

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 17, 2009

House Chambers
State Capitol

House convened at 10:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wilmer. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Augare, Jones, excused. Quorum present.

Mr. Speaker introduced and thanked the pages for the week: Jake Brodsky (Helena), Megan Chansler (Lolo), Alyssa Dillon (Conrad), Lucas Matelich (Missoula), Laura Miltenberger (Clancy), Ken Patrick (Big Fork), Olivia Skari (Chester), Mauro Whiteman (Great Falls).

MESSAGES FROM THE SENATE

SB 119 - The Senate failed to concur in House amendments to **SB 119**. 4/16/2009

SB 263 - The Senate failed to concur in House amendments to **SB 263**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 263**:

4/16/2009

Senator Shockley, Chair
Senator Laible
Senator Jent

HB 418 - The Senate failed to concur in House amendments to **HB 418**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **HB 418**:

4/16/2009

Senator Brown, Chair
Senator Branae
Senator Essmann

SB 507 - The Senate failed to concur in House amendments to **SB 507**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 507**:

4/16/2009

Senator McGee, Chair
Senator Story
Senator Hamlett

MESSAGES FROM THE GOVERNOR

April 16, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House

STATE INTERNET/BBS COPY

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 399, "**AN ACT PROVIDING CHILDREN WITH MENTAL HEALTH NEEDS WITH IN-STATE SERVICE ALTERNATIVES TO OUT-OF-STATE PLACEMENT; ESTABLISHING DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REPORTING REQUIREMENTS REGARDING HIGH-RISK CHILDREN WITH MULTIAGENCY SERVICE NEEDS; AND AMENDING SECTION 52-2-302, MCA.**"

This bill charges the Department of Public Health and Services ("DPHHS") to vigilantly keep track of high-risk kids with multi-agency service needs, with the end objective of keeping those kids close to home under a "wraparound philosophy of care." I, and DPHHS Director Whiting-Sorrell, share these goals with you.

As written, Senate Bill 399 requires DPHHS to report its efforts to reduce out-of-state placements to the children, families, health, and human services interim committee on a quarterly basis. My amendments instead require biannual reports by DPHHS.

My understanding is that the bill's purpose is not to micromanage the care provided these children, particularly their medical care, but to establish and evaluate trends and the reasons for those trends. I offer these amendments because I do not believe it is realistic to expect significant, frequent changes in the number of out-of-state placements of children whose medical needs and treatment are extremely complex. Therefore, I believe that biannual reports will provide the interim committee with the information it needs to help it formulate policy, make future legislative decisions, and assess the status of these children and the reasons for out-of-state placements. My amendments also require DPHHS to endeavor to reduce out-of-state placements on an on-going basis.

I have discussed my amendments with the bill's sponsor, Senator Laslovich, and he has indicated his support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

Amendments are as follows:

1. Title, line 8.

Following: "SERVICES"

Insert: "INFORMATION COLLECTION AND"

2. Page 2, line 25.

Strike: "establish quarterly reporting requirements"

Insert: "collect the following information"

3. Page 2, line 26.

Strike: "to identify"

4. Page 3, line 11.

STATE INTERNET/BBS COPY

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Strike: "Each quarterly report must analyze the efforts"

Insert: "On an ongoing basis,"

Strike: "made"

Insert: "shall attempt"

5. Page 3, line 12.

Strike: "and establish goals and objectives for improvement in the following quarter"

6. Page 3, line 13.

Strike: "provide each quarterly"

Following: "report"

Insert: "biannually"

7. Page 3, line 14.

Following: "committee"

Insert: "concerning the information it has collected under this section and the results of the efforts it has made to reduce out-of-state placements"

- END -

April 16, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 268, "**AN ACT REVISING THE LAW REQUIRING CERTAIN VEHICLES TO SECURE CERTAIN LOADS WHEN TRAVELING ON A PUBLIC HIGHWAY; AND AMENDING SECTION 61-8-370, MCA.**"

SB 268 is intended to expand the current law requiring vehicles loaded with solid waste to be secured. My amendments are intended to clarify the bill. They remove the requirement that the vehicle must be operated for a particular "purpose," so that the purpose for which the vehicle is being operated is not relevant to the requirement that the load be secured. They strike what I believe is confusing language about "solid waste" and "nonwaste items" so as to require all vehicle loads to be sufficiently secured so as to protect public safety. And they plainly specify that a commercial vehicle is exempt from the statute being amended, § 61-8-370, MCA, only so long as the commercial vehicle is operating in compliance with all other laws and requirements governing the securement of loads.

