).

(2) (a) On or before January 31 of each year, a return, in a form adopted by the department, with a remittance of the tax owed for the preceding year, must be filed with the department. The filing and the remittance may be done electronically.

(b) The retail sales business and any agent of the business, for the purposes of reporting or paying the gross receipts tax, are subject to the audit and accountability provisions of the department.

(3) (a) For the purposes of the gross receipts tax, a return must be filed by each location of a seller required to pay the tax.

(b) A return must be filed with and payment must be received by the department on or before January 31 for taxes owed for gross receipts on retail sales occurring during the preceding year.

(c) Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.

(d) Pursuant to rules established by the department, returns may be computer-generated and electronically filed.

(4) (a) A person required to report and pay to the department a tax under [sections 54 through 63] shall keep records, render statements, make returns, and comply with the provisions of [sections 54 through 63] and the rules prescribed by the department. Each return or statement must include the information required by the rules of the department.

(b) For the purpose of determining compliance with the provisions of [sections 54 through 63], the department is authorized to examine or cause to be examined any books, papers, records, or memoranda relevant to making a determination of the amount of tax due, whether the books, papers, records, or memoranda are the property of or in the possession of the person filing the return or another person. In determining compliance, the department may use statistical sampling and other sampling techniques consistent with generally accepted auditing standards. The department may also:

- (i) require the attendance of a person having knowledge or information relevant to a return;
- (ii) compel the production of books, papers, records, or memoranda by the person required to attend;
- (iii) implement the provisions of 15-1-703 if the department determines that the collection of the tax is or may be jeopardized because of delay;
- (iv) take testimony on matters material to the determination; and
- (v) administer oaths or affirmations."

Insert: "NEW SECTION. Section 57. Allocation of proceeds. Retail sales gross receipt tax proceeds must be allocated, pursuant to 15-1-501, to the state general fund."

Insert: "NEW SECTION. Section 58. Examination of return -- adjustments -- delivery of notices and demands. (1) If the department determines that the amount of tax due is different from the amount reported, the amount of tax computed on the basis of the examination constitutes the tax to be paid.

(2) If the tax due exceeds the amount of tax reported as due on the taxpayer's return, the excess must be paid to the department within 30 days after notice of the amount and demand for payment are mailed or delivered to the person making the return unless the taxpayer files a timely objection as provided in 15-1-211. If the amount of the tax found due by the department is less than that reported as due on the return and has been paid, the excess must be credited or, if no tax liability exists or is likely to exist, refunded to the person making the return.

(3) The notice and demand provided for in this section must contain a statement of the computation of the tax and interest and must be:

- (a) sent by mail to the taxpayer at the address given in the taxpayer's return, if any, or to the taxpayer's last-known address; or

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(b) served personally upon the taxpayer.

(4) A taxpayer filing an objection to the demand for payment is subject to and governed by the uniform dispute review procedure provided in 15-1-211."

Insert: "NEW SECTION. Section 59. Penalties and interest for violations. The provisions of 15-1-216 apply to returns, reports, and failure to pay the tax required under [sections 54 through 63]."

Insert: "NEW SECTION. Section 60. Authority to collect delinquent taxes. (1) (a) The department shall collect taxes that are delinquent as determined under [sections 54 through 63].

(b) If a tax imposed by [sections 54 through 63] or any portion of the tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(2) In addition to any other remedy, in order to collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds due the taxpayer from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the taxpayer has the right to a review of the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the taxpayer if a claim is required before funds are available for offset."

Insert: "NEW SECTION. Section 61. Limitations. (1) Except in the case of a person that purposely or knowingly, as those terms are defined in 45-2-101, files a false or fraudulent return violating the provisions of [sections 54 through 63], a deficiency may not be assessed or collected with respect to a year for which a return is filed unless the notice of additional tax proposed to be assessed is mailed to or personally served upon the taxpayer within 5 years from the date that the return was filed. For purposes of this section, a return filed before the last day prescribed for filing is considered to be filed on the last day.

(2) If, before the expiration of the 5-year period prescribed in subsection (1) for assessment of the tax, the taxpayer consents in writing to an assessment after expiration of the 5-year period, a deficiency may be assessed at any time prior to the expiration of the period to which consent was given."

Insert: "NEW SECTION. Section 62. Refunds -- interest -- limitations. (1) A claim for a refund or credit as a result of overpayment of taxes collected under [sections 54 through 63] must be filed within 5 years of the date that the return was due, without regard to any extension of time for filing.

(2) (a) Interest on an overpayment must be paid or credited at the same rate as the rate charged on delinquent taxes in 15-16-102.

