

**HOUSE JOURNAL
58TH LEGISLATURE
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana
April 14, 2003

House Chambers
State Capitol

House convened at 10:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Windy Boy. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Lehman and Maedje, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Gillian Brown, Billings
Chad Davis, Laurel
Brittany Reinschmidt, Whitehall
Sam Roth, Helena
Nicole Salsbery, Malta
Mark Stannebein, Malta
Justin Stratton, Whitehall
Valerie Tutvedt, Kalispell

MESSAGES FROM THE SENATE

Governor's amendments to **House bill not** concurred in and returned to the House: 4/12/2003

HB 87, introduced by Jent

Senate bills passed and transmitted to the House for concurrence: 4/12/2003

SB 421, introduced by Grimes
SB 490, introduced by Grimes

Senate joint resolutions passed and transmitted to the House for concurrence: 4/12/2003

SJR 29, introduced by Toole
SJR 31, introduced by Tash

House amendments to Senate bills concurred in: 4/12/2003

SB 46, introduced by Gebhardt
SB 246, introduced by Glaser
SB 247, introduced by Cobb
SB 337, introduced by Tropila
SB 348, introduced by Keenan
SB 364, introduced by Cooney
SB 366, introduced by Grimes
SB 370, introduced by Gebhardt
SB 381, introduced by Keenan
SB 383, introduced by Bales
SB 386, introduced by Gebhardt

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SB 387, introduced by Cobb
SB 392, introduced by Bales
SB 400, introduced by Toole
SB 402, introduced by Cocchiarella
SB 406, introduced by McGee
SB 434, introduced by Tropila
SB 442, introduced by Stonington
SB 444, introduced by Tester

House amendments to Senate joint resolution concurred in: 4/12/2003

SJR 22, introduced by McGee

House amendments to Senate bill not concurred in: 4/12/2003

SB 340, introduced by Grimes

House bills concurred in and returned to the House: 4/12/2003

HB 631, introduced by Lake
HB 761, introduced by Haines

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/12/2003

HB 2, introduced by Lewis
HB 452, introduced by Raser
HB 539, introduced by Brueggeman
HB 558, introduced by D. Brown
HB 721, introduced by Erickson

HB 190 - 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 190**: 4/12/2003

Senator Cobb, Chair
Senator Sprague
Senator Squires

HB 424 - 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 424**: 4/12/2003

Senator Taylor, Chair
Senator D. Ryan
Senator Stapleton

HB 680 - 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 680**: 4/12/2003

Senator Sprague, Chair

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Senator Gebhardt
Senator Wheat

HJR 31 - 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 **HJR 31:**
4/12/2003

Senator Esp, Chair
Senator Cobb
Senator Schmidt

SB 252 - 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 252:**
4/12/2003

Senator Butcher, Chair
Senator Squires
Senator Stapleton

SB 330 - 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 330:**
4/12/2003

Senator Stapleton, Chair
Senator Johnson
Senator Mangan

SB 340 - 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 340:**
4/12/2003

Senator Grimes, Chair
Senator McGee
Senator Wheat

SB 349 - 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 349:**
4/12/2003

Senator Anderson, Chair
Senator Cocchiarella
Senator Mahlum

SB 362 - 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 362:**
4/12/2003

Senator Grimes, Chair
Senator Mangan
Senator Perry

SB 375 - 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 375:**
4/12/2003

Senator Stapleton, Chair

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Senator Elliott
Senator Perry

SB 395 - 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 395:**
4/12/2003

Senator Perry, Chair
Senator Barkus
Senator Shea

SB 62 - 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 **SB 62:**
4/12/2003

Senator Taylor, Chair
Senator D. Ryan
Senator Stapleton

SB 130 - 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 **SB 130:**
4/12/2003

Senator McGee, Chair
Senator Barkus
Senator Cooney

SB 360 - 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 **SB 360:**
4/12/2003

Senator F. Thomas, Chair
Senator Cocchiarella
Senator Johnson

FIRST READING AND COMMITMENT OF BILLS

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

HB 775, introduced by Laszloffy, referred to Taxation.

Majority Leader Brown moved that the House recess until 11:10 a.m. for caucuses. Motion carried.

House recessed at 10:43 a.m.

House reconvened at 11:13 a.m. All members present, except Representatives Lehman and Maedje, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 4/14/2003
Correctly engrossed: **SB 461, SB 478, SB 480.**
Signed by the Speaker at 5:15 p.m., April 11, 2003: **HB 256, HB 289, HB 292, HB 299, HB 315, HB 480,**

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HB 573, HB 610, HB 618, HB 681, HB 703.

