

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

Helena, Montana
March 31, 2003

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wagman. Pledge of Allegiance to the Flag.

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

Mr. Speaker introduced the pages of the week:

Cassie Dellwo, Polson
Jennifer Gardner, Ronan
Bethann Garramon, Choteau
Anthony Laslovich, Anaconda
Beth Laslovich, Anaconda
Brittney Ryan, Stockett
Kyla Wiens, Great Falls
Jeremy Williams, Billings
Jake Zeadow, Three Forks

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/31/2003
Correctly printed: **SB 24, SB 150, SB 163, SB 166, SB 168, SB 197, SJR 4, SJR 9, SJR 15, SJR 16.**
Correctly engrossed: **HB 757.**
Signed by the Speaker at 10:20 a.m., March 29, 2003: **HB 285, HB 333, HB 350, HB 428, HB 583.**
Delivered to the Secretary of State at 8:13 a.m., March 31, 2003: **HJR 30.**
Delivered to the Governor for approval at 9:00 a.m., March 31, 2003: **HB 319, HB 368, HB 416, HB 420, HB 441, HB 616, HB 627, HB 711.**

APPROPRIATIONS (Lewis, Chairman): 3/31/2003
SB 86, be amended as follows:

1. Title, page 1, line 6.

Following: "LAWS;"

Insert: "AUTHORIZING STATE SPECIAL AND OTHER FEDERAL FUND SWITCHES;"

2. Title, page 1, line 9.

Following: "FTE;"

Insert: "PROVIDING BUDGET AMENDMENT EXCEPTIONS FOR STATE SPECIAL REVENUE;"

Following: "SECTIONS"

Insert: "17-2-108,"

Following: "17-2-304"

Strike: "AND"

Insert: ", "

Following: "17-7-111,"

Insert: "AND 17-7-402,"

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3. Page 1, line 13.

Insert: "Section 1. Section 17-2-108, MCA, is amended to read:

"17-2-108. Expenditure of nongeneral fund money first. (1) Except for the exemptions applicable to the Montana historical society in 22-3-114(5) and the Montana state library in 22-1-226(5), an office or entity of the executive, legislative, or judicial branch of state government shall apply expenditures against appropriated nongeneral fund money whenever possible before using general fund appropriations.

(2) The approving authority, as defined in 17-7-102, shall authorize the decrease of the general fund appropriation of an agency by the amount of money received from federal sources in excess of the appropriation in an appropriation act unless the decrease is contrary to federal law, federal rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If directed by an appropriation act, the approving authority shall decrease the general fund appropriation of an agency by the amount of money received from nonfederal sources in excess of the appropriation unless the decrease is contrary to state law, state rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If the general fund appropriation of an agency is decreased pursuant to this section, the appropriation for the fund in which the money is received is increased in the amount of the general fund decrease.

(3) If directed by an appropriation act, the approving authority may decrease a state special revenue, proprietary, or other funds appropriation of an agency by the amount of money received from federal sources in excess of the appropriation unless the decrease is contrary to state or federal law or federal rule. The appropriation for the fund in which the money is received is decreased by the amount of the federal special revenue increase allowed by law, rule, or contract and approved for the purpose."

Renumber: subsequent sections

4. Page 4, line 25.

Insert: "Section 4. Section 17-7-402, MCA, is amended to read:

"17-7-402. Budget amendment requirements. (1) Except as provided in subsection (7), a budget amendment may not be approved:

- (a) by the approving authority, except a budget amendment to spend:
 - (i) additional federal revenue;
 - (ii) additional tuition collected by the Montana university system;
 - (iii) additional revenue deposited in the internal service funds within the department or the office of the commissioner of higher education as a result of increased service demands by state agencies;
 - (iv) Montana historical society enterprise revenue resulting from sales to the public;
 - (v) additional revenue that is deposited in funds other than the general fund and that is from the sale of fuel for those agencies participating in the Montana public vehicle fueling program established by Executive Order 22-91;
 - (vi) revenue resulting from the sale of goods produced or manufactured by the industries program of an institution within the department of corrections; ~~or~~
 - (vii) revenue collected for the administration of the state grain laboratory under the provisions of Title 80, chapter 4, part 7;
 - (viii) revenue collected for the Water Pollution Control State Revolving Fund Act under the provisions of Title 75, chapter 5, part 11;
 - (ix) revenue collected for the Drinking Water State Revolving Fund Act under the provisions of Title 75, chapter 6, part 2; or
 - (x) state special revenue adjustments required to allocate costs for leave or terminal leave within an agency in accordance with federal circular A-87;
- (b) by the approving authority if the budget amendment contains any significant ascertainable commitment for any present or future increased general fund support;
- (c) by the approving authority for the expenditure of money in the state special revenue fund unless an

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emergency justifies the expenditure or the expenditure is exempt under subsection (5);

(d) by the approving authority unless it will provide additional services;

(e) by the approving authority for any matter of which the requesting agency had knowledge at a time when the proposal could have been presented to an appropriation subcommittee, the house appropriations committee, or the senate finance and claims committee of the most recent legislative session open to that matter, except when the legislative finance committee is given specific notice by the approving authority that significant identifiable events, specific to Montana and pursuant to provisions or requirements of Montana state law, have occurred since the matter was raised with or presented for consideration by the legislature; or

(f) to extend beyond June 30 of the last year of any biennium, except that budget amendments for federal funds may extend to the end of the federal fiscal year.

(2) A general fund loan made pursuant to 17-2-107 does not constitute a significant ascertainable commitment of present general fund support.

(3) Subject to subsection (1)(f), all budget amendments must itemize planned expenditures by fiscal year.

(4) Each budget amendment must be submitted by the approving authority to the budget director and the legislative fiscal analyst.

(5) Money from nonstate or nonfederal sources that would be deposited in the state special revenue fund and that is restricted by law or by the terms of a written agreement, such as a contract, trust agreement, or donation, is exempt from the requirements of this part.

(6) An appropriation for a nonrecurring item that would usually be the subject of a budget amendment must be submitted to the legislature for approval during a legislative session between January 1 and the senate hearing on the budget amendment bill. The bill may include authority to spend money in the current fiscal year and in both fiscal years of the next biennium.

(7) A budget amendment to spend state funds, other than from the general fund, required for matching funds in order to receive a grant is exempt from the provisions of subsection (1)."

Renumber: subsequent section

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

SB 135, be concurred in. Report adopted.

SB 243, be concurred in. Report adopted.

BUSINESS AND LABOR (McKenney, Chairman):

3/29/2003

SB 282, be amended as follows:

1. Title, line 7.

Strike: "IMMEDIATE"

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

Strike: "on" on page 1, line 30 through "approval" on page 2, line 1

Insert: "July 1, 2003,"

3. Page 2, line 1.

Strike: "[the effective date of this act]"

Insert: "July 1, 2003"

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

SB 304, be amended as follows:

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1. Title, line 4.

Strike: "DETERMINE"

Insert: "STUDY THE ROLE OF THE STATE COMPENSATION INSURANCE FUND AND TO DETERMINE"

2. Title, line 7.

Following: "LIABILITIES"

Insert: "AND TO STUDY THE CREATION OF AN ASSIGNED RISK POOL"

3. Title, line 7 through line 8.

Strike: "PROVIDING" on line 7 through "LIABILITIES;" on line 8

4. Page 1, line 13.

Following: "TO STUDY"

Insert: "the role and"

5. Page 1, line 14.

Following: "FUND"

Insert: "and the creation of an assigned risk pool"

6. Page 1, line 22.

Strike: "AN AGENT"

Insert: "a representative"

7. Page 1, line 29.

Following: "FUND"

Insert: ", not to exceed \$100,000. The state fund is responsible for providing support functions to the committee and shall provide the support functions under the direction of the committee"

8. Page 2, line 1.

Strike: "Sale"

Insert: "Study of role and possible sale"

9. Page 2, line 3.

Following: "[SECTION 1]"

Insert: "shall study the role of the state compensation insurance fund and"

10. Page 2, line 5.

Following: "liabilities"

Insert: "and to create an assigned risk pool"

11. Page 2, line 6.

Following: "concerning"

Insert: "the role of the state compensation insurance fund and"

12. Page 2, line 9.

Following: "1990"

Insert: ", and concerning the creation of an assigned risk pool"

13. Page 2, line 13 through line 16.

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Strike: subsection (4) in its entirety

Renumber: subsequent subsection

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

SB 360, be concurred in. Report adopted.

SJR 17, be amended as follows:

1. Page 1, line 16.

Following: "excluding"

Strike: "indemnity"

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

JUDICIARY (Shockley, Chairman):

3/31/2003

SB 37, be amended as follows:

1. Title, page 1, line 14 through line 16.

Strike: "ALLOWING" on line 14 through "YEARS;" on line 16.