(b) Except as provided in subsection (2)(c), interest must be paid from the date that the return was due or the date of overpayment, whichever is later. Interest does not accrue during any period in which the processing of a claim is delayed more than 30 days because the taxpayer has not furnished necessary information.

(c) The department is not required to pay interest if:

(i) the overpayment is refunded or credited within 6 months of the date that a claim was filed; or

(ii) the amount of overpayment and interest does not exceed \$1."

Insert: "NEW SECTION. Section 63. Administration -- rules. The department shall:

(1) administer and enforce the provisions of [sections 54 through 63];

(2) cause to be prepared and distributed forms and information that may be necessary to administer the provisions of [sections 54 through 63]; and

(3) adopt rules that may be necessary or appropriate to administer and enforce the provisions of [sections 54 through 63]."

Renumber: subsequent sections

3. Page 41, line 8.

Following: "40"

Insert: "and 54 through 63"

4. Page 40, line 9.

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Following: "40"

Insert: "and 54 through 63"

5. Page 42, line 5.

Insert: "(3) [Sections 54 through 63] apply retroactively, within the meaning of 1-2-109, to retail sales after December 30, 2002."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 57

Voted Absentee: Ripley, No.

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

Representative Harris moved **SB 407**, second reading copy, be amended as follows:

1. Page 4, line 6.

Following: "23-2-502,"

Insert: "a snowmobile as defined in 23-2-601,"

2. Page 7, line 25.

Strike: "4%"

Insert: "9%"

3. Page 8, line 11.

Strike: "4%"

Insert: "9%"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman,

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Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 41

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 59

Voted Absentee: Ripley, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Facey moved **SB 407**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "REDUCING" through "CREDIT;"

2. Title, lines 8 through 11.

Following: "REVENUE;" on line 8

Strike: remainder of line 8 through "DEDUCTION;" on line 11

3. Title, lines 17 and 18.

Following: "SECTIONS" on line 17

Strike: remainder of line 17 through "15-30-142," on line 18

4. Title, line 19.

Following: "~~DELAYED~~"

Insert: "AN"

Strike: "DATES"

Insert: "DATE"

5. Page 23, line 20 through page 37, line 6.

Strike: sections 40 through 47 in their entirety

Renumber: subsequent sections

6. Page 41, lines 8 and 9.

Strike: subsection (3) in its entirety

7. Page 41, lines 11 and 12.

Strike: section 57 in its entirety

Renumber: subsequent sections

8. Page 41, line 21.

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Strike: "dates"
Insert: "date"
Strike: "(1)" through "act]"
Insert: "[This act]"

9. Page 41, line 23.

Strike: subsection (2) in its entirety

10. Page 41, line 25.

Strike: "1"

11. Page 41, line 27.

Strike: "A"

Insert: "(1)"

Renumber: subsequent subsections

12. Page 42, lines 3 and 4.

Strike: subsection (2) in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Voted Absentee: Ripley, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Erickson moved **SB 407**, second reading copy, be amended as follows:

1. Page 23, line 21 through line 23.

Strike: "FOR" on line 21 through "2006" on line 23

Amendment **not** adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.
Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 56

Voted Absentee: Ripley, No.

Excused: None.
Total 0

Absent or not voting: Wilson.
Total 1

Representative Peterson moved **SB 407**, second reading copy, be amended as follows:

1. Page 9, line 1.

Insert: "(6) Lodging facilities and campgrounds are exempt from the tax imposed in subsections (1)(a) and (3)(a)(i) until October 1, 2003, for contracts entered into prior to [the effective date of this section] that provide for a guaranteed charge for accommodations or campgrounds."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin.
Total 82

Noes: Buzzas, P. Clark, Erickson, Facey, Fisher, Gallus, Galvin-Halcro, Gutsche, Hedges, Kasten, Kaufmann, Lindeen, Parker, Pattison, Wanzenried, Weiss, Windy Boy, Mr. Speaker.
Total 18

Voted Absentee: Ripley, Aye.

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

Representative Bookout-Reinicke moved **SB 407**, second reading copy, be further amended as follows:

1. Title, line 12.

Following: line 11

Insert: "ALLOWING RESIDENTS A CREDIT AGAINST INDIVIDUAL INCOME TAXES FOR THEIR SHARE OF TAXES IMPOSED AND PAID TO ANOTHER STATE OR COUNTRY BY A PARTNERSHIP OF WHICH THE RESIDENT IS A PARTNER;"

2. Title, line 18.

Following: "15-30-122,"

Insert: "15-30-124,"

3. Page 35, line 29.

Insert: "**Section 47.** Section 15-30-124, MCA, is amended to read:

"15-30-124. Credit allowed resident taxpayers for income taxes imposed by foreign states or countries. (1) Subject to the conditions provided in subsections (2) through (5), a resident of this state is allowed a credit against the taxes imposed by this chapter for:

(a) income taxes imposed by and paid to another state or country on income taxable under this chapter; ~~and~~
(b) the resident's pro rata share of any income tax imposed by and paid to another state or country by an S. corporation of which the resident is a shareholder; ~~and~~

(c) the resident's distributive share, whether separately or nonseparately stated, of any income tax imposed by and paid to another state or country by a partnership of which the resident is a partner.