Signed by the Speaker at 7:00 p.m., April 11, 2003: **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.**

Delivered to the Governor for approval at 9:15 a.m., April 12, 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 10:55 a.m., April 14, 2003: **HB 87.**

TAXATION (Fuchs, Chairman):
SB 478, be amended as follows:

4/14/2003

1. Page 1, line 22.

Following: "2-18-703"

Insert: "on or"

2. Page 3.

Following: line 17

Insert: "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 13 is passed and approved, then the amendments contained in 2-18-703(2) in [section 2 of this act] are void."

Renumber: subsequent sections

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

SB 480, be amended as follows:

1. Page 2, line 1.

Following: "(g)"

Insert: "except for exempt-interest dividends described in subsection (2)(a)(ii),"

2. Page 5, line 27.

Following: "(g)"

Insert: "except for exempt-interest dividends described in subsection (2)(a)(ii),"

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

**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 Younkin in the chair.

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

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

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

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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 subsections (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, 2002."

Amendment adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman,

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Buzzas, Carney, E. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Ballantyne, Bergren, Branae, Callahan, P. Clark, Cyr, Dickenson, Fisher, Forrester, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Kaufmann, Keane, Newman, Wanzenried, Windy Boy.

Total 21

Voted Absentee: Lehman, Maedje, Ayes.

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

Representative Facey moved **SB 407**, second reading copy, be further 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

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8. Page 41, line 21.

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, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, 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, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Voted Absentee: Lehman, Maedje, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kaufmann moved **SB 407**, second reading copy, be further 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

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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%;

(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.

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(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

(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

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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.

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, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Rome, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

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, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman,

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Waitschies, Witt, Younkin, Mr. Speaker.
Total 54

Voted Absentee: Lehman, Maedje, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Maedje present at this time.

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

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.
Total 46

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ripley, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.
Total 54

Voted Absentee: Lehman, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose.

Representative Brown moved that the House recess until 12:40 p.m. for caucuses. Motion carried.

House recessed at 12:26 p.m.

House reconvened at 12:46 p.m. All members present. Quorum present. Representative Younkin in the Chair.

SB 37 - Representative R. Brown moved consideration of **SB 37** be placed at the bottom of the second reading board. Motion carried.

SB 112 - Representative Laslovich moved **SB 112** be concurred in.

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Representative Laslovich moved **SB 112**, second reading copy, be amended as follows:

1. Title, line 8.

Strike: "TWO"

Insert: "A"

Strike: "ACCOUNTS"

Insert: "ACCOUNT"

2. Title, line 11.

Strike: "A"

3. Title, line 12.

Strike: "DATE"

Insert: "DATES"

4. Page 1, line 16.

Strike: "ACCOUNTS"

Insert: "Account"

5. Page 1, line 17.

Strike: "ARE TWO ACCOUNTS"

Insert: "is an account"

6. Page 1, line 18.

Strike: "ACCOUNTS"

Insert: "account"

7. Page 1, line 20.

Strike: "EACH"

Insert: "the"

8. Page 1, line 21.

Strike: "(A)"

Strike: "SEARCH AND RESCUE"

Following: ":"

Insert: ":"

9. Page 1, line 25.

Following: "(A)"

Insert: "(a)"

Strike: " "

Insert: " ;"

10. Page 1, lines 26 and 27.

Strike: "(I)" on line 26 through "87-2-202" on line 27

Insert: "fund transfers pursuant to 87-1-601(9). These funds may be used only as provided in 87-1-601(9)"

11. Page 1.

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Strike: lines 28 and 29 in their entirety

12. Page 1, line 30.

Strike: "ALL"

Insert: "all"

13. Page 2, lines 1 and 2.

Strike: "MUST" on line 1 through "ACCOUNTS" on line 2

14. Page 2, line 3.

Strike: "EACH"

Insert: "the"

15. Page 2, line 8.

Strike: "EACH"

Insert: "the"

16. Page 2, line 11.

Strike: "ONE OF"

Strike: "ACCOUNTS"

Insert: "account"

17. Page 2, line 13.

Strike: "ACCOUNTS"

Insert: "account"

18. Page 2, line 17.

Strike: "and"

Following: "accountability"