Sincerely,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

BRIAN SCHWEITZER
GOVERNOR

Amendments are as follows:

7. Page 1, line 12.

Strike: "for the purpose of transporting solid waste as defined in 75-10-203"

8. Page 1, line 13.

Strike: "and nonwaste items"

9. Page 1, line 14.

Following: "~~otherwise~~"

Insert: "load the vehicle or"

10. Page 1, line 17.

Following: "vehicle"

Insert: "that is operating in compliance with state and federal laws and requirements governing the securing of loads"

- END -

April 16, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 164, "**AN ACT EXPANDING THE GOOD NEIGHBOR POLICY TO INCLUDE RECREATIONAL LAND AND WATER ACQUIRED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR PUBLIC HUNTING, FISHING, TRAPPING, AND OUTDOOR RECREATION AND ESTABLISHING MAINTENANCE PRIORITIES FOR THAT LAND; DEFINING "MAINTENANCE" AS APPLIED TO PUBLIC RECREATIONAL LAND AND WATER; REQUIRING THAT A PERCENTAGE ABOVE THE PURCHASE PRICE OF THE DEPARTMENT'S ACQUIRED LAND OR WATER RIGHTS BE BUDGETED FOR MAINTENANCE; ESTABLISHING A MAINTENANCE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502, 23-1-126, 23-1-127, AND 87-1-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.**"

SB 164 contains a statutory appropriation from a newly created maintenance account to maintain land or water acquired by the Department of Fish, Wildlife, and Parks. Montana's statute governing statutory appropriations, § 17-7-502, MCA, contains requisites for the validity of statutory appropriations. One requirement is that the statute

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

making the statutory appropriation "must specifically state that a statutory appropriation is made as provided in [17-7-502]." The bill sent to my desk for signature omitted that reference and my amendment cures this defect.

I have discussed my amendment with the sponsor of the bill, Senator Barrett, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

Amendments are as follows:

11. Page 7, line 24.

Following: "APPROPRIATED"

Insert: ", as provided in 17-7-502,"

- END -

April 3, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 483, "**AN ACT REVISING ENVIRONMENTAL LAWS RELATED TO ENERGY DEVELOPMENT PROJECTS; REVISING BOARD OF ENVIRONMENTAL REVIEW HEARING REQUEST PROCEDURES; REQUIRING A WRITTEN UNDERTAKING TO BE GIVEN BY CERTAIN PARTIES REQUESTING A HEARING OR A STAY BEFORE A COURT OR THE BOARD OF ENVIRONMENTAL REVIEW; MODIFYING THE EXPIRATION DATE REQUIREMENTS FOR A PERMIT OR LICENSE UNDER THE AIR QUALITY LAWS; CLARIFYING REMAND PROCEDURES; CLARIFYING THE USE OF BEST AVAILABLE CONTROL TECHNOLOGY REGULATIONS AND GUIDANCE; REQUIRING THAT THE BOARD OF ENVIRONMENTAL REVIEW ISSUE A FINAL DECISION WITHIN 150 DAYS UNDER THE AIR QUALITY LAWS AND THE MAJOR FACILITY SITING ACT; AMENDING SECTIONS 2-4-623, 2-4-702, 75-2-103, 75-2-211, 75-5-103, AND 75-20-223, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.**"

House Bill 483, sponsored by Representative Llew Jones, establishes specific administrative procedures for challenging permit decisions for energy development projects made by the Department of Environmental Quality

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

("DEQ"). The bill covers two primary areas. First, it allows either party in a challenge action (the party challenging the DEQ decision or the party defending the decision) to elect to have the challenge decided by either the Board of Environmental Review or directly by a district court judge. Second, the bill sets up time frames under which challenges must be brought, limits the matters subject to challenge, establishes circumstances under which bonding will be required, and defines standards of review for the reviewing entity.

While detailed, my amendments are fairly straightforward and primarily for the purpose of ensuring that the complex details of the bill are fair and equal for all parties involved in a challenge. My amendments also are intended to clarify aspects of the bill that, after working its way through amendments in both houses, I believed were confusing.