(2) The credit is allowed only for taxes paid to another state or country on income derived from sources within the other state or country that is taxable under the laws of the other state or country regardless of the residence or domicile of the taxpayer.

(3) The credit is not allowed if the other state or country allows residents of this state a credit against the taxes imposed by the other state or country for taxes paid or payable under this chapter.

(4) The allowable credit must be computed by a formula prescribed by the department.

(5) For the purposes of the credit under subsection (1)(b) and (1)(c):

(a) "income tax" has the same meaning as provided in Article II of 15-1-601;

(b) the S. corporation must have made and have in effect on the last day of its tax year a valid election under subchapter S. of Chapter 1 of the Internal Revenue Code; and

(c) the credit applies only to taxes paid by the S. corporation or partnership on income taxable under this chapter.""

Renumber: subsequent sections

4. Page 40, line 12.

Strike: "47"

Insert: "46 and 48"

5. Page 41, line 23.

Strike: "47"

Insert: "46 and 48"

6. Page 42, line 5.

Insert: "(3) [Section 47] applies retroactively, within the meaning of 1-2-109, to years beginning after December 31,

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2002."

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Everett, Forrester, Haines, Hawk, Hurwitz, Jackson, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Mr. Speaker.
Total 42

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lawson, Lewis, Lindeen, Malcolm, Musgrove, Newman, Parker, Pattison, Raser, Ripley, Ryan, Shockley, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.
Total 58

Voted Absentee: Ripley, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Maedje moved **SB 407**, second reading copy, be further amended as follows:

1. Title, page 1, line 11.

Following: "DEDUCTION;"

Insert: "DIRECTING THE DEPARTMENT OF REVENUE TO PUBLISH ON THE DEPARTMENT'S HELENA HOMEPAGE ON THE STATE WEBSITE A LIST OF THE 100 INDIVIDUAL INCOME TAXPAYERS WHO OWE THE MOST DELINQUENT TAXES AND THE 100 CORPORATION LICENSE OR INCOME TAXPAYERS WHO OWE THE MOST DELINQUENT TAXES;"

2. Title, page 1, line 18.

Following: "15-30-142,"

Insert: "15-30-249, 15-30-303, 15-31-511,"

3. Page 37.

Following: line 7

Insert: "NEW SECTION. Section 48. Delinquency publication. (1) Except as provided in subsection (3), beginning January 1, 2004, the department shall publish on the department's Helena homepage on the state website a list of the 100 individual income taxpayers who owe the most delinquent taxes and the 100 corporation license or income taxpayers who owe the most delinquent taxes. The list may not be published on any of the department's regional websites.

(2) If a taxpayer who is on the list pays the delinquent taxes referred to in subsection (1) or enters into an agreement with the department for the payment of delinquent taxes, the department shall remove the taxpayer's name from the list within 48 hours.

(3) The list may not include a taxpayer who has filed for bankruptcy."

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Insert: "Section 49. Section 15-30-249, MCA, is amended to read:

"15-30-249. Confidentiality. Reports and returns required to be filed under this part are confidential, subject to the limitations contained in [section 48] and 39-51-603(3) and (4)."

Insert: "Section 50. Section 15-30-303, MCA, is amended to read:

"15-30-303. Confidentiality of tax records. (1) Except as provided in [section 48], subsections (7) and (8) of this section, or in accordance with a proper judicial order or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-311.

(4) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(5) Any offense against subsections (1) through (4) is punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail for a term not exceeding 1 year, or both. If the offender is an officer or employee of the state, the offender must be dismissed from office and may not hold any public office in this state for a period of 1 year after dismissal.

(6) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; or

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program.

(7) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax upon the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(8) The department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-112(4), for the purpose of enabling the department of justice to

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administer the provisions of 61-5-105;

(b) to the department of public health and human services information acquired under 15-30-301, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed;

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-223 or 15-70-362, provided that notice to the applicant has been given as provided in 15-70-223 and 15-70-362. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns."

