

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
April 9, 2009

House Chambers
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Rep. Welborn. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Mehlhoff and Randall, excused. Quorum present.

Rep. Hollandsworth wanted to wish Sevrice Olson, from Big Sandy, a very happy birthday. She will be 100 years old on April 12th.

Mr. Speaker introduced and thanked the pages for the week, John Bishop (Polson), Meghan Callahan (East Helena), Joe Dillon (Missoula), Megan Gorneau (Poplar), Christopher Jolley (Victor), Bridgett Lake (Ronan), Anders Landgren (Billings), Ross Melvin (Butte), Stevie Short (Emigrant).

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Milburn, Chairman):
SB 370, be amended as follows:

4/9/2009

1. Title, line 7.

Following: "15-38-104,"

Insert: "15-38-106,"

2. Title, line 8.

Following: "DATE"

Insert: "AND RETROACTIVE APPLICABILITY DATES"

3. Page 1, line 14.

Following: "account"

Insert: "85% of the"

4. Page 1, line 15 through line 18.

Strike: subsection (3) in its entirety

Insert: "(3) Money in the fund must be spent for the purposes of administering and enforcing this part."

5. Page 2.

Following: line 19

Insert: "**Section 3.** Section 15-38-106, MCA, is amended to read:

"15-38-106. Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before the due date of the annual statement established in 15-38-105, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 17-2-124, deposit the proceeds from the resource indemnity and ground water assessment tax and money deposited pursuant to 82-4-424(3) in the following order:

(a) annually in due course, from the proceeds of the tax to the CERCLA match debt service fund provided in 75-10-622, the amount necessary, as certified by the department of environmental quality, after crediting to the

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

CERCLA match debt service fund amounts transferred from the CERCLA cost recovery account established under 75-10-631, to pay the principal of, premium, if any, and interest during the next fiscal year on bonds or notes issued pursuant to 75-10-623;

(b) \$366,000 of the proceeds from the tax in the ground water assessment account established by 85-2-905;

(c) for the biennium beginning July 1, 2007, \$150,000 of the proceeds from the tax in the water storage state special revenue account established in 85-1-631;

(d) 50% of the remaining proceeds from the tax divided equally between the environmental quality protection fund established in 75-10-704 and the hazardous waste/CERCLA special revenue account established in 75-10-621; and

(e) all remaining proceeds from the tax in the natural resources projects state special revenue account, established in 15-38-302, for the purpose of making grants to be used for mineral development reclamation projects and renewable resource projects.

(3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(4) The department shall examine the statement and compute the taxes to be imposed, and the amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer."

Renumber: subsequent sections

6. Page 3.

Following: line 18

Insert: "(3) The department shall deposit 85% of proceeds from annual fees into the opencut fund established in [section 1] and transfer 15% of the proceeds from the fees to the department of revenue for distribution in accordance with 15-38-106."

7. Page 4, line 5.

Following: "**APPLICABILITY.**"

Insert: "(1) Except as provided in subsection (2), [this act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2007.

(2)"

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

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

4/8/2009

HB 238, introduced by Miller

HB 306, introduced by Morgan

HB 487, introduced by McNutt

HB 562, introduced by Cohenour

HB 585, introduced by McClafferty

Governor's amendments to House bill concurred in and returned to the House:

4/8/2009

HB 171, introduced by Augare

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

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

4/8/2009

HB 6, introduced by McNutt

HB 7, introduced by McNutt

HB 123, introduced by Jones

HB 478, introduced by Grinde

HB 670, introduced by Vincent

Free Conference Committee Report No.1 adopted:

4/8/2009

SB 79, introduced by Juneau

FIRST READING AND COMMITMENT OF BILLS

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

HJR 39, introduced by P. Noonan, French, McClafferty, Sesso, Jopek, A. Noonan, referred to Human Services.

THIRD READING OF BILLS

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

HB 228, Conference Committee report, passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hawk, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 85

Nays: Barrett, Caferro, Dickenson, Driscoll, Hamilton, Hands, Henry, Hollenbaugh, MacDonald, Malek, Pease-Lopez, Phillips, Wilmer, Wiseman.