In this veto message I highlight three areas that I believe constitute my most substantive amendments. First, I add to the matters that may be raised by a party in a challenge to a final permit decision any material change made by DEQ to the draft permit submitted for public comment upon which the public did not have a meaningful opportunity to comment. Second, I change certain time frames to be more workable. For example, under my amendments, the "clock" begins to run for a final agency decision from the date of the hearing on the merits, or if no hearing is held, from the date briefing by the parties is complete, rather than from the date of the initial challenge. I also include a new provision directing the Board of Environmental Review to require the parties to prepare their case for hearing without unreasonable delay. Finally, my amendments establish the reviewing standard to a "best available control technology" determination based on fact versus law. I leave intact the requirement that the DEQ decision must be given deference by the Board or a district court. Rather than the "clear and convincing" reviewing standard contained in the bill, my amendments ensure that the reviewing entity (the Board or the district court) has the power to correct the DEQ determination if it was incorrect as a matter of law. In order to correct a factual determination by DEQ, the reviewing entity must find the factual basis "clearly erroneous."

HB 483 is a technical, legally detailed bill concerning challenges to DEQ permit decisions on energy development projects, and my amendments are by necessity technical and detailed, as well. In sum, I believe they improve the bill for all parties involved in these types of legal challenges.

I ask you to join me and Rep. Jones, the bill's sponsor, in supporting my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

Amendments are as follows:

1. Title, line 9.

Strike: "CLARIFYING REMAND PROCEDURES;"

2. Title, line 10.

Strike: "REQUIRING THAT"

Insert: "ESTABLISHING DEADLINES FOR"

3. Title, line 11.

Following: "REVIEW"

Insert: "TO"

Strike: "WITHIN"

Strike: "150 DAYS"

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

4. Page 1, line 23.

Strike: "the party has"

5. Page 1, line 24.

Following: "period"

Strike: "₂"

Following: "FEDERAL"

Insert: "or state"

Following: "LAW"

Strike: "OR"

Insert: "made during the comment period,"

6. Page 1, line 25.

Strike: "and the"

Insert: "or to a material change to the draft permit, which was submitted for public comment, made by the department in the final permit decision and upon which the public did not have a meaningful opportunity to comment. The"

Strike: "15"

Insert: "30"

7. Page 2, line 9.

Strike: "30"

Insert: "15"

8. Page 2, line 11.

Strike: "30"

Insert: "15"

9. Page 2, line 13.

Following: "located."

Insert: "(iv)"

Strike: "the applicant or permittee fails to make an election"

Insert: "a party does not elect to submit the matter directly to district court"

Renumber: subsequent subsections

10. Page 2, line 15.

Strike: "application was filed"

Insert: "department issued its decision"

11. Page 2, lines 16 and 17.

Following: "~~evidence~~" on line 16

Strike: remainder of line 16 through "permittee" on line 17

Strike: "first"

12. Page 2, line 18.

Following: "FEDERAL"

Insert: "or state"

Following: "LAW"

Strike: "OR"

Insert: "made during the comment period,"

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

13. Page 2, line 19.

Following: "PERIOD"

Insert: "or to a material change to the draft permit, which was submitted for public comment, made by the department in the final permit decision and upon which the public did not have a meaningful opportunity to comment"

14. Page 2, line 23.

Strike: "._"

15. Page 2, lines 26 through 29.

Strike: "(II)" on line 26 through "(II)" on line 29

Insert: "if"

Strike: "NOT"

16. Page 2, line 30.

Following: "CAUSE"

Insert: "unnecessary"

Strike: ";OR"

Insert: "without a reasonable basis in law or fact."

17. Page 3, line 1.

Strike: "(B) THE"

Insert: "(ii) The board or the district court may not require a written undertaking if the"

18. Page 3, lines 5 and 6.

Following: "unless" on line 5

Strike: remainder of line 5 through "filed" on line 6

Insert: "the determination was incorrect as a matter of law or the factual basis for the determination was clearly erroneous"

19. Page 3, lines 7 and 8.

Strike: "150 days" on line 7

Insert: "4 months"

Following: "from" on line 7

Strike: remainder of line 7 through "hearing" on line 8

Insert: "the close of the hearing on the merits or, if no hearing is held, within 3 months from the date that briefing by the parties is complete"

20. Page 3, line 9.

Following: "time."