Insert: "Section 51. Section 15-31-511, MCA, is amended to read:

"15-31-511. Confidentiality of tax records. (1) Except as provided in [section 48], this section in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department of revenue under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4); or

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing

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the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(4) The department shall on request:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1); and

(b) deliver corporation income tax data to the legislative fiscal analyst and the office of budget and program planning, but the information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1).

(5) A person convicted of violating this section shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. If a public servant, as defined in 45-2-101, is convicted of violating this section, the person forfeits office and may not hold any public office or public employment in the state for a period of 1 year after conviction."

Renumber: subsequent sections

4. Page 41.

Following: line 9

Insert: "(4) [Section 48] is intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [section 48]."

5. Page 41, line 21.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

6. Page 41.

Following: line 23

Insert: "(3) [Sections 48 through 51] are effective July 1, 2003."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 45

Noes: Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 55

Voted Absentee: Ripley, No.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

Representative Ripley present at this time.

Motion that **SB 407**, as amended, be concurred in **failed** as follows:

Ayes: Andersen, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.
Total 49

Noes: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lewis, Maedje, Musgrove, Newman, Parker, Raser, Ripley, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.
Total 51

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 Brueggeman moved the Committee of the Whole report be adopted.

Representative Laszloffy made a **substitute motion** that **SB 407** be segregated from the Committee of the Whole report and that it be placed on second reading Legislative Day 80 and that the remainder of the report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Sales, Schruppf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 59

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Musgrove, Newman, Parker, Raser, Ryan, Sinrud, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.
Total 36

Excused: None.
Total 0

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Absent or not voting: Fritz, Lindeen, Roberts, Ross, Weiss.
Total 5

REPORTS OF STANDING COMMITTEES

Correctly enrolled: **HB 105, HB 213, HB 223, HB 253, HB 266, HB 270, HB 338, HB 396, HB 410, HB 451, HB 468, HB 521, HB 525, HB 537, HB 540, HB 553, HB 556, HB 563, HB 577, HB 588, HB 758.**

Examined by the sponsor and found to be correct: **HB 105, HB 213, HB 223, HB 253, HB 266, HB 270, HB 338, HB 396, HB 410, HB 451, HB 468, HB 521, HB 525, HB 537, HB 540, HB 553, HB 556, HB 563, HB 588, HB 758.**

TAXATION (Fuchs, Chairman):

4/11/2003

SB 155, be concurred in. Report adopted.

SB 474, be amended as follows:

1. Title, line 11.

Following: "PROGRAM;"

Insert: "PROVIDING FOR THE USE OF TOBACCO SETTLEMENT FUNDS FOR FUNDING THE PROGRAM;"

2. Title, line 14.

Following: line 13

Insert: "17-6-606,"

3. Page 7, line 8.

Insert: "**Section 9.** Section 17-6-606, MCA, is amended to read:

"17-6-606. Tobacco settlement accounts -- purpose -- uses. (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive tobacco disease prevention program designed to:

- (a) discourage children from starting use of tobacco;
- (b) assist adults in quitting use of tobacco;
- (c) provide funds for the children's health insurance program; ~~and~~
- (d) provide funds for the comprehensive health association programs; ~~and~~
- (e) provide funds for the Montana gold senior pharmacy program provided for in [sections 1 through 7], unless the legislature appropriates tobacco settlement trust funds for the program.

unless the legislature appropriates tobacco settlement trust funds for the program.

(2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for funding a statewide tobacco prevention program designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use and to provide funds for the Montana gold senior pharmacy program provided for in [sections 1 through 7], unless the legislature appropriates tobacco settlement trust funds for the program. The department of public health and human services shall manage the tobacco disease prevention program and shall adopt rules to implement the program. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.

(3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for:

(a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 10; ~~and~~

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(b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with funding use subject to 33-22-1513; and

(c) funding for the Montana gold senior pharmacy program provided for in [sections 1 through 7], unless the legislature appropriates tobacco settlement trust funds for the program.

(4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

(5) The legislature shall appropriate money from the state special revenue accounts provided for in this section for tobacco disease prevention, for the programs referred to in the subsection establishing the account, and for funding the tobacco prevention advisory board.

(6) Programs funded under this section that are private in nature may be funded through contracted services.""

Renumber: subsequent sections

4. Page 14, line 14.

Following: "FOR"

Insert: "using tobacco settlement proceeds for"

5. Page 14, line 15.

Following: "AGAINST"

Insert: "using tobacco settlement proceeds for"

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

SB 484, be concurred in. Report adopted.

SB 487, be concurred in. Report adopted.

Representative Lindeen excused at this time.

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:

HB 94, as amended by the Governor, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, 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, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Callahan, Sinrud.