Total 14

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HB 269, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek,

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Kasten, Kerns, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Vance, Van Dyk, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: Bean, B. Beck, Blasdel, Hawk, Himmelberger, Hollandsworth, Lake, MacLaren, Mendenhall, Miller, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stoker, Wagner, Washburn.

Total 19

Excused: None.

Total 0

Absent or not voting: Hendrick, Stahl, Villa.

Total 3

HB 449, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Bean, Blasdel, Boniek, Howard, Kerns, MacLaren, McGillvray, Mendenhall, Miller, More, Sales, Smith, Sonju, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HB 608, as amended by the Senate, passed as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Arntzen, Bean, Bennett, Berry, Boniek, Hawk, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, Peterson, Randall, Regier, Reichner, Sales, Smith, Stoker, Taylor, Vance, Vincent, Wagner.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Total 25

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HB 622, Conference Committee report, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Morgan, Villa.

Total 2

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

SB 73, Conference Committee report, concurred in as follows:

Yeas: Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Wilmer, Wilson, Wiseman.

Total 74

Nays: Ankney, Arntzen, Bean, Bennett, Berry, Blasdel, Hawk, Hollandsworth, Howard, Jones, Kasten, Kerns, Lake, McGillvray, Miller, More, O'Hara, Peterson, Regier, Smith, Stoker, Warburton, Washburn, Welborn, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

SB 108, Conference Committee report, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

SB 131 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: Bean, B. Beck, Blasdel, Boniek, Butcher, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton.

Total 29

Excused: None.

Total 0

Absent or not voting: Hendrick, Stahl.

Total 2

SB 176 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Belcourt, Blasdel, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk,

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Villa, Wagner, Washburn, Wilmer, Wilson.
Total 75

Nays: Bean, Becker, Bennett, Berry, Blewett, Butcher, Howard, Kasten, Kerns, Lake, McGillvray, Miller, More, Nooney, Pomnichowski, Randall, Regier, Sales, Sonju, Vincent, Warburton, Welborn, Wiseman, Mr. Speaker.
Total 24

Excused: None.
Total 0

Absent or not voting: Hendrick.
Total 1

SB 234 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: Bean, B. Beck, Bennett, Boniek, Brown, Hawk, Himmelberger, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, Miller, More, Randall, Regier, Sales, Smith, Stoker, Vance, Wagner.
Total 24

Excused: None.
Total 0

Absent or not voting: Hendrick.
Total 1

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

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollandsworth in the chair.

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

SB 249 - Representative Kottel moved **SB 249** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Berry, Boniek, Butcher, Caferro, Campbell, Ebinger, Getz, Glaser, Grinde, Hamilton, Himmelberger, Hoven, Ingraham, Jones, Kasten, Kerns, Kottel, MacDonald, McChesney, McClafferty, McNutt, Mehlhoff, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Roberts, Roundstone, Sesso, Smith, Stahl, Taylor, Vincent, Wagner, Warburton, Mr. Speaker.
Total 46

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Nays: Ankney, Bean, B. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jopek, Klock, Lake, MacLaren, Malek, McAlpin, McGillvray, Menahan, Mendenhall, Milburn, Miller, Pomnichowski, Regier, Reichner, Reinhart, Sales, Sands, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 356 - Representative Reichner moved **SB 356** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Glaser, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, Randall, Regier, Sales, Sonju, Taylor, Vincent, Wagner, Warburton, Washburn.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 602 - Conference Committee Report No. 1 - Representative Cohenour moved the Conference Committee report to **HB 602** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Ankney, Mendenhall, Miller, More, Nooney, Vance, Wagner, Welborn.

Total 8

Excused: None.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Total 0

Absent or not voting: Reinhart.

Total 1

SB 48 - Conference Committee Report No. 1 - Representative Pomnichowski moved the Conference Committee report to **SB 48** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Ankney, Boniek, Mendenhall, Miller, More, Sales, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: Campbell, Stahl.

Total 2

SB 310 - Conference Committee Report No. 1 - Representative Sands moved the Conference Committee report to **SB 310** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Peterson, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: Vincent.