Insert: "The board shall require the parties to prepare the case for hearing without unreasonable delay."

21. Page 3, lines 18 and 19.

Following: "diligence." on line 18

Strike: remainder of line 18 through "shown." on line 19

22. Page 6, line 13.

Following: "infrastructure"

Insert: ", as defined by board rule,"

23. Page 12, line 16.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Following: "directly"

Insert: "and"

24. Page 14, line 3.

Following: "infrastructure"

Insert: ", as defined by board rule,"

25. Page 18, line 17.

Strike: "._"

26. Page 18, line 20 through line 23.

Strike: "(2)" on line 20 through "(II)" on line 23

Insert: "if"

Strike: "NOT"

27. Page 18, line 23.

Following: "CAUSE"

Insert: "unnecessary"

28. Page 18, line 24.

Strike: ";OR"

Insert: "without a reasonable basis in law or fact."

29. Page 18, line 25.

Strike: "(B) THE"

Insert: "(2) The district court may not require a written undertaking if the"

30. Page 19, line 7.

Strike: "FEDERAL"

Strike: "OR"

Insert: "made during the comment period,"

Strike: "and the"

Insert: "or to a material change to the draft permit, which was submitted for public comment, made by the department in the final permit decision and upon which the public did not have a meaningful opportunity to comment. The"

31. Page 19, line 8.

Strike: "15"

Insert: "30"

32. Page 19, line 19.

Strike: "30"

Insert: "15"

33. Page 19, line 21.

Strike: "30"

Insert: "15"

34. Page 19, line 25.

Strike: "application was filed"

Insert: "department issued its decision"

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

35. Page 19, lines 26 and 27.

Following: "party" on line 26

Strike: remainder of line 26 through "permittee" on line 27

Strike: "first"

36. Page 19, line 28.

Following: "period"

Insert: "unless the issue is related to a material change in law made during the comment period, to a judicial decision issued after the comment period, or to a material change to the draft permit, which was submitted for public comment, made by the department in the final permit decision and upon which the public did not have a meaningful opportunity to comment"

37. Page 20, line 6 through line 7.

Following: "120" on line 6

Strike: remainder of line 6 through "section" on line 7

Insert: "4 months from the close of the hearing on the merits or, if no hearing is held, within 3 months from the date that briefing by the parties is complete"

- END -

**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 Steenson in the chair.

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

HB 98 - Governor's Amendments - Representative Di. Barrett moved Governor's amendments to **HB 98** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Himmelberger, Howard, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

HB 5 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 5** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, 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, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Brown, Randall, Sales, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: Roundstone, Washburn.

Total 2

HB 645 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 645** be **not** concurred in. Motion carried as follows:

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

Total 73

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 676 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 676** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Brown, Butcher, Kerns, Kottel, Lake, More, Randall, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 3 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 3** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Vance, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Dickenson, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Kottel, Lake, Milburn, Miller, Morgan, Randall, Regier, Reichner, Sales, Smith, Stahl, Stoker, Taylor, Wagner, Warburton, Washburn, Welborn.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 4 - Senate Amendments - Representative Jones moved Senate amendments to **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, 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, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bennett, Boniek, Hendrick, Howard, Kasten, Kerns, Kottel, McGillvray, Mendenhall, Miller, More, Randall,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Smith, Stoker, Taylor, Vance, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: Morgan, Regier, Sales, Sonju.
Total 4

HB 6 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 6** 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, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, 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, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Hendrick, Ingraham, More, Vance.
Total 4

Excused: None.
Total 0

Absent or not voting: Mendenhall.
Total 1

HB 7 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 7** be concurred in. Motion carried 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, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Boniek, Hendrick, Ingraham, Kerns, Lake, McGillvray, More, Randall, Sales, Smith, Stoker, Wagner, Warburton.
Total 13

Excused: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Absent or not voting: Sonju, Washburn.
Total 2

HB 8 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 8** be concurred in. Requires 3/4 adoption of each House. Motion carried as follows, and proceeds to 3rd reading:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, 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, Jones, Jopek, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 73

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Hendrick, Howard, Ingraham, Kasten, Kerns, Kottel, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent.
Total 25