Total 2

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Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 152, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, 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, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 89

Noes: Bixby, Buzzas, Galvin-Halcro, Jayne, Juneau, Ryan, Wanzenried, Weiss.
Total 8

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 159, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 84

Noes: Balyeat, Bixby, Buzzas, Callahan, Fuchs, Galvin-Halcro, Golie, Kasten, Kaufmann, Sales, Sinrud, Wanzenried, Wilson.
Total 13

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 199, as amended by the Senate, passed 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, 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, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 95

Noes: Franklin, Fuchs.
Total 2

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 408, as amended by the Governor, passed 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, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: None.
Total 0

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 441, as amended by the Governor, 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, 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, Maedje, Malcolm,

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Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 93

Noes: Balyeat, Laszloffy, Ryan, Sales.
Total 4

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 484, as amended by the Senate, passed 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, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: Sinrud.
Total 1

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 512, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 89

Noes: Balyeat, Bergren, P. Clark, Franklin, Golie, Jent, Pattison, Sales.

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Total 8

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

HB 517, as amended by the Senate, 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, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Fisher, Fuchs, Jacobson, Lake, McKenney, B. Olson, Sales, Sinrud.

Total 9

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

HB 538, as amended by the Senate, passed as follows:

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

Total 91

Noes: Balyeat, D. Brown, P. Clark, Golie, Jayne, Sales.

Total 6

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

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HB 545, as amended by the Senate, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 65

Noes: Ballantyne, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Musgrove, Parker, Raser, Small-Eastman, Smith, Weiss, Wilson.

Total 32

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

HB 609, as amended by the Senate, passed 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, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

HB 640, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, A. Olson, Pattison, Peterson,

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Raser, Rice, Ripley, Rome, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Cohenour, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Newman, Noennig, B. Olson, Parker, Ryan, Smith, Weiss, Wilson.

Total 31

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

HB 641, as amended by the Senate, passed as follows:

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

Total 91

Noes: Balyeat, Bookout-Reinicke, P. Clark, Franklin, Jayne, Keane.

Total 6

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

HB 648, as amended by the Senate, passed 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, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

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Noes: None.
Total 0

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 667, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. 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, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 92

Noes: Barrett, R. Brown, Gutsche, Rice, Younkin.
Total 5

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 669, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rome, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 85

Noes: Barrett, Bixby, Buzzas, Dickenson, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Kaufmann, Rice, Ripley.
Total 12

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.

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Total 2

HB 676, as amended by the Senate, passed 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, 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, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Everett, Fuchs, Lake, Maedje, B. Olson.

Total 5

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

HB 677, as amended by the Senate, passed 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, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Fuchs, Lawson, Maedje, Morgan, A. Olson, B. Olson, Wilson.

Total 7

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

HB 698, as amended by the Senate, 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, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 89

Noes: Balyeat, Fuchs, Kasten, Laszloffy, Morgan, Pattison, Sales, Waitschies.
Total 8

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 733, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 90

Noes: Bookout-Reinicke, Carney, Erickson, Galvin-Halcro, Gutsche, Harris, Kaufmann.
Total 7

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HB 734, as amended by the Senate, 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, 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, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 93

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Noes: Balyeat, Fuchs, Laszloffy, Sales.
Total 4

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HJR 4, as amended by the Senate, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, 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, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 86

Noes: Bergren, Buzzas, Franklin, Gallik, Gutsche, Kaufmann, Lake, Newman, Raser, Wanzenried, Weiss.
Total 11

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HJR 8, as amended by the Senate, adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, 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, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rome, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 81

Noes: Balyeat, Barrett, Bitney, D. Brown, Everett, Fisher, Hawk, Jent, Lake, Morgan, Rice, Ripley, Sales, Sinrud, Waitschies, Weiss.
Total 16

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.

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Total 2

HJR 17, as amended by the Senate, 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, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 94

Noes: Erickson, Jent, Weiss.
Total 3

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HJR 29, as amended by the Senate, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, 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, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 87

Noes: Balyeat, Callahan, Everett, Jent, Laszloffy, Morgan, Sales, Sinrud, Weiss, Younkin.
Total 10

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

HJR 32, as amended by the Senate, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert,

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Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Dowell, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 21

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

SB 271 concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Musgrove, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

MOTIONS

Representative R. Brown moved **SB 314** be taken from third reading and be rereferred to the Committee on Appropriations. The motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Rome, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.

Total 46

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson,

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Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lenhart, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.
Total 51

Excused: Lindeen.
Total 1

Absent or not voting: Roberts, Ross.
Total 2

ANNOUNCEMENTS

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, April 12, 2003. Motion carried.

House adjourned at 7:53 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House