Insert: "PROVIDING THAT A PERSON HAS THE RIGHT TO WAIT 15 MINUTES AFTER THE PERSON IS STOPPED BEFORE TAKING AN ALCOHOL CONCENTRATION TEST; REQUIRING THE COURT TO TAKE POSSESSION OF A PERSON'S DRIVER'S LICENSE AND ISSUE A PROBATIONARY LICENSE UNDER CERTAIN CIRCUMSTANCES AND FOR CERTAIN PURPOSES UPON A FIRST CONVICTION; CHANGING FROM THE FOURTH OFFENSE TO THE THIRD OFFENSE THE POINT AT WHICH ALL PREVIOUS CONVICTIONS ARE USED TO DETERMINE THE NUMBER OF PRIOR OFFENSES;"

2. Title, page 1, line 18 through line 22.

Strike: "REVISING" on line 18 through "LIST;" on line 22.

3. Title, page 1, line 23.

Strike: "61-8-731,"

4. Page 2, line 22.

Following: "deposit"

Insert: "one-half of"

Strike: ". One-half"

Insert: "and the other half"

5. Page 2, line 23.

Strike: "must be appropriated and"

Insert: "in an account in the state special revenue fund to be"

6. Page 5, line 12.

Following: "6 months"

Strike: "."

7. Page 5, line 14.

Following: "upon"

Insert: ", except that if the court report states that the court found that the person was not the cause of an accident that

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occurred at the time of the offense, that the person did not refuse a requested test for alcohol concentration, and that no test taken by the person resulted in an alcohol concentration above 0.12, the department may not suspend the license. The department may not disseminate information or records of the conviction to any person or entity for any purpose, except that the information and records may be disseminated to law enforcement, prosecutors, and courts, which may use the information and records for the sole purpose of determining whether a person has a prior conviction under 61-8-401 or 61-8-406 and may not further disseminate the information or records."

8. Page 8, line 18 through line 22.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

9. Page 9, line 1.

Strike: "(7)"

Insert: "(6)"

10. Page 9, line 9 through line 11.

Strike: "and," on line 9 through "revocation" on line 11

11. Page 9, line 14 through line 16.

Strike: "and," on line 14 through "revocation" on line 16

12. Page 10, line 21.

Following: "(3)"

Insert: "(a)"

13. Page 10, line 24.

Following: line 23

Insert: "(b) The test may not be given until at least 15 minutes after the peace officer stopped the person."

14. Page 10, line 30.

Strike: "(4) through (9)"

Insert: "(3) through (8)"

15. Page 12, line 1.

Following: "defendant."

Insert: "If the court finds that the person was not the cause of an accident that occurred at the time of the offense, that the person did not refuse a requested test for alcohol concentration, and that no test taken by the person resulted in an alcohol concentration above 0.12, the court shall take possession of the person's driver's license for a period of 6 months and immediately issue the person a probationary license allowing the person to drive for occupational and emergency purposes and any other purposes found appropriate by the court. The court shall include the finding in its report of the conviction to the department of justice."

16. Page 12, line 21.

Following: "period of"

Insert: "the taking of the driver's license under subsection (1) or of"

17. Page 13, line 9.

Following: "\$1,000."

Insert: "If the court finds that the person was not the cause of an accident that occurred at the time of the offense, that

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the person did not refuse a requested test for alcohol concentration, and that no test taken by the person resulted in an alcohol concentration above 0.12, the court shall take possession of the person's driver's license for a period of 6 months and immediately issue the person a probationary license allowing the person to drive for occupational and emergency purposes and any other purposes found appropriate by the court. The court shall include the finding in its report of the conviction to the department of justice."

18. Page 13, line 23.

Following: "period of"

Insert: "the taking of the driver's license under subsection (1) or of"

19. Page 14, line 8 through page 15, line 30.

Strike: sections 12 and 13 in their entirety

Renumber: subsequent sections

20. Page 16, line 12.

Strike: "fourth"

Insert: "third"

21. Page 17, line 5 through line 6.

Strike: section 16 in its entirety

Renumber: subsequent sections

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

SB 263, be amended as follows:

1. Title, page 1, line 6.

Strike: "WITNESS OR"

2. Page 1, line 11 through line 12.

Strike: "or" on line 11 through "witnesses to" on line 12

3. Page 1, line 25 through page 2, line 7.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 2, line 16.

Strike: ", after" through "jury,"

5. Page 2, line 18 through line 20.

Strike: "(i) the" on line 18 through "(ii)" on line 20

6. Page 2, line 20 through line 22.

Strike: ", whether" on line 20 through "setting" on line 22

7. Page 2, line 27 through line 29.

Strike: "WHETHER" on line 27 through "TESTIMONY," on line 29

8. Page 2, line 30.

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Strike: "indicate"

Insert: "the offering party believes support"

9. Page 3, line 1 through line 2.

Strike: "The" on line 1 through "shown." on line 2

Strike: "judge" on line 2

Insert: "court"

10. Page 3, line 3.

Strike: "judge's ruling"

Insert: "court's reasoning"

Strike: "child hearsay"

Insert: "the child's"

11. Page 3, line 5.

Strike: "judge may"

Insert: "court shall"

12. Page 3, line 19.

Strike: "might have"

Insert: "has"

13. Page 3, line 21.

Strike: "might have"

Insert: "has"

14. Page 3, line 27.

Strike: "volunteered spontaneously"

Insert: "spontaneous"

15. Page 3, line 28.

Strike: "prior"

16. Page 3, line 28 through line 29.

Strike: "the witness" on line 28 through "made" on line 29

Insert: "other persons to the child at the time that the child made the statement"

17. Page 4, line 9.

Insert: "(4) As used in this section, "child" means a person under 15 years of age."

18. Page 4, line 10.

Strike: "SECTIONS 1 AND 2"

Insert: "Section 1"

Strike: "ARE"

Insert: "is"

19. Page 4, line 12.

Strike: "SECTIONS 1 AND 2"

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Insert: "section 1"

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

SB 400, be amended as follows:

1. Title, page 1, line 5.

Following: "PENALTIES;"

Insert: "INCREASING FROM \$500 TO \$1,000 THE AMOUNT OF PROPERTY DAMAGE NEEDED TO MAKE THE OFFENSE A FELONY;"

2. Page 1, line 19.

Strike: "\$500"

Insert: "\$1,000"

3. Page 1, line 23.

Strike: "\$500"

Insert: "\$1,000"

4. Page 1, line 28 through line 29.

Following: "both" on line 28

Strike: ", " through "46-18-222" on line 29

5. Page 2, line 2 through line 3.

Strike: ", except" on line 2 through "46-18-222" on line 3

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

SB 447, be amended as follows:

1. Title, page 1, line 4 through line 8.

Strike: "GENERALLY" on line 4 through "MCA" on line 8

Insert: "ELIMINATING THE TEST FOR LIABILITY FOR DISCLOSURE OF INFORMATION ABOUT AN EMPLOYEE'S OR FORMER EMPLOYEE'S PERFORMANCE"

2. Page 1, line 14 through page 3, line 10.

Strike: section 1 through section 4 in their entirety

Renumber: subsequent sections

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

NATURAL RESOURCES (Younkin, Chairman):

3/31/2003

SB 130, be amended as follows:

1. Page 12, line 8.

Insert: "NEW SECTION. Section 10. Coordination instruction. If Senate Bill No. 112 and [this act] are both passed and approved and if Senate Bill No. 112 includes an amendment to 87-2-202 that increases resident and nonresident wildlife conservation license fees by adding a 50-cent search and rescue surcharge, then the resident and nonresident wildlife conservation license fees in 87-2-202(3)(a) and (3)(b) of [this act] are increased by 50 cents."

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Renumber: subsequent sections

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

SB 326, be amended as follows:

1. Title, line 9 through line 11.

Strike: "CHANGING" on line 9 through "REQUIRE" on line 10

Insert: "CLARIFYING THAT THE EXTENT TO WHICH THE REQUIRED"

Following: "POLICY" on line 10

Insert: "ARE ADDRESSED IS AT THE FULL DISCRETION OF THE GOVERNING BODY"

Strike: "PROVIDING" on line 10 through "AREA;" on line 11

2. Title, line 13 through line 15.

Strike: "CLARIFYING" on line 13 through "THAT A" on line 14

Insert: "REVISING THE PROVISIONS GOVERNING THE USE OF AN ADOPTED"

Strike: "IS" on line 14 through the second "LAWS" on line 15

3. Title, line 16 through line 17.

Following: "76-1-604,"

Insert: "AND"

Strike: "76-2-201" on line 16 through "76-4-127," on line 17

4. Page 3, line 9.

Strike: "may"

Insert: "must"

Strike: "or part"

5. Page 3.

Following: line 10

Insert: "(2) The extent to which a growth policy addresses the elements of a growth policy that are listed in subsection (3) is at the full discretion of the governing body."