Insert: ", and the number and circumstance of search missions involving persons engaged in hunting, fishing, and trapping in a fiscal year"

19. Page 2, line 20.

Following: "met"

Insert: ", and determining the percentage of all search missions involving persons engaged in hunting, fishing, or trapping in a fiscal year"

20. Page 11, line 13.

Following: "(9)"

Insert: "(a)"

21. Page 11, line 14.

Strike: "the"

Strike: "FISH" through "ACCOUNT"

Insert: "a state special revenue account to the credit of the department for search and rescue purposes as"

22. Page 11.

Following: line 14

Insert: "(b) Upon certification by the department of reimbursement requests submitted by the department of military

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affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in [section 1] to reimburse counties for the costs of those missions as provided in [section 1].

(c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the department may provide matching funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.

(d) At the end of each fiscal year, any money remaining in the special revenue account after the transfers provided for in this section must be transferred to the general license account of the department."

23. Page 11, line 29.

Strike: "\$4.50"

Insert: "\$4.25"

Strike: "50"

Insert: "25"

24. Page 11, line 30 through page 12, line 1.

Strike: "designated" on page 11, line 30 through "purposes" on page 12, line 1

25. Page 12, line 2.

Strike: "\$7.50"

Insert: "\$7.25"

Strike: "50"

Insert: "25"

26. Page 12, line 3 through line 4.

Strike: "designated" on line 3 through "purposes" on line 4

27. Page 13, line 10.

Strike: "\$4.50"

Insert: "\$4.25"

Strike: "50"

Insert: "25"

28. Page 13, line 11 through line 12.

Strike: "designated" on line 11 through "purposes" on line 12

29. Page 13, line 13.

Strike: "\$7.50"

Insert: "\$7.25"

Strike: "50"

Insert: "25"

30. Page 13, line 14 through line 15.

Strike: "designated" on line 14 through "purposes" on line 15

31. Page 13, line 27 through line 28.

Strike: section 10 in its entirety

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Renumber: subsequent section

32. Page 13, line 30.

Strike: "date"

Insert: "dates"

Following: "date."

Insert: "(1)"

Strike: "[This act is]"

Insert: "[Sections 1 through 7, 9, and 10] are"

33. Page 13.

Following: line 30

Insert: "(2) [Section 8] is effective March 1, 2004."

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, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, 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 95

Noes: Haines.

Total 1

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Forrester, Hedges, Laszloffy.

Total 4

Motion that **SB 112**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Hedges, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Weiss, Wilson, Windy Boy, Younkin.

Total 52

Noes: Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, P. Clark, Everett, Fuchs, Gutsche, Haines, Hawk, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Mendenhall, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Witt, Mr. Speaker.

Total 47

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Excused: None.
Total 0

Absent or not voting: Fisher.
Total 1

SB 407 - Representative R. Brown moved consideration of **SB 407** be placed at the top of the second reading board.

Representative Lindeen questioned the placement of **SB 407** back on the board.

The Chair ruled that **SB 407** being placed back on the board was in order.

Representative Lindeen appealed the ruling of the Chair.

Chair Younkin called a meeting of the Rules Committee.

The Rules Committee ruled in favor of the Chair.

Representative Wanzenried appealed the ruling of the Rules Committee .

The decision of the Rules Committee was sustained 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, 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, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

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, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 47

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Representative Newman requested a ruling to clarify what amendments were currently on the bill.

The Speaker read from the rules that an amendment stays with a bill segregated from the Committee of the Whole Report so Representative Peterson's amendment is on the bill but Representative Bookout-Reinicke's amendment is not.

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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 subsections (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, 2002."

Amendment adopted as follows:

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Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Devlin, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 79

Noes: Ballantyne, Bergren, Bixby, Callahan, Cohenour, Cyr, Dickenson, Fisher, Gallik, Gibson, Golie, Gutsche, Harris, Jacobson, Juneau, Keane, Newman, Parker, Ryan, Sales, Windy Boy.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

1. Title, lines 5 through 11.

Following: "ACT;" on line 5

Strike: remainder of line 5 through "DEDUCTION;" on line 11

2. Title, lines 17 and 18.

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

3. Title, lines 19 and 20.

Following: "PROVIDING" on line 19

Strike: remainder of line 19 through "DATES" on line 20

Insert: "AN EFFECTIVE DATE"