Total 1

SB 427 - Conference Committee Report No. 1 - Representative A. Noonan moved the Conference Committee report

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

to **SB 427** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 36 - Representative Kottel moved **HJR 36** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bean, B. Beck, Butcher, Hawk, Himmelberger, Ingraham, Kasten, Lake, Mendenhall, Miller, Morgan, Peterson, Sales, Smith, Sonju.

Total 15

Excused: None.

Total 0

Absent or not voting: Hiner.

Total 1

SB 303 - Representative Dickenson moved **SB 303** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson,

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Wiseman, Mr. Speaker.
Total 61

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 39

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 369 - Representative More moved **SB 369** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blasdel.
Total 1

SB 451 - Representative Van Dyk moved **SB 451** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Total 0

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

SB 462 - Representative McNutt moved **SB 462** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wilmer.

Total 1

SB 476 - Representative Blewett moved **SB 476** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Jopek, Kottel, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Sonju, Stahl, Taylor, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Cohenour, Driscoll, Hawk, Hendrick, Himmelberger, Hollenbaugh, Howard, Jones, Kasten, Kerns, Klock, Lake, McAlpin, Menahan, Nooney, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Steenson, Stoker, Vance, Wagner, Washburn, Welborn.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

SB 18 - Governor's Amendments - Representative Hiner moved Governor's amendments to **SB 18** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vincent, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

SB 271 - Representative Reinhart moved **SB 271** be concurred in.

SB 271 - Representative Mendenhall moved **SB 271** be amended as follows:

1. Page 3, line 20.

Strike: "or"

2. Page 3, line 22.

Insert: "; or

(c) the applicant is licensed as a clinical social worker under Title 37, chapter 22, or as a clinical professional counselor under Title 37, chapter 23, and has practiced marriage and family therapy within the state for a period prescribed by the board"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 54

Nays: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, Menahan, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 44

Excused: Mehlhoff, Randall.

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Total 2

Absent or not voting: None.

Total 0

SB 271 - Representative Reinhart moved **SB 271** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 55

Nays: Ankney, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollandsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Boniek, Hawk, Hendrick, Kasten, Lake, Mendenhall, Miller, Sales, Vincent, Wagner, Warburton.

Total 11

Excused: Mehlhoff, Randall.

Total 2

Absent or not voting: Himmelberger, Hollandsworth, Welborn.

Total 3

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

on House Amendments to **Senate Bill 305**

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Report No. 0, April 8, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 305** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 305** (reference copy -- salmon) be amended as follows:

1. Page 3, line 6.

Strike: "120"

Insert: "80"

For the Senate:

Tutvedt, Chairman
Esp
Laslovich

For the House:

Reinhart, Chairman
Ebinger
Berry
Stahl

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 404**
Report No. 0, April 9, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 404** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 404** (reference copy -- salmon) be amended as follows:

1. Page 1, line 13.

Strike: "1,280"

Insert: "1,920"

2. Page 1, line 14.

Following: "acres"

Strike: " 2 "

Strike: "MAY NOT"

Insert: "and must"

3. Page 1, line 15.

Strike: "WITHIN 2 MILES OF ANOTHER PRESERVE, AND MAY"

Insert: "in areas that will"

For the Senate:

Brueggeman, Chairman
Barkus
Jent

For the House:

Van Dyk, Chairman
Cohenour
Hendrick
Milburn

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

MOTIONS

Rep. Cohenour moved to have her vote recorded as a '**YES**' on **HB 228** for 3rd reading. Motion carried.

Rep. Campbell moved that **SJR 30** be moved to the Business and Labor committee. Motion carried.

Rep. Campbell moved that **SB 303** be moved to the Appropriations committee. Motion carried.

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **HB 531** and request the senate to appoint a like committee.

The Speaker Appoints:

Rep. Kottel, Vice Chair

Rep. Phillips

Rep. Nooney

Rep. Sonju

ANNOUNCEMENTS

Mr. Speaker reminded everyone that their Interim Committee appointment forms are due today.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, April 14, 2009. Motion carried.

House adjourned at 10:18 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House