Excused: None.
Total 0

Absent or not voting: Ankney, Stoker.
Total 2

HB 9 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, 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, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Washburn, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 32

Excused: None.
Total 0

Absent or not voting: Wilmer.
Total 1

HB 10 - Senate Amendments - Representative Wiseman moved Senate amendments to **HB 10** be concurred in. Requires 2/3 adoption of each House. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.
Total 30

Excused: None.
Total 0

Absent or not voting: Stoker.
Total 1

HB 11 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, 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, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Arntzen, Boniek, Hendrick, Howard, Ingraham, Kerns, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Sonju, Villa, Vincent, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 110 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 110** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, 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, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Wiseman, Mr. Speaker.
Total 83

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Hendrick, Kerns, Miller, Randall, Regier, Reichner, Sales, Smith, Sonju, Vincent, Wagner.
Total 16

Excused: None.
Total 0

Absent or not voting: Belcourt.
Total 1

HB 128 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 128** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Bennett, Boniek, Hawk, Hendrick, Kasten, Kerns, Miller, Morgan, Randall, Sales, Taylor, Wagner.
Total 12

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

HB 224 - Senate Amendments - Representative Hiner moved Senate amendments to **HB 224** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Blasdel, 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, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bean, Bennett, Berry, Boniek, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Miller, More, Morgan, Randall, Sales, Smith, Vance, Vincent, Wagner.
Total 20

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Excused: None.
Total 0

Absent or not voting: Belcourt.
Total 1

HB 258 - Senate Amendments - Representative McChesney moved Senate amendments to **HB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 73

Nays: Arntzen, Bean, Blasdel, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Milburn, Miller, More, Morgan, Randall, Roberts, Sales, Smith, Taylor, Vance, Wagner.
Total 26

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

HB 315 - Senate Amendments - Representative Blewett moved Senate amendments to **HB 315** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, 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, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Arntzen, Barrett, Bean, P. Beck, Brown, Butcher, Caferro, Howard, Kerns, Lake, Smith, Wagner.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 583 - Senate Amendments - Representative Fleming moved Senate amendments to **HB 583** be concurred in.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Motion carried as follows:

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

Total 84

Nays: Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, Morgan, Randall, Stoker, Villa, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 100 - Representative Berry moved **SB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, 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, 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, Mr. Speaker.

Total 93

Nays: Bean, Caferro, Cohenour, Hands, Morgan, Wilmer, Wiseman.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 425 - Representative K. Peterson moved **SB 425** be concurred in.

SB 425 - Representative Cohenour moved **SB 425** be amended as follows:

1. Title, line 5.

Following: "HATCHERY;"

Insert: "REQUIRING DEVELOPMENT OF A HATCHERY OPERATION AND MAINTENANCE PLAN;"

2. Title, line 5 through line 6.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Strike: "REPEALING" on line 5 through "MCA;" on line 6

3. Title, line 6.

Following: "PROVIDING"

Insert: "AN IMMEDIATE"

Following: "EFFECTIVE"

Strike: "DATES"

Insert: "DATE"

4. Page 2, line 2 through line 3.

Following: "87-3-236" on line 2

Strike: remainder of line 2 through "ACCOUNT," on line 3

5. Page 2, line 6.

Insert: "(5) (a) In order to more efficiently operate and maintain the Fort Peck multispecies fish hatchery and other state hatcheries for the benefit of the Montana angling public, the department shall create a statewide hatchery plan. The plan must be developed with input from the general public and from interested public fishing promotion groups. The plan must include at a minimum:

(i) operation and maintenance goals associated with the Fort Peck multispecies fish hatchery and all other state

hatcheries and the projected costs to achieve those goals;

(ii) species and numbers of fish to be raised at the Fort Peck multispecies fish hatchery and other state hatcheries and projected stocking sites for all hatchery fish;

(iii) available existing scientific assessments of the needs of the fishery or species in question; and

(iv) planning and funding options for all state hatcheries.

(b) The department shall report to the commission and to the 62nd legislature regarding the statewide hatchery plan, including possible legislation necessary to fulfill the goals of the plan."