4. Page 1, line 27 through page 37, line 9.

Strike: sections 2 through 47 in their entirety

Renumber: subsequent sections

5. Page 41, lines 8 through 15.

Strike: sections 56 and 57 in their entirety

Renumber: subsequent sections

6. Page 41, line 24.

Strike: "dates"

Insert: "date"

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

Insert: "[This"

7. Page 41, line 25.

Strike: "ON PASSAGE AND APPROVAL"

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Insert: "July 1, 2003"

8. Page 41, line 26.

Strike: subsection (2) in its entirety

9. Page 41, line 28 through page 42, line 7.

Strike: section 61 in its entirety

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Branae, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gibson, Gillan, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lewis, Matthews, Musgrove, Newman, Noennig, Parker, Pattison, Peterson, Ripley, Rome, Schrumpf, Shockley, Small-Eastman, Thomas, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 46

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Callahan, P. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Gallus, Galvin-Halcro, Golie, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Raser, Rice, Roberts, Ross, Ryan, Sales, Sinrud, Smith, Steinbeisser, Stoker, Wagman, Weiss, Wilson, Windy Boy.

Total 54

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 8 through line 11.

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

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

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

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

3. Page 23, line 29 through page 37, line 9.

Strike: section 41 through section 47 in their entirety

Insert: "NEW SECTION. Section 41. 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 annually by the department and is the product of dividing \$7,876,000 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 annual November and May billing period and for residences upon which taxes are not a lien on real property for the annual May and November billing period.

(2) The treasurer shall credit the amount determined under subsection (1) to the owner's property taxes due and record that the credit was granted. The county treasurer shall then determine the total amount of credits granted and, prior

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to the remittance of the levy imposed under 20-9-360, reduce the remittance to the department by the total amount of the credits granted. The amount of the reduction of the remittance must be reported in detail to the department with the remittance."

Renumber: subsequent sections

4. Page 41, line 9.

Following: "39"

Insert: "and 41"

5. Page 41, line 10.

Following: "39"

Insert: "and 41"

6. Page 41, line 14 through line 15.

Strike: section 57 in its entirety

Renumber: subsequent sections

7. Page 41, line 26.

Strike: "[Sections" through "are"

Insert: "[Section 40] is"

8. Page 42, line 6.

Strike: "SECTIONS" through "APPLY"

Insert: "[Section 40] applies"

Amendment **not** adopted as follows:

Ayes: Balyeat, Bitney, R. Brown, Dowell, Everett, Hawk, Lake, Laszloffy, Mendenhall, Morgan, Ripley, Sales, Shockley, Sinrud, Wagman, Waitschies.

Total 16

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

Total 81

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Jayne, Keane.

Total 3

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

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher,

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Fuchs, Haines, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 50

Noes: Ballantyne, 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, Hawk, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 138 - Representative A. Olson moved **SB 138** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, 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, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 92

Noes: Balyeat, Everett, Fisher, Pattison, Sales, Sinrud, Waitschies.
Total 7

Excused: None.
Total 0

Absent or not voting: R. Brown.
Total 1

SB 155 - Representative Lake moved **SB 155** be concurred in. Motion carried as follows:

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

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Total 86

Noes: Balyeat, Bergren, Everett, Fisher, Hawk, Jackson, Jayne, Jent, Mendenhall, Sales, Sinrud, Waitschies.
Total 12

Excused: None.
Total 0

Absent or not voting: Facey, Gillan.
Total 2

SB 287 - Representative P. Clark moved consideration of **SB 287** be placed below SB 336 on the second reading board.
Motion carried.

SB 294 - Representative Witt moved **SB 294** be concurred in.

Representative Witt moved **SB 294**, second reading copy, be amended as follows:

1. Page 3, line 25.

Strike: "GENERATED FROM"

Insert: "earned by"

2. Page 4, line 6.

Strike: "RECEIVED UNDER SUBSECTION (4)(B)"

Insert: "and interest as required in subsection (6)(b)"

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

Total 98

Noes: Mendenhall.
Total 1

Excused: None.
Total 0

Absent or not voting: Buzzas.
Total 1

Motion that **SB 294**, as amended, be concurred in carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, 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, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Peterson, Witt.

Total 2

SB 320 - Representative Witt moved **SB 320** be concurred in. Motion carried 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, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Callahan, Dickenson, Dowell, Jayne, Juneau, Sales, Sinrud.

Total 8

Excused: None.

Total 0

Absent or not voting: Franklin, Lake.