Renumber: subsequent subsections

6. Page 3, line 11.

Strike: "may"

Insert: "must"

7. Page 4, line 3.

Strike: "(2)(a)"

Insert: "(3)(a)"

8. Page 6, line 16 through line 18.

Strike: "i" on line 16 through "(ii)" on line 18

9. Page 6, line 20 through line 21.

Strike: "withhold," on line 20

Following: "deny" on line 20

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Strike: " " through "on"

Following: "approval" on line 20

Strike: "or" on line 20 through "act" on line 21

10. Page 6, line 23 through page 10, line 27.

Strike: section 8 through section 14 in their entirety

11. Page 10.

Following: line 27

Insert: "NEW SECTION. Section 8. Coordination instruction. (1) If Senate Bill No. 340 and [this act] are both passed and approved and both bills amend 76-1-605, then [section 1] of Senate Bill No. 340, amending 76-1-605, is void.

(2) If [this act] is passed and approved and it revises the definition of growth policy in 76-1-103 to include a master plan adopted before October 1, 1999, then House Bill No. 511 is void."

Renumber: subsequent section

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

TRANSPORTATION (Waitschies, Chairman):

3/31/2003

SB 217, be concurred in. Report adopted.

SB 295, be amended as follows:

1. Title, line 13.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 8.

Following: line 6

Insert: "NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2007."

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

SB 414, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/29/2003

SB 267, introduced by Stapleton

SB 323, introduced by Grimes

SB 424, introduced by Nelson

SB 451, introduced by Esp

SB 454, introduced by Story

SB 458, introduced by McNutt

House bills concurred in and returned to the House:

3/28/2003

HB 196, introduced by Fisher

HB 323, introduced by Jent

HB 340, introduced by Andersen

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HB 354, introduced by Newman
HB 458, introduced by Musgrove
HB 549, introduced by Dickenson
HB 554, introduced by Kasten

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

3/28/2003

HB 54, introduced by Newman
HB 159, introduced by Haines
HB 183, introduced by Steinbeisser
HB 197, introduced by Becker
HB 289, introduced by Newman
HB 317, introduced by Shockley
HB 338, introduced by Keane
HB 437, introduced by A. Olson
HB 564, introduced by Lindeen
HB 610, introduced by Bergren
HB 703, introduced by Parker

FIRST READING AND COMMITMENT OF BILLS

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

SB 267, introduced by Stapleton, R. Brown, Brueggeman, F. Thomas, referred to Taxation.
SB 323, introduced by Grimes, referred to Appropriations.
SB 424, introduced by Nelson, referred to Education.
SB 451, introduced by Esp, referred to Appropriations.
SB 454, introduced by Story, referred to Education.
SB 458, introduced by McNutt, Forrester, Laszloffy, Shea, Sprague, referred to Business and Labor.

Majority Leader Brown moved that the House recess until 12:30 p.m. for caucuses. Motion carried.

House recessed at 12:10 p.m.

House reconvened at 12:33 p.m. All members present, except Representative Wilson, excused. Quorum present.

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HUMAN SERVICES (Thomas, Chairman):

3/31/2003

SJR 14, be concurred in and be placed on the consent calendar. 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 Parker in the chair.

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

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HB 749 - Representative Peterson moved **HB 749** do pass.

Representative Peterson moved **HB 749**, second reading copy, be amended as follows:

1. Page 18, line 20.

Strike: "SPECIAL"

Insert: "motor"

Following: "FUEL."

Insert: "(1) The sale and use of gasoline, ethanol blended for fuel, and special fuel, including natural gas or propane, upon which tax has been paid or will be paid under Title 15, chapter 70, are exempt from the sales tax and use tax.

(2) "

2. Page 39, line 17 through line 18.

Strike: "RATIO" on line 17 through "SOURCES" on line 18

Insert: "apportionment fraction determined under 15-31-305"

3. Page 39.

Following: line 30

Insert: "NEW SECTION. Section 67. Sales tax refundable income tax credit. (1) One individual taxpayer in each household is allowed a credit against the taxes imposed by 15-30-103 to partially offset the payment of household sales taxes in an amount as follows:

	Amount
Gross Household Income	Allowed
\$30,000 or less	\$175
\$30,001 to \$35,000	\$150
\$35,001 to \$40,000	\$100
\$40,001 to \$45,000	\$75
Over \$45,000	\$0

(2) If the amount of the credit determined under subsection (1) is more than the amount of tax owed under 15-30-103, the excess must be refunded to the taxpayer.

(3) A fiduciary or a beneficiary of an estate or trust who was required to file an income tax return pursuant to 15-30-135 is not considered a taxpayer unless a return was filed on behalf of the decedent for the previous year.

(4) For the purposes of this section:

(a) "gross household income" has the same meaning as provided in 15-30-171; and

(b) "income" has the same meaning as provided in 15-30-171."

Renumber: subsequent sections

4. Page 105, line 17.

Strike: "66"

Insert: "67"

5. Page 105, line 18.

Strike: "67"

Insert: "68"

Strike: "110"

Insert: "111"

6. Page 105, line 22.

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Strike: "67"
Insert: "68"
Strike: "110"
Insert: "111"

7. Page 106, line 2.

Following: "63"
Insert: ", "
Strike: "and"
Following: "64"
Insert: ", and 67"

8. Page 106, line 3.

Following: "63"
Insert: ", "
Strike: "and"
Following: "64"
Insert: ", and 67"

9. Page 106, line 17.

Strike: "110"
Insert: "111"

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, 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, Witt, Younkin, Mr. Speaker.
Total 95

Noes: Weiss, Windy Boy.
Total 2

Excused: Wilson.
Total 1

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

Representative Erickson moved **HB 749**, second reading copy, be further amended as follows:

1. Title, page 1, line 19 through line 24.

Strike: "PROVIDING" on line 19 through "PROGRAM;" on line 24
Insert: "PROVIDING FOR A REFUNDABLE INCOME TAX CREDIT FOR SALES TAXES AND USE TAXES

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PAID; INCREASING THE ELDERLY RENTER CREDIT; REVISING CERTAIN PROPERTY TAX LAWS; DECREASING THE CLASS FOUR PROPERTY TAX RATE FROM 3.794 PERCENT TO 3 PERCENT; REVISING THE PROPERTY TAX EXEMPTIONS FOR CLASS FOUR RESIDENTIAL PROPERTY, RENTAL MULTIFAMILY DWELLINGS, AND COMMERCIAL PROPERTY; PROVIDING A PROPERTY TAX EXEMPTION FOR CLASS THREE AGRICULTURAL LAND; PROVIDING REIMBURSEMENTS TO LOCAL GOVERNMENT TAXING JURISDICTIONS TO OFFSET THE PROPERTY TAX EXEMPTIONS; ELIMINATING THE PHASE-IN PROVISIONS RELATED TO THE REAPPRAISAL OF CERTAIN PROPERTY; ELIMINATING MOST STATE INCOME TAX DEDUCTIONS; PROVIDING A STATUTORY APPROPRIATION;"

2. Page 1, line 26.

Following: "15-1-501,"

Insert: "15-6-133, 15-6-134, 15-6-138, 15-6-201, 15-7-102, 15-7-111, 15-8-111,"

Strike: "15-16-101,"

3. Title, page 1, line 27.

Following: "15-30-137,"

Insert: "15-30-171,"

4. Page 1, line 28.

Following: "15-31-114,"

Insert: "15-32-405,"

Strike: "17-7-301,"

5. Title, page 1, line 28 through line 30.

Strike: "20-3-106," on line 28 through "20-10-144," on line 30

6. Title, page 2, line 1.

Strike: "REPEALING" through "2001;"

7. Page 37, line 29 through page 39, line 29.

Strike: section 62 through section 66 in their entirety

Insert: "NEW SECTION. Section 62. Disposition of sales tax and use tax collections. All money collected under the provisions of [sections 1 through 53] must be deposited in the general fund."

Insert: "NEW SECTION. Section 63. Credit for sales tax and use tax. (1) Except as provided in subsection (2), there is allowed in consideration of sales taxes and use taxes paid a credit, as provided in subsections (3) and (4), against the tax liability for each resident or part-year resident who files an individual Montana income tax return under this chapter. The credit may be claimed even though the taxpayer does not have taxable income under this chapter.

(2) The credit allowed in this section may not be claimed by a resident who:

(a) is confined in a public institution or a private prison for more than 6 months during the tax year for which the credit is claimed;

(b) is not physically present for at least 6 months during the tax year for which the credit is claimed.