6. Page 2, line 7 through page 3, line 3.

Strike: section 2 through section 3 in their entirety

Renumber: subsequent section

7. Page 3, line 5.

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

Insert: "[This"

8. Page 3, line 7.

Strike: subsection (2) in its entirety

SB 425 - Rep. Sales moved a substitute motion to segregate item 2 from the amendment and move item 2 as a separate amendment.

SB 425 - Mr. Speaker moved to pass consideration on **SB 425** for the day. Motion carried. Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Mr. Speaker in the chair. Chairman Steenson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 74

Nays: Bennett, French, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Miller, Peterson, Sales, Smith, Vincent, Wagner, Wilson.

Total 17

Excused: Augare, Jones.

Total 2

Absent or not voting: Brown, Himmelberger, More, Nooney, Sonju, Steenson, Washburn.

Total 7

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 38 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, 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, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Bean, Bennett, Kerns, McGillvray, Miller, Randall, Regier, Smith, Wagner, Welborn.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 204 passed as follows:

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

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

Total 64

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

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 264 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, 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, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 77

Nays: Bean, Bennett, Boniek, Brown, Hendrick, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, Morgan, Randall, Reichner, Sales, Smith, Stahl, Vance, Wagner, Warburton, Wiseman.

Total 22

Excused: None.

Total 0

Absent or not voting: McChesney.

Total 1

SB 291 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boss Ribs, Brown, Butcher, Campbell, 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 74

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Nays: Bean, B. Beck, Bennett, Blasdel, Boland, Boniek, Caferro, Cohenour, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Randall, Roberts, Sales, Smith, Sonju, Vance, Wilson.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 300 passed as follows:

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

Total 67

Nays: Bean, B. Beck, Becker, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, MacLaren, McGillvray, Mendenhall, More, Morgan, P. Noonan, Nooney, Randall, Reichner, Sales, Smith, Sonju, Vance, Villa, Vincent, Wagner, Warburton, Washburn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 303 passed as follows:

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

Total 56

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

Total 44

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Total 0

SB 457 Conference Committee report, adopted as follows:

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

Total 67

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Smith, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 509 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 70

Nays: Barrett, P. Beck, Becker, Blewett, Caferro, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Hunter, MacDonald, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Pomnichowski, Roberts, Roundstone, Sands, Sesso, Villa, Wilmer, Wiseman.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 511 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, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: McGillvray, Mendenhall, More, Peterson, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 263** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. Shockley, Chair	Rep. Getz, Vice-Chair
Sen. Liable	Rep. Menahan
Sen. Jent	Rep. Nooney
	Rep. Peterson

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **SB 507** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. McGee, Chair	Rep. Cohenour, Vice-Chair
Sen. Story	Rep. Barrett
Sen. Hamlett	Rep. Lake
	Rep. Stahl

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 418** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. T. Brown, Chair	Rep. Cohenour, Vice-Chair
Sen. Branae	Rep. Barrett
Sen. Essmann	Rep. Lake
	Rep. Taylor

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 645** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. , Chair	Rep. Sesso, Vice-Chair
Sen.	Rep. Hiner
Sen.	Rep. McNutt

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Rep. Morgan

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 5** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. , Chair	Rep. Hollenbaugh, Vice-Chair
Sen.	Rep. Getz
Sen.	Rep. Kasten
	Rep. Ankney

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 676** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. , Chair	Rep. Sesso, Vice-Chair
Sen.	Rep. Villa
Sen.	Rep. Hawk
	Rep. Jones

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 3** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. , Chair	Rep. Hollenbaugh, Vice-Chair
Sen.	Rep. Melhoff
Sen.	Rep. Ankney
	Rep. Jones

MOTIONS

Rep. Nooney moved to take **SB 402** from the House Judiciary Committee and be placed on 2nd reading on the 83rd Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 49

Nays: Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 49

Excused: Augare, Jones.
Total 2

Absent or not voting: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

Rep. Malek moved that her vote be changed to a 'NO' vote on **SB 509**. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HJR 43, introduced by Wiseman, Williams, Essmann, P. Beck, Boland, D. Brown, Getz, McChesney, Cohenour, Steenson, referred to Taxation.

ANNOUNCEMENTS

Rep. Himmelberger rose on a point of order to propose that the House read a rule each day of session in order to keep the body's minds fresh about House rules. He then proceeded to read a rule.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 p.m., Saturday, April 18, 2009. Motion carried.

House adjourned at 11:44 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House