Total 2

SB 336 - Representative Brueggeman moved **SB 336** be concurred in. Motion carried as follows:

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

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Mr. Speaker.
Total 90

Noes: Andersen, Devlin, Fisher, Haines, Hurwitz, Jayne, Keane, Laslovich.
Total 8

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke, Forrester.
Total 2

Representative Brown moved the committee rise. Motion carried. Committee arose.

Representative Brown moved that the House recess until 4:00 p.m. Motion carried.

House recessed at 3:36 p.m.

House reconvened at 4:03 p.m. All members present. Quorum present. Representative Younkin in the Chair.

SB 287 - Representative Facey moved **SB 287** be concurred in.

Representative Facey moved **SB 287**, second reading copy, be amended as follows:

1. Page 3, line 26.

Strike: "\$5.50"

Insert: "\$5"

2. Page 5, line 9.

Strike: "\$6.50"

Insert: "\$6"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, 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, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 89

Noes: R. Brown, Golie, Haines, Jayne, Morgan, Rice, Ripley, Steinbeisser, Wagman, Waitschies.
Total 10

Excused: None.
Total 0

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Absent or not voting: Laszloffy.
Total 1

Representative Keane moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, 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, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.
Total 86

Noes: Becker, Erickson, Fisher, Fritz, Gillan, Gutsche, Pattison, Schrupf.
Total 8

Excused: None.
Total 0

Absent or not voting: Buzzas, Franklin, A. Olson, Small-Eastman, Wanzenried, Windy Boy.
Total 6

Motion **SB 287**, as amended, be concurred in **failed** as follows:

Ayes: Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, Cohenour, Cyr, Dickenson, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Hedges, Jacobson, Jent, Juneau, Kaufmann, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Malcolm, Matthews, Mendenhall, Noennig, Parker, Raser, Roberts, Ryan, Shockley, Small-Eastman, Smith, Thomas, Weiss, Windy Boy.
Total 45

Noes: Andersen, Ballantyne, Balyeat, Becker, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Devlin, Dowell, Everett, Fisher, Franklin, Fritz, Fuchs, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jayne, Keane, Lake, Laszloffy, Lehman, Lindeen, Maedje, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.
Total 53

Excused: None.
Total 0

Absent or not voting: Kasten, Newman.
Total 2

SB 407 - Representative R. Brown moved consideration of **SB 407** be placed at the top of the second reading board. Motion carried.

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

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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 subsections (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, 2002."

Amendment adopted as follows:

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Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 70

Noes: Ballantyne, Bixby, Buzzas, Callahan, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fisher, Gallik, Gallus, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Mendenhall, Newman, Parker, Ryan, Sales, Wanzenried, Wilson, Windy Boy.

Total 29

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

Representative R. Brown moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 68

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Juneau, Kaufmann, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Sinrud, Wanzenried, Weiss, Wilson, Windy Boy.

Total 29

Excused: None.

Total 0

Absent or not voting: Balyeat, Becker, Jent.

Total 3

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

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

Total 51

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Noes: Ballantyne, 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, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Brown moved the committee rise and report. Motion carried 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, 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, Schrupf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.
Total 51

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, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 48

Excused: None.
Total 0

Absent or not voting: Younkin.
Total 1

Chairman Younkin moved the Committee of the Whole report be adopted.

Committee arose. House resumed. Mr. Speaker in the chair.

Representative Lindeen made a **substitute motion** that **SB 407** be segregated from the Committee of the Whole report and the remainder of the report be adopted. The substitute motion **failed** 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, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Sinrud, 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, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison,

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Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Committee of the Whole report was adopted. There being no objection, so ordered.

THIRD READING OF BILLS

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

SB 314 concurred in as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 63

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Franklin, Fritz, Fuchs, Hawk, Jackson, Jent, Kasten, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Mendenhall, Morgan, Pattison, Rice, Ripley, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 424 concurred in 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, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

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Noes: Balyeat, E. Clark, Everett, Fisher, Haines, Hawk, Jackson, Kasten, Lake, Laszloffy, Lewis, Maedje, Sales, Sinrud.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 701, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 91

Noes: Barrett, E. Clark, Haines, Jent, Kaufmann, Rice, Shockley, Sinrud, Smith.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 36 adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, 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 89

Noes: Bixby, Buzzas, Callahan, Cyr, Erickson, Fritz, Gutsche, Harris, Jayne, Juneau, Kaufmann.
Total 11