(3) The credit allowed under [sections 63 through 66] is equal to:

(a) \$200 for each individual filing separately; and

(b) \$400 for each head of household and married taxpayers filing jointly.

(4) If the amount of the credit allowed in this section exceeds the claimant's tax liability under this chapter by \$1 or more, the department shall refund the amount. If the amount is less than \$1, the department may not make a refund."

Insert: "NEW SECTION. Section 64. Credit for sales tax and use tax -- filing date -- extension. (1) Except as provided in subsection (2), a claim for a credit must be submitted at the same time that the claimant's individual income

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tax return is due. For a claimant not required to file a tax return, a claim must be submitted on or before April 15 of the year following the year for which the credit is claimed.

(2) The department may grant a reasonable extension for filing a claim whenever in its judgment good cause exists.

(3) If an individual who would have a claim under [sections 63 through 66] dies before filing the claim, the personal representative of the estate of the decedent may file the claim."

Insert: "NEW SECTION. Section 65. Examination of credit claims -- adjustments -- delivery of notices and demands. (1) The department may examine a claim for a credit and may make an investigation of the records and accounts of a claimant if the department considers it necessary to determine the accuracy of the claim.

(2) If the department determines that the amount of the credit due is different from the amount reported, the amount of credit computed on the basis of the examination conducted pursuant to subsection (1) is the amount of credit due.

(3) If the credit due is less than the amount claimed as due by the claimant, the excess must be paid to the department within 60 days after notice and demand for payment are mailed to the claimant.

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

- (a) sent to the claimant at the address given on the claim, if any, or to the claimant's last-known address; or
- (b) served personally upon the claimant."

Insert: "NEW SECTION. Section 66. Penalties for violation. (1) If a claimant, without purposely or knowingly, as those terms are defined in 45-2-101, violates the provisions of [sections 63 through 66] and receives a credit for which the claimant is not entitled, there must be added a penalty of 10% of the amount of the excess, but the penalty may not be less than \$20. Interest on the amount of the excess is as provided in 15-1-216 and must be added to the penalty until the debt is satisfied.

(2) If a claimant purposely or knowingly violates the provisions of [sections 63 through 66], the claimant is subject to the provisions of subsection (1) and the department may deny future claims by the claimant."

Insert: "NEW SECTION. Section 67. Reimbursements to taxing jurisdictions -- adjustments to debt limits. (1) (a) The department shall determine the amount of property tax revenue lost by each local government taxing jurisdiction as the result of the reduced tax rate applied to land described in 15-6-133(1)(a) and to property described in 15-6-134(1)(e) through (1)(h) and as the result of the class three agricultural land property tax exemption provided for in 15-6-201(1)(cc) and the class four property tax exemptions provided for in 15-6-201(1)(z), (1)(aa), and (1)(bb). The determination must be made by July 15, 2005, for fiscal year 2006. The department shall use fiscal year 2005 as the base for the determination of changes of property tax revenue.

(b) The department shall determine the amount of revenue due each local government taxing jurisdiction for fiscal year 2005 from the property tax imposed on class three agricultural land described in 15-6-133(1)(a) and on class four property described in 15-6-134(1)(e) through (1)(h).

(2) The department shall then calculate for each local government taxing jurisdiction for fiscal year 2005, using fiscal year 2005 mill levies, the amount of revenue that would have been due from the property tax imposed on class three property and class four property if the reduced tax rate in 15-6-134(2)(a) and the exemption amounts in 15-6-201(1)(z) and (1)(aa) through (1)(cc) had been in effect for fiscal year 2005.

(3) (a) Each local government taxing jurisdiction that lost property tax revenue in fiscal year 2005, based on the difference between the calculation in subsections (1)(b) and (2), must receive the total amount of the difference in fiscal year 2006 and each succeeding fiscal year.

(b) Payments must be made in two similar installments for each fiscal year by November 30 and May 31. Each local government taxing jurisdiction shall distribute the revenue received among its funds and districts according to current year mill levies.

(4) (a) Except as provided in subsection (5), the amount of loss determined in subsection (3) for each local government taxing jurisdiction is converted to assessed value of taxable property by dividing the amount of the loss by the applicable mill levy and then by dividing that amount by the applicable property tax rate. The amount must be added to the local government taxing jurisdiction's taxable assessed value to determine its bonding debt limit.

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(b) The amount determined under subsection (4)(a) must be added to the assessed value of taxable property of a local government taxing jurisdiction to determine its bonding debt limits.

(5) The amount of loss calculated for each elementary and high school district in subsection (3) is converted to taxable value by dividing the loss by the applicable mill levy. That amount must be added to the school district's taxable value to determine its bonding debt limit under 20-9-406.

(6) (a) For the purposes of this section, "local government taxing jurisdiction" means a local government rather than a state taxing jurisdiction that levied mills against property described in 15-6-133(1)(a) and 15-6-134(1)(e) through (1)(h), including county governments, incorporated city and town governments, consolidated city-county governments, tax increment financing districts, local elementary and high school districts, local community college districts, miscellaneous districts, and special districts.

(b) Tax levies by local government taxing jurisdiction include countywide mills levied for equalization of school retirement or transportation.

(c) Tax levies by a local government taxing jurisdiction do not include county or state school equalization levies provided for in 20-9-331, 20-9-333, and 20-9-360, the Montana university levy under 20-25-423, or the vocational-technical education levy under 20-25-439.

(d) Each tax increment financing district must receive the benefit of the state mill levy on the incremental taxable value of the district.

(7) A local government taxing jurisdiction that ceases to exist after December 31, 2004, will no longer be considered for revenue loss or reimbursement purposes. A local government taxing jurisdiction that is created after January 1, 2006, will not be considered for revenue loss or reimbursement purposes. If a local government taxing jurisdiction that existed prior to January 1, 2006, is split between two or more taxing jurisdictions or is annexed to or is consolidated with another taxing jurisdiction, the department shall determine how much of the revenue loss and reimbursement is attributed to the new jurisdictions.

(8) The amounts necessary for reimbursing local government taxing jurisdictions, as provided in this section, are statutorily appropriated, as provided in 17-7-502, from the general fund to reimburse each local government taxing jurisdiction."

Renumber: subsequent sections

8. Page 40, line 16.

Strike: "any"

Strike: "collections" through "fund"

9. Page 40.

Following: line 26

Insert: "**Section 69.** Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable percentage. (1) Class three property includes:

(a) subject to 15-6-201(1)(cc), agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes, as described in 70-16-301, or commercial purposes, as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for

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valuation, assessment, and taxation as agricultural land under 15-7-202(1). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at the taxable percentage rate applicable to class four property, as provided in 15-6-134(2)(a).

(3) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at the average grade of grazing land, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

Insert: "Section 70. Section 15-6-134, MCA, is amended to read:

"15-6-134. Class four property -- description -- taxable percentage. (1) Class four property includes:

(a) subject to 15-6-201(1)(z), ~~and (1)(aa), and (1)(bb)~~ and subsections (1)(f) ~~and (1)(g)~~ through (1)(h) of this section, all land, except that specifically included in another class;

(b) subject to 15-6-201(1)(z), ~~and (1)(aa), and (1)(bb)~~ and subsections (1)(f) ~~and (1)(g)~~ through (1)(h) of this section, all improvements, including trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(c) the first \$100,000 or less of the taxable market value of any improvement on real property, including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned or under contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of any person whose total income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home, is not more than \$15,000 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection (2)(b)(ii). For the purposes of this subsection (1)(c), net business income is gross income less ordinary operating expenses but before deducting depreciation or depletion allowance, or both.

(d) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(e) subject to 15-6-201(1)(z), all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(f) (i) single-family residences, including trailers, manufactured homes, or mobile homes; and

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

~~(ii)(g)~~ (i) rental multifamily dwelling units;

~~(iii)(ii)~~ (ii) appurtenant improvements to the ~~residences or~~ dwelling units, including the parcels of land upon which the ~~residences and~~ dwelling units are located and any leasehold improvements; and

~~(iv)(iii)~~ (iii) vacant residential lots; and

~~(g)(h)~~ (iv) (i) commercial buildings and the parcels of land upon which they are situated; and

(ii) vacant commercial lots.

(2) Class four property is taxed as follows:

(a) ~~(i)~~ Except as provided in 15-24-1402, 15-24-1501, and 15-24-1502, ~~and subsection (2)(a)(ii) of this section,~~ property described in subsections (1)(a), (1)(b), and (1)(e), (1)(f), and (1)(g) through (1)(h) of this section is taxed at ~~3.794%~~ 3% of its taxable market value ~~in tax year 1999.~~

~~(ii) The taxable percentage rate in subsection (2)(a)(i) must be adjusted downward by subtracting 0.0835 percentage points each year until the tax rate is equal to or less than 3.46%.~~

(b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at the rate provided in subsection ~~(2)(a)(ii)~~ (2)(a) of its market value multiplied by a percentage figure based on income and determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
\$0 - \$ 6,000	\$0 - \$8,000	20%

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6,001 - 9,200	8,001 - 14,000	50%
9,201 - 15,000	14,001 - 20,000	70%

(ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually by the department. The adjustment to the income levels is determined by:

(A) multiplying the appropriate dollar amount from the table in subsection (2)(b)(i) by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and

(B) rounding the product thus obtained to the nearest whole dollar amount.

(iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

(c) Property described in subsection (1)(d) is taxed at one-half the taxable percentage rate established in subsection ~~(2)(a)(i)~~ (2)(a).

(3) Within the meaning of comparable property, as defined in 15-1-101, property assessed as commercial property is comparable only to other property assessed as commercial property and property assessed as other than commercial property is comparable only to other property assessed as other than commercial property."

Insert: "Section 71. Section 15-6-138, MCA, is amended to read:

"15-6-138. (Temporary) Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-201~~(1)(bb)~~(1)(dd);

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as providers as provided in 15-6-201, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

(f) special mobile equipment as defined in 61-1-104;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens' band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(3) "Commercial establishment" includes any hotel; motel; office; petroleum marketing station; or service, wholesale, retail, or food-handling business.

(4) Class eight property is taxed at 3% of its market value.

(5) (a) If, in any year beginning with tax year 2004, the percentage growth in inflation-adjusted Montana wage and salary income, in the last full year for which data is available, is at least 2.85% from the prior year, then the tax rate for class eight property will be reduced by 1% each year until the tax rate reaches zero.

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(b) The department shall calculate the percentage growth in subsection (5)(a) by using the formula $(W/CPI) - 1$, where:

(i) W is the Montana wage and salary income for the most current available year divided by the Montana wage and salary income for the year prior to the most current available year; and

(ii) CPI is the consumer price index for the most current available year used in subsection (5)(b)(i) divided by the consumer price index for the year prior to the most current available year as used in subsection (5)(b)(i).

(c) For purposes of determining the percentage growth in subsection (5)(a), the department shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(6) The class eight property of a person or business entity that owns an aggregate of \$5,000 or less in market value of class eight property is exempt from taxation. (Repealed on occurrence of contingency--secs. 27(2), 31(4), Ch. 285, L. 1999.)"

Insert: "Section 72. Section 15-6-201, MCA, is amended to read:

"15-6-201. (Temporary) Exempt categories. (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

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- (k) motor homes;
- (l) all watercraft;
- (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;
- (n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;
- (o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and
 - (ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;
- (p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;
- (q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.
- (r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:
 - (A) construct, repair, and maintain improvements to real property; or
 - (B) repair and maintain machinery, equipment, appliances, or other personal property;
 - (ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;
- (s) harness, saddlery, and other tack equipment;
- (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;
- (u) timber as defined in 15-44-102;
- (v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;
- (w) all vehicles registered under 61-3-456;
- (x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and
 - (ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);
- (y) motorcycles and quadricycles;
- (z) ~~the following percentage 66.5%~~ of the market value of residential property as described in 15-6-134(1)(e) and (1)(f):
 - ~~(i) 23% for tax year 2000;~~
 - ~~(ii) 27.5% for tax year 2001; and~~
 - ~~(iii) 31% for tax year 2002 and succeeding tax years;~~
 - (aa) 51% of the market value of rental multifamily residential property as described in 15-6-134(1)(g);
 - ~~(aa)(bb) the following percentage 29.5%~~ of the market value of commercial property as described in 15-6-134(1)(g)(1)(h):
 - ~~(i) 9% for tax year 2000;~~
 - ~~(ii) 11% for tax year 2001; and~~

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- ~~(iii)~~ 13% for tax year 2002 and succeeding tax years;
- ~~(bb)~~(cc) 18% of the productive capacity value of agricultural land as described in 15-6-133(1)(a);
- (dd) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;
- ~~(cc)~~(ee) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
- (i) the acquired cost of the personal property is less than \$15,000;
 - (ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
 - (iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;
- ~~(dd)~~(ff) all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after completion of construction of the manufacturing facility; and
- ~~(ee)~~(gg) light vehicles as defined in 61-1-139.
- (2) (a) For the purposes of subsection (1)(e):
- (i) the term "institutions of purely public charity" includes any organization that meets the following requirements:
 - (A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.
 - (B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.
 - (ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.
 - (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:
 - (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
 - (ii) held for future display; or
 - (iii) used to house or store a public display.
- (3) For the purposes of subsection ~~(1)(bb)~~ (1)(dd):
- (a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.
 - (b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.
- (4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

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- (a) \$20,000 in the case of a single-family residential dwelling;
- (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure.

15-6-201. (Effective on occurrence of contingency) Exempt categories. (1) The following categories of property are exempt from taxation:

- (a) except as provided in 15-24-1203, the property of:
 - (i) the United States, except:
 - (A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or
 - (B) as provided in 15-24-1103;
 - (ii) the state, counties, cities, towns, and school districts;
 - (iii) irrigation districts organized under the laws of Montana and not operating for profit;
 - (iv) municipal corporations;
 - (v) public libraries; and
 - (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;
- (b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;
- (c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.
- (d) property that is:
 - (i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;
 - (ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
 - (iii) not maintained and operated for private or corporate profit;
- (e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;
- (f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;
- (g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;
- (h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;
- (i) truck canopy covers or toppers and campers;
- (j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- (k) motor homes;
- (l) all watercraft;
- (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;
- (n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;
- (o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and
 - (ii) property that is owned and used by an organization owning and operating facilities that are for the care of

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the retired, aged, or chronically ill and that are not operated for gain or profit;

(p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;

(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(A) construct, repair, and maintain improvements to real property; or

(B) repair and maintain machinery, equipment, appliances, or other personal property;

(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(s) harness, saddlery, and other tack equipment;

(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(u) timber as defined in 15-44-102;

(v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;

(w) all vehicles registered under 61-3-456;

(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

(y) motorcycles and quadricycles;

(z) ~~the following percentage 66.5%~~ of the market value of residential property as described in 15-6-134(1)(e) and (1)(f):

~~_____ (i) 23% for tax year 2000;~~

~~_____ (ii) 27.5% for tax year 2001; and~~

~~_____ (iii) 31% for tax year 2002 and succeeding tax years;~~

~~(aa) 51% of the market value of rental multifamily residential property as described in 15-6-134(1)(g);~~

~~(aa)(bb) the following percentage 29.5% of the market value of commercial property as described in 15-6-134(1)(g)(1)(h):~~

~~_____ (i) 9% for tax year 2000;~~

~~_____ (ii) 11% for tax year 2001; and~~

~~_____ (iii) 13% for tax year 2002 and succeeding tax years;~~

~~(bb)(cc) 18% of the productive capacity value of agricultural land as described in 15-6-133(1)(a);~~

~~(dd) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;~~

~~(cc)(ee) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:~~

~~(i) the acquired cost of the personal property is less than \$15,000;~~

~~(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and~~

~~(iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;~~

~~(dd)(ff) all agricultural implements and equipment;~~

~~(ee)(gg) all mining machinery, fixtures, equipment, tools, and supplies except those included in class five;~~

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~~(ff)~~(hh) all manufacturing machinery, fixtures, equipment, tools, and supplies except those included in class five;
~~(gg)~~(ii) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

~~(hh)~~(jj) special mobile equipment as defined in 61-1-104;

~~(ii)~~(kk) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

~~(jj)~~(ll) x-ray and medical and dental equipment;

~~(kk)~~(mm) citizens' band radios and mobile telephones;

~~(ll)~~(nn) radio and television broadcasting and transmitting equipment;

~~(mm)~~(oo) cable television systems;

~~(nn)~~(pp) coal and ore haulers;

~~(oo)~~(qq) theater projectors and sound equipment; and

~~(pp)~~(rr) light vehicles as defined in 61-1-139.

(2) (a) For the purposes of subsection (1)(e):

(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(3) For the purposes of subsection ~~(1)(bb)~~ (1)(dd):

(a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.

(b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.

(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

(a) \$20,000 in the case of a single-family residential dwelling;

(b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure.""

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Insert: "Section 73. Section 15-7-102, MCA, is amended to read:

"15-7-102. Notice of classification and appraisal to owners -- appeals. (1) (a) Except as provided in 15-7-138, the department shall mail to each owner or purchaser under contract for deed a notice of the classification of the land owned or being purchased and the appraisal of the improvements on the land only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

- (i) change in ownership;
- (ii) change in classification;
- (iii) ~~except as provided in subsection (1)(b);~~ change in valuation; or
- (iv) addition or subtraction of personal property affixed to the land.