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

MESSAGES FROM THE SENATE

HJR 31 - 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 **HJR 31:**

4/14/2003

Senator Esp, Chair
Senator Cobb
Senator Schmidt

SB 304 - 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 304:**

4/14/2003

Senator Johnson, Chair
Senator Anderson
Senator Cocchiarella

SB 347 - 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 347:**

4/14/2003

Senator Esp, Chair
Senator Keenan
Senator Stonington

SB 271 - 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 **SB 271:**

4/14/2003

Senator Glaser, Chair
Senator Elliott
Senator Stapleton

SB 326 - 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 **SB 326:**

4/14/2003

Senator McGee, Chair
Senator Laible
Senator Wheat

SB 252 - The Senate acceded to the request of the House, dissolved the Conference Committee on House amendments to **SB 252**, and authorized the President to appoint the following **Free** Conference Committee to confer on **SB 252:**

4/14/2003

Senator Butcher, Chair
Senator Squires
Senator Stapleton

FIRST READING AND COMMITMENT OF BILLS

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

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SB 490, introduced by Grimes, Esp, Mangan, McGee, Tropila, Wheat (by request of the Senate Judiciary Standing Committee), referred to Judiciary.

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

SJR 29, introduced by Toole, DePratu, Johnson, Keenan, referred to Taxation.

SJR 31, introduced by Tash, referred to Judiciary.

MOTIONS

Representative Thomas moved the Speaker be authorized to dissolve the conference committee on **HJR 31** and reappoint a free committee with the same committee members. There being no objection, so ordered.

Representative Shockley moved **SB 37** be placed on second reading, April 19, 2003. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, D. Brown, 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, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, Parker, Pattison, Rice, Ripley, Ross, Ryan, Shockley, Small-Eastman, Wanzenried, Wilson, Windy Boy.

Total 67

Noes: Andersen, Becker, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Harris, Hedges, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Noennig, B. Olson, Peterson, Raser, Roberts, Rome, Sales, Schrupf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 32

Excused: None.

Total 0

Absent or not voting: Weiss.

Total 1

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 62**. Motion carried.

The Speaker appointed the following members:

Representative Laszloffy, Chair
Representative Mendenhall
Representative Carney

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 130**. Motion carried.

The Speaker appointed the following members:

Representative Peterson, Chair

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Representative Lawson
Representative Matthews

Representative R. Brown moved the Speaker be authorized to dissolve the conference committee and appoint a Free Conference Committee on **HB 190**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chair
Representative Hurwitz
Representative Windy Boy

Representative R. Brown moved the Speaker be authorized to dissolve the conference committee and appoint a Free Conference Committee on **SB 252**. Motion carried.

The Speaker appointed the following members:

Representative Sinrud, Chair
Representative B. Olson
Representative Gibson

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 271**. Motion carried.

The Speaker appointed the following members:

Representative Brueggeman, Chair
Representative Pattison
Representative Wanzenried

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 304**. Motion carried.

The Speaker appointed the following members:

Representative Lewis, Chair
Representative Morgan
Representative Wilson

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 326**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chair
Representative Everett
Representative Gillan

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like

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committee on House amendments to **SB 330**. Motion carried.

The Speaker appointed the following members:

Representative Bitney, Chair
Representative Fuchs
Representative Ryan

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 340**. Motion carried.

The Speaker appointed the following members:

Representative Barrett, Chair
Representative Everett
Representative Gutsche

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 347**. Motion carried.

The Speaker appointed the following members:

Representative E. Clark, Chair
Representative Franklin
Representative Gallus

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 349**. Motion carried.

The Speaker appointed the following members:

Representative Steinbeisser, Chair
Representative Rome
Representative Keane

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 360**. Motion carried.

The Speaker appointed the following members:

Representative McKenney, Chair
Representative Fisher
Representative Wilson

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 362**. Motion carried.

The Speaker appointed the following members:

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Representative Shockley, Chair
Representative Sales
Representative Parker

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 375**. Motion carried.

The Speaker appointed the following members:

Representative Barrett, Chair
Representative Brueggeman
Representative Harris

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 395**. Motion carried.

The Speaker appointed the following members:

Representative Balyeat, Chair
Representative Wagman
Representative Golie

SPECIAL ORDERS OF THE DAY

The Speaker led the House in singing Happy Birthday to Representative Bitney.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 10:30 a.m., Tuesday, April 15, 2003. Motion carried.

House adjourned at 5:55 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House