~~(b) After the first year, the department is not required to mail the notice provided for in subsection (1)(a)(iii) if the change in valuation is the result of an annual incremental change in valuation caused by the phasing in of a reappraisal under 15-7-111 or the application of the exemption under 15-6-201 or caused by an incremental change in the tax rate.~~

~~(c)(b)~~ The notice must include the following for the taxpayer's informational purposes:

- (i) the total amount of mills levied against the property in the prior year; and
- (ii) a statement that the notice is not a tax bill.

~~(d)(c)~~ Any misinformation provided in the information required by subsection ~~(1)(c)~~ (1)(b) does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(2) (a) Except as provided in subsection (2)(c), the department shall assign each assessment to the correct owner or purchaser under contract for deed and mail the notice of classification and appraisal on a standardized form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(c) The department is not required to mail the notice of classification and appraisal to a new owner or purchaser under contract for deed unless the department has received the transfer certificate from the clerk and recorder as provided in 15-7-304 and has processed the certificate before the notices required by subsection (2)(a) are mailed. The department shall notify the county tax appeal board of the date of the mailing.

(3) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market value of the property as determined by the department or with the classification of the land or improvements, the owner may request an assessment review by submitting an objection in writing to the department, on forms provided by the department for that purpose, within 30 days after receiving the notice of classification and appraisal from the department. The review must be conducted informally and is not subject to the contested case procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The department shall give reasonable notice to the taxpayer of the time and place of the review. After the review, the department shall determine the correct appraisal and classification of the land or improvements and notify the taxpayer of its determination. In the notification, the department shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an appraisal or classification upon the taxpayer's objection unless:

- (a) the taxpayer has submitted an objection in writing; and
- (b) the department has stated its reason in writing for making the adjustment.

(5) A taxpayer's written objection to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. The department shall make the records available for inspection during regular office hours.

(6) If any property owner feels aggrieved by the classification or appraisal made by the department after the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal board and

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then to the state tax appeal board, whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board must be filed within 30 days after notice of the department's determination is mailed to the taxpayer. A county tax appeal board or the state tax appeal board may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the state tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order."

Insert: "Section 74. Section 15-7-111, MCA, is amended to read:

"15-7-111. Periodic revaluation of certain taxable property. (1) The department shall administer and supervise a program for the revaluation of all taxable property within classes three, four, and ten. All other property must be revalued annually. ~~The revaluation of class three, four, and ten property is complete on December 31, 1996. The amount of the change in valuation from the 1996 base year for each property in classes three, four, and ten must be phased in each year at the rate of 25% of the change in valuation from December 31, 1998, to the appropriate percentage of taxable market value for each class.~~

(2) The department shall value ~~and phase in the value of~~ newly constructed, remodeled, or reclassified property in a manner consistent with the valuation within the same class ~~and the values established pursuant to subsection (1).~~ The department shall adopt rules for determining the assessed valuation ~~and phased-in value~~ of new, remodeled, or reclassified property within the same class.

(3) ~~Beginning January 1, 2001, the~~ The department of revenue shall administer and supervise a program for the revaluation of all taxable property within classes three, four, and ten. A comprehensive written reappraisal plan must be promulgated by the department. The reappraisal plan adopted must provide that all class three, four, and ten property in each county is revalued by January 1, 2003, and each succeeding 6 years. The resulting valuation changes ~~must be phased in are in effect~~ for each year until the next reappraisal. ~~If a percentage of change for each year is not established, then the percentage of phase in for each year is 16.66%. The department shall furnish a copy of the plan and all amendments to the plan to the board of county commissioners of each county."~~

Insert: "Section 75. Section 15-8-111, MCA, is amended to read:

"15-8-111. Assessment -- market value standard -- exceptions. (1) All taxable property must be assessed at 100% of its market value except as otherwise provided.

(2) (a) Market value is the value at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

(b) If the department uses construction cost as one approximation of market value, the department shall fully consider reduction in value caused by depreciation, whether through physical depreciation, functional obsolescence, or economic obsolescence.

(c) If the department uses the capitalization of net income method as one approximation of market value and sufficient, relevant information on comparable sales and construction cost exists, the department shall rely upon the two methods that provide a similar market value as the better indicators of market value.

(d) Except as provided in subsection (3), the market value of special mobile equipment and agricultural tools, implements, and machinery is the average wholesale value shown in national appraisal guides and manuals or the value before reconditioning and profit margin. The department shall prepare valuation schedules showing the average wholesale value when a national appraisal guide does not exist.

(3) The department may not adopt a lower or different standard of value from market value in making the official assessment and appraisal of the value of property, except:

(a) the wholesale value for agricultural implements and machinery is the average wholesale value category as shown in Guides 2000, Northwest Region Official Guide, published by the North American equipment dealers association, St. Louis, Missouri. If the guide or the average wholesale value category is unavailable, the department shall use a comparable publication or wholesale value category.

(b) for agricultural implements and machinery not listed in an official guide, the department shall prepare a supplemental manual in which the values reflect the same depreciation as those found in the official guide; and

(c) as otherwise authorized in Titles 15 and 61.

(4) For purposes of taxation, assessed value is the same as appraised value.

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(5) The taxable value for all property is the percentage of market or assessed value established for each class of property.

(6) The assessed value of properties in 15-6-131 through 15-6-134, 15-6-143, and 15-6-145 is as follows:

(a) Properties in 15-6-131, under class one, are assessed at 100% of the annual net proceeds after deducting the expenses specified and allowed by 15-23-503 or, if applicable, as provided in 15-23-515, 15-23-516, 15-23-517, or 15-23-518.

(b) Properties in 15-6-132, under class two, are assessed at 100% of the annual gross proceeds.

(c) Properties in 15-6-133, under class three, are assessed at 100% of the productive capacity value of the lands when valued for agricultural purposes minus any portion of the productive capacity value that is exempt from taxation under 15-6-201(1)(cc). All lands that meet the qualifications of 15-7-202 are valued as agricultural lands for tax purposes.

(d) Properties in 15-6-134, under class four, are assessed at the applicable percentage of market value minus any portion of market value that is exempt from taxation under 15-6-201(1)(z), ~~and~~ (1)(aa), and (1)(bb).

(e) Properties in 15-6-143, under class ten, are assessed at 100% of the forest productivity value of the land when valued as forest land.

(f) Railroad transportation properties in 15-6-145 are assessed based on the valuation formula described in 15-23-205.

(7) Land and the improvements on the land are separately assessed when any of the following conditions occur:

(a) ownership of the improvements is different from ownership of the land;

(b) the taxpayer makes a written request; or

(c) the land is outside an incorporated city or town.

(8) For the purpose of determining the debt limits of local government taxing jurisdictions, except for K-12 public schools:

(a) the assessed value of class four property must include the amount determined under [section 67]; and

(b) the productive capacity value of agricultural lands must include the amount determined under [section 67]."

Renumber: subsequent sections

10. Page 42, line 7.

Following: "(1)(a),"

Insert: "the amount of property"

Strike: "imposed"

Insert: "actually assessed:"

(a) includes the amount of reimbursement received under [section 67]; and

(b)

Strike: "do"

Insert: "does"

11. Page 42, line 26 through page 44, line 1.

Strike: section 69 in its entirety

Renumber: subsequent sections

12. Page 63.

Following: line 2

Insert: "**Section 84.** Section 15-30-171, MCA, is amended to read:

"15-30-171. Residential property tax credit for elderly -- definitions. As used in 15-30-171 through 15-30-179, the following definitions apply:

(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.

(2) "Claimant" means a person who is eligible to file a claim under 15-30-172.

(3) "Department" means the department of revenue.

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(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.

(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.

(6) "Homestead" means:

(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or

(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.

(7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.

(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(8) "Household income" means the amount obtained by subtracting \$6,300 from gross household income.

(9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:

(i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;

(ii) the amount of capital gains excluded from adjusted gross income;

(iii) alimony;

(iv) support money;

(v) nontaxable strike benefits;

(vi) cash public assistance and relief;

(vii) interest on federal, state, county, and municipal bonds; and

(viii) all payments received under federal social security except social security income paid directly to a nursing home.

(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.

(10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.

(11) "Rent-equivalent tax paid" means ~~15%~~ 30% of the gross rent."

Renumber: subsequent sections

13. Page 67.

Following: line 6

Insert: "**Section 88.** Section 15-32-405, MCA, is amended to read:

"15-32-405. Exclusion from other tax incentives. If a credit is claimed for an investment pursuant to this part, no other state energy or investment tax credit, including but not limited to the tax credits allowed by 15-30-162 and 15-31-123 through 15-31-125, may be claimed for the investment. ~~Property~~ The property tax reduction exemption allowed by 15-6-201~~(3)~~(4) may not be applied to a facility for which a credit is claimed pursuant to this part."

Renumber: subsequent sections

14. Page 68, line 10 through page 69, line 28.

Strike: section 81 in its entirety

Renumber: subsequent sections

15. Page 70, line 10.

Following: "15-1-121;"

Insert: "[section 67];"

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16. Page 70, line 12.

Strike: "[section 61 62]:"

17. Page 70, line 30 through page 95, line 23.

Strike: section 83 through section 103 in their entirety

18. Page 98, line 10.

Strike: "sales tax" through "]"

Insert: "general fund"

19. Page 100, line 4.

Strike: "sales tax" through "]"

Insert: "general fund"

20. Page 101, line 13.

Strike: "sales tax" through "]"

Insert: "general fund"

21. Page 103, line 12.

Strike: "sales tax" through "]"

Insert: "general fund"

22. Page 104, line 28.

Strike: "sales tax" through "]"

Insert: "general fund"

23. Page 105, line 12.

Strike: section 110 in its entirety

Renumber: subsequent sections

24. Page 105, line 18.

Strike: "110"

Insert: "96"

25. Page 105, line 22.

Strike: "110"

Insert: "96"

26. Page 105, line 28.

Strike: "61"

Insert: "62"

27. Page 105, line 29.

Strike: "61"

Insert: "62"

28. Page 105, line 30 through page 106, line 1.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

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29. Page 106, line 2.

Strike: "and"

Strike: "~~64~~"

Insert: "through 66"

30. Page 106, line 3.

Strike: "and"

Strike: "~~64~~"

Insert: "through 66"

31. Page 106, line 4 through line 5.

Strike: subsection (4) in its entirety

Insert: "(3) [Section 67] 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 67]."

32. Page 106, line 17.

Strike: "~~110~~"

Insert: "96"

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, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 46

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

Total 52

Excused: Wilson.

Total 1

Absent or not voting: Jent.

Total 1

Representative Shockley moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Cohenour, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin.

Total 73

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Noes: Branae, P. Clark, Dickenson, Dowell, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Kaufmann, Lindeen, McKenney, Newman, Raser, Small-Eastman, Steinbeisser, Wanzenried, Weiss.

Total 20

Excused: Wilson.

Total 1

Absent or not voting: Becker, Buzzas, E. Clark, Franklin, Schrumpf, Mr. Speaker.

Total 6

Motion that **HB 749**, as amended, do pass **failed** as follows:

Ayes: Andersen, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Hurwitz, Jackson, Lake, Lambert, Lehman, Lenhart, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Steinbeisser, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 40

Noes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Lawson, Lewis, Lindeen, Maedje, Malcolm, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Wanzenried, Weiss, Wilson, Windy Boy.

Total 60

Voted Absentee: Wilson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 22 - Representative Peterson moved **SB 22** 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, 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, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Voted Absentee: Wilson, Aye.

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Excused: None.
Total 0

Absent or not voting: Callahan.
Total 1

SB 34 - Representative Brueggeman moved **SB 34** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, 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, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.
Total 88

Noes: Balyeat, Becker, Bixby, Bookout-Reinicke, Jayne, Lindeen, Malcolm, Rice, Sales, Small-Eastman, Weiss, Windy Boy.
Total 12

Voted Absentee: Wilson, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 76 - Representative Branae moved **SB 76** 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, 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, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: Balyeat, Jayne, Kasten, Sales.
Total 4

Voted Absentee: Wilson, Aye.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SB 101 - Representative Keane moved **SB 101** be concurred in. Motion carried as follows:

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

Noes: Balyeat, Buzzas, Gallik, Jacobson, Kaufmann, Pattison, Sales, Sinrud, Small-Eastman.
Total 9

Voted Absentee: Wilson, Aye.

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

SB 115 - Representative Mendenhall moved **SB 115** be concurred in.

Representative Mendenhall moved **SB 115**, second reading copy, be amended as follows:

1. Page 4, line 8.
Strike: "SUBSECTIONS (7)(B) AND (7)(C)"
Insert: "subsection (7)(b)"

Amendment adopted 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, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, 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, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 93

Noes: Balyeat, Bergren, Franklin, Gallik, Lewis, Sales.
Total 6

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Excused: Wilson.
Total 1

Absent or not voting: None.
Total 0

Motion that **SB 115**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 87

Noes: Balyeat, Bixby, E. Clark, Fisher, Fuchs, Gallik, Kasten, Lewis, Pattison, Ryan, Sales, Shockley.
Total 12

Voted Absentee: Wilson, Aye.

Excused: None.
Total 0

Absent or not voting: Forrester.
Total 1

SB 133 - Representative Shockley moved **SB 133** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 84

Noes: Ballantyne, P. Clark, Cyr, Gallik, Gutsche, Harris, Hurwitz, Kaufmann, Keane, Lawson, Malcolm, Mendenhall, Newman, Noennig, Raser, Sales.
Total 16

Voted Absentee: Wilson, Aye.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SB 145 - Representative Younkin moved **SB 145** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, 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, Hedges, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Roberts, Rome, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Younkin.
Total 67

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hurwitz, Jent, Kasten, Lambert, Lange, Lawson, Lehman, A. Olson, Pattison, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Windy Boy, Witt, Mr. Speaker.
Total 33

Voted Absentee: Wilson, Aye.

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 Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Noes: Ballantyne, Buzzas, Gillan, Golie, Jacobson, Lake, Lindeen, Mendenhall, Rome, Ryan, Sinrud, Weiss.
Total 12

Excused: Wilson.
Total 1

Absent or not voting: Bixby, E. Clark, Franklin.
Total 3

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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 213, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Wilson.
Total 1

Absent or not voting: Forrester.
Total 1

HB 124 passed as follows:

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

Noes: Andersen, Balyeat, Dickenson, Fuchs, Gillan, Golie, Jackson, Jayne, Kasten, Ryan, Sales, Sinrud, Smith.
Total 13

Excused: Wilson.
Total 1

Absent or not voting: Forrester.
Total 1

HB 713 passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 75

Noes: Bixby, D. Brown, Buzzas, Carney, P. Clark, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Juneau, Kaufmann, Lawson, Maedje, Musgrove, Parker, Ryan, Small-Eastman, Wanzenried, Weiss, Windy Boy.
Total 23

Excused: Wilson.
Total 1

Absent or not voting: Forrester.
Total 1

SB 13 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, 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, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, 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, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 94

Noes: Barrett, Fisher, Jayne, Rice.
Total 4

Excused: Wilson.
Total 1

Absent or not voting: Forrester.
Total 1

SB 57 concurred in as follows:

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

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Total 98

Noes: None.

Total 0

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

SB 66 concurred in as follows:

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

Total 96

Noes: D. Brown, Malcolm.

Total 2

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

SB 80 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, 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, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Buzzas.

Total 1

Excused: Wilson.

Total 1

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Absent or not voting: Forrester.
Total 1

SB 85 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Wilson.
Total 1

Absent or not voting: Forrester.
Total 1

SB 97 concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, 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, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 95

Noes: Balyeat, Sales, Weiss.
Total 3

Excused: Wilson.
Total 1

Absent or not voting: Forrester.
Total 1

SB 126 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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

Total 98

Noes: None.

Total 0

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

SB 149 concurred in as follows:

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

Total 94

Noes: Small-Eastman, Smith, Weiss, Windy Boy.

Total 4

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

SB 159 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, 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, 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, Malcolm, Matthews, McKenney, Mendenhall, 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, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

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Noes: Barrett, Maedje, Morgan, Sales, Sinrud.
Total 5

Excused: Wilson.
Total 1

Absent or not voting: Forrester.
Total 1

SB 162 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, 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, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Wilson.
Total 1

Absent or not voting: Forrester.
Total 1

SB 180 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, 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, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Wilson.
Total 1

Absent or not voting: Forrester.

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Total 1

SB 188 concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, 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, 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, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Lake, Sales, Sinrud.

Total 4

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

SB 211 concurred in as follows:

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

Total 90

Noes: Erickson, Franklin, Gallus, Gutsche, Harris, Kaufmann, Roberts, Weiss.

Total 8

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

SB 413 concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake,

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Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Ryan, Schrupf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Younkin, Mr. Speaker.
Total 75

Noes: Balyeat, Bixby, R. Brown, Buzzas, Devlin, Erickson, Fuchs, Gallus, Gutsche, Harris, Jayne, Juneau, Kaufmann, Lewis, Mendenhall, Ripley, Rome, Sales, Sinrud, Small-Eastman, Wanzenried, Windy Boy, Witt.
Total 23

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

REPORTS OF STANDING COMMITTEES

TAXATION (Fuchs, Chairman):

3/31/2003

HB 714, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "LESS"

Insert: "WITH"

2. Title, page 1, line 7.

Following: "REDUCING"

Insert: "THE ALTERNATIVE"

3. Title, page 1, line 8.

Strike: "MAILING"

Insert: "TRANSMITTING"

4. Page 1, line 17.

Strike: "an individual, estate, or trust"

Insert: "a Montana resident"

5. Page 1, line 20.

Following: "(3)"

Insert: "(a)"

Strike: "An"

Insert: "Except as provided in subsections (3)(b) and (3)(c), an"

6. Page 1, line 21.

Following: "years."

Insert: "(b) Subsection (3)(a) does not apply to a Montana resident who subsequently becomes a part-year resident or nonresident of the state unless the taxpayer again becomes a resident of the state.

(c) A taxpayer who elects to be taxed under the provisions of [sections 1 through 3] who makes a federal income tax return jointly with a taxpayer who was not required to make the election jointly with the taxpayer, as provided in subsection (2), and who has not elected to be taxed under the provisions of [sections 1 through 3] shall determine federal

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taxable income and adjusted federal taxable income as if a married individual who does not make a joint return."

7. Page 1, line 26.

Strike: "an individual"

Insert: "a Montana resident"

8. Page 1, line 29.

Strike: "subsection"

Insert: "subsections"

Following: "(3)"

Insert: "through (5)"

Following: "credits"

Insert: ", except for the credit allowed under 15-30-124,"

9. Page 2, line 2.

Strike: "2003"

Insert: "2005"

10. Page 2, line 3.

Strike: "(5)"

Insert: "(7)"

11. Page 2, line 4.

Strike: "(4)"

Insert: "(6)"

12. Page 2, line 6.

Strike: "\$6,000"

Insert: "\$4,000"

Strike: "5.33% "

Insert: "7% "

13. Page 2, line 7.

Strike: "\$35,000"

Insert: "\$6,000"

Strike: "6.67% "

Insert: "8% "

14. Page 2, line 8.

Strike: "\$84,000"

Insert: "\$10,000"

Strike: "8% "

Insert: "9% "

15. Page 2, line 9.

Strike: "\$125,000"

Insert: "\$20,000"

Strike: "8.9% "

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Insert: "9.6% "

16. Page 2, line 11.

Strike: "\$4,800"

Insert: "\$3,200"

Strike: "5.33% "

Insert: "7% "

17. Page 2, line 12.

Strike: "\$28,000"

Insert: "\$4,800"

Insert: "6.67% "

Insert: "8% "

18. Page 2, line 13.

Strike: "\$67,200"

Insert: "\$8,000"

Strike: "8% "

Insert: "9% "

19. Page 2, line 14.

Strike: "\$100,000"

Insert: "\$16,000"

Strike: "8.9% "

Insert: "9.6% "

20. Page 2, line 16.

Following: "individual"

Insert: "and for each married individual who does not make a joint return"

21. Page 2, line 17.

Strike: "\$3,000"

Insert: "\$2,000"

Strike: "5.33% "

Insert: "7% "

22. Page 2, line 18.

Strike: "\$17,500"

Insert: "\$3,000"

Strike: "6.67% "

Insert: "8% "

23. Page 2, line 19.

Strike: "\$42,000"

Insert: "\$5,000"

Strike: "8% "

Insert: "9% "

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24. Page 2, line 20.

Strike: "\$62,500"

Insert: "\$10,000"

Strike: "8.9%;"

Insert: "9.6%."

25. Page 2, line 21 through line 26.

Strike: subsection (d) in its entirety

26. Page 3, line 2.

Following: "income."

Insert: "For purposes of this section, "tribal-source income" means income derived:

(i) from sources within the exterior boundaries of an Indian reservation or lands restored to tribal ownership pursuant to federal law, by an enrolled tribal member of that tribe who resides on that reservation or restored lands; or

(ii) directly from allotted or restricted lands held in trust by the United States for the benefit of a tribe or the tribal member."

27. Page 3.

Following: line 2

Insert: "(4) To the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest are added to federal taxable income except to the extent that interest described in this subsection is already included in federal taxable income.

(5) If a taxpayer received a refund of federal income tax the deduction of which in the tax year immediately preceding the tax year in which the taxpayer makes an election under [sections 1 through 3] resulted in a reduction of Montana income tax liability, the refund is, to the extent that the deduction resulted in a reduction of Montana income tax liability, a positive adjustment to the taxpayer's federal taxable income for the tax year in which the election is made."

Renumber: subsequent subsections

28. Page 3, line 4.

Strike: "(4)"

Insert: "(6)"

29. Page 3, line 5.

Strike: "2006"

Insert: "2007"

30. Page 3, line 14.

Strike: "(4)(b)"

Insert: "(6)(b)"

31. Page 3, line 15.

Strike: "(4)(d)"

Insert: "(6)(d)"

32. Page 3, line 17.

Strike: "(4)(b)"

Insert: "(6)(b)"

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33. Page 3, line 20.

Strike: "\$50" in both places

Insert: "\$90" in both places

34. Page 3, line 21.

Following: "(2)."

Insert: "For the purposes of this subsection, a return filed using the filing status married filing jointly is considered to have been filed by one taxpayer."

35. Page 3, line 24.

Strike: "mail"

Insert: "transmit"

Strike: "taxpayer's"

Strike: "form"

Insert: "return that the taxpayer filed with the internal revenue service"

36. Page 3, line 25.

Strike: "The"

Insert: "A"

Following: "taxpayer"

Insert: "who has filed an election with the department as provided in [section 1]"

37. Page 3, line 28.

Following: "taxpayer."

Insert: "If the taxpayer chooses to have the department determine the tax due, the taxpayer shall report to the department, on a form provided by the department, any adjustments to income specified in [section 2(3) through (5)] and taxes paid to another state or country that may be allowed as a credit under 15-30-124."

38. Page 3, line 29.

Strike: "attach"

Insert: "remit"

39. Page 3, line 30.

Following: "due"

Strike: "to"

Insert: "with"

Strike: "mails"

Insert: "transmits"

40. Page 4, line 1.

Following: "(3)"

Insert: "(a)"

Strike: "If the"

Insert: "A"

Following: "taxpayer"

Insert: "who"

Strike: "and"

Insert: "under this chapter may provide a credit card authorization to"

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41. Page 4, line 1 through line 3.

Strike: "bills" on line 1 through "chapter" on line 3

Insert: "for billing the taxpayer for the tax due as shown by the return"

42. Page 4.

Following: line 3

Insert: "(b) Except as provided in 15-30-145 and subsections (3)(c) and (3)(d) of this section, if the department determines the amount of tax to be billed under this subsection (3) after the due date of a federal return filed by the due date under this chapter, the taxpayer is subject to the uniform interest assessment under 15-1-216(2), but not to the uniform penalty assessment. However, if the department determines the amount of the tax to be billed more than 10 working days after the due date of the return, the taxpayer is not subject to the uniform interest or penalty assessment under 15-1-216.

(c) Except as provided in 15-30-145 and subsection (3)(d) of this section, a taxpayer who chooses to have the department determine the tax due and who files the federal tax return at least 10 working days before the due date of the return under this chapter is not subject to the provisions of 15-1-216 or subsection (3)(b) of this section.

(d) If the tax determined by the department under this subsection (3) is not paid within 60 days after notice of the amount of tax due, then interest and penalty must be added to the amount due as provided in 15-1-216 from the due date of the return."

43. Page 4, line 9.

Strike: "2004"

Insert: "2006"

44. Page 4, line 12.

Strike: "2003"

Insert: "2005"

And, as amended, do pass. Report adopted.

HB 767, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HJR 38, be adopted. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 773, introduced by Lake (by request of the Senate Finance Standing Committee), referred to Taxation.

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

HJR 40, introduced by Younkin, Gallus, referred to Natural Resources.

MOTIONS

Representative Newman moved **HB 355** be taken from the table in the Committee on Taxation and be placed on second reading Legislative Day 69. Motion **failed** 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,

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Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 42

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

Total 55

Excused: Wilson.

Total 1

Absent or not voting: Forrester, Sinrud.

Total 2

Representative Wagman moved to **suspend the rules** for the late drafting, introduction, and transmittal of a bill. Motion (requiring 2/3 vote) **failed** as follows:

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

Total 49

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

Total 47

Excused: Wilson.

Total 1

Absent or not voting: Bixby, Forrester, Juneau.

Total 3

Representative Fuchs moved **HB 749** be taken from the Committee of the Whole and be rereferred to the Committee on Taxation. Motion carried as follows:

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

Total 65

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Noes: Ballantyne, Becker, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Franklin, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Kaufmann, Keane, Lindeen, Musgrove, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Windy Boy.

Total 31

Excused: Wilson.

Total 1

Absent or not voting: Bixby, Forrester, Juneau.

Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Tuesday, April 1, 2003. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House