

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

Helena, Montana
April 16, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Reinhart. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker announced that the House of Representatives basketball trophy, won during the bi-annual Senate vs. House basketball game, was taken by the Senate.

Mr. Speaker appointed Representatives Kasten, Hamilton and Hendrick and asked Sgt. -at-Arms Tensley to escort them to the Senate chambers in order to retrieve the trophy.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
SJR 30, be amended as follows:

4/16/2009

1. Page 1, line 18.

Following: "2008"

Insert: "; and

WHEREAS, the Labor-Management Advisory Council on Workers' Compensation consisting of equal representation of the two primary workers' compensation stakeholders groups, namely management and labor, was formed in December 2006 under agency order by the Commissioner of Labor and Industry and was commissioned to identify and research the primary cost drivers in workers' compensation"

2. Page 1, line 25.

Strike: "comparisons on"

3. Page 1, line 27.

Following: "costs"

Strike: ";

Insert: ", in particular:

- (a) duration and availability of and access to medical treatments;
 - (b) use of utilization and treatment guidelines and their effectiveness in other jurisdictions; and
 - (c) evaluation of the impact on cost containment and access to medical treatment resulting from changes to medical fee schedules implemented by the department of labor and industry in 2007 and 2008;
- (3) research and analysis on whether Montana should include presumptions regarding occupational diseases associated with specific occupations;
- (4) recommendations on the appropriate payment of attorney fees in cases involving medical benefits;
 - (5) evaluation of and recommendations on exemptions in workers' compensation."

4. Page 1, line 28 through page 2, line 2.

Strike: subsections (3) through (7) in their entirety

5. Page 2, line 4.

Following: "drivers"

Insert: "and request the Labor-Management Advisory Council on Workers' Compensation to research these areas"

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

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 4/16/2009
SB 100, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman): 4/16/2009
HJR 39, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman): 4/16/2009
HJR 42, be adopted. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 4/16/2009
HJR 41, be adopted. Report adopted.

TAXATION (Lake, Chairman): 4/16/2009
HJR 37, introduced joint resolution, be amended as follows:

1. Page 1.

Following: line 12

Insert: "WHEREAS, urban renewal has provided a means for promoting economic and community development; and
WHEREAS, certain urban renewal area projects and local administrative and financial practices related to urban renewal may be inconsistent with urban renewal provisions; and"

2. Page 1, line 14.

Strike: "has an effect on"

Insert: "affects the property tax base of"

3. Page 1, line 15.

Strike: "the" through "conducted"

Strike: "in recent years"

Insert: "would provide the Legislature with the analysis it needs to determine whether urban renewal laws could be improved"

4. Page 1, line 24.

Strike: "financial impact"

Insert: "property tax implications"

5. Page 1, line 25.

Following: "jurisdictions"

Insert: "both during and after the term of the urban renewal area project"

6. Page 1, line 26 through line 29.

Strike: subsection (4) through subsection (5) in their entirety

Insert: "(4) evaluate the extent to which urban renewal area projects have achieved the goals of economic development, community improvements, and expansion of the property tax base;

(5) determine whether there are instances in which urban renewal area projects and administrative and financial practices within urban renewal areas are inconsistent with urban renewal provisions and legislative intent;

(6) research other matters related to urban renewal that may be appropriate;"

Renumber: subsequent subsections

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7. Page 2, line 1.

Strike: "how"

Insert: "whether"

Strike: "may"

Insert: "should"

And, as amended, be adopted. Report adopted.

MESSAGES FROM THE SENATE

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

4/16/2009

HB 315, introduced by Blewett

HB 598, introduced by P. Noonan

HB 615, introduced by MacLaren

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

4/15/2009

HB 5, introduced by Sesso

HB 10, introduced by Wiseman

HB 11, introduced by Sesso

HB 128, introduced by Sesso

HB 152, introduced by Hamilton

HB 224, introduced by Hiner

HB 258, introduced by McChesney

HB 331, introduced by Morgan

HB 459, introduced by Grinde

HB 464, introduced by O'Hara

HB 645, introduced by Sesso

HB 676, introduced by Sesso

House bills concurred in and returned to the House:

4/16/2009

HB 262, introduced by Ebinger

HB 312, introduced by B. Beck

HB 575, introduced by McChesney

HB 578, introduced by Caferro

HB 629, introduced by Glaser

HB 659, introduced by Roberts

Senate joint resolutions passed and transmitted to the House for concurrence:

4/16/2009

SJR 33, introduced by Perry

SJR 36, introduced by Gebhardt

SJR 37, introduced by Essmann

SJR 38, introduced by Stewart-Peregoy

SJR 39, introduced by Brueggeman

HB 674, introduced by Vincent, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

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4/16/2009

Yeas - 28
Nays - 22

House bill not concurred in and returned to the House:

4/16/2009

HB 662, introduced by Arntzen

HB 531 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 531**:

4/16/2009

Senator Brueggeman, Chair
Senator Hinkle
Senator Windy Boy

Rep. Mendenhall announced that the House Republicans will caucus for 15 minutes.

Rep. Phillips announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will recess until 1:25 p.m.

The House came to order at 1:30 p.m.

Mr. Speaker asked Sgt.-at-Arms Tensley to escort the select committee that was appointed in order to retrieve that basketball trophy from the Senate, back into the House Chamber.

The Select Trophy Committee entered the chamber with the trophy.

The Select Committee gave an update on the score and game tally's, the House in ahead 9 games to 7.

The Select Committee was thanked and disbanded.

**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 McNutt in the chair.

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

SB 457 - Conference Committee Report No. 1 - Representative MacDonald moved the Conference Committee report to **SB 457** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, 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, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

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

Total 33

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Excused: None.
Total 0

Absent or not voting: Hoven, Sonju.
Total 2

HB 2 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 2** *not* 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, 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, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Boniek, Stahl.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 38 - Representative Grinde moved **SB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bean, Bennett, Brown, Glaser, Hendrick, Howard, Jones, Kerns, McGillvray, Miller, Randall, Regier, Reichner, Smith, Stoker, Taylor, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: MacLaren.
Total 1

SB 204 - Representative French moved **SB 204** be concurred in. Motion carried as follows:

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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, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 68

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, More, Morgan, Nooney, Randall, Reichner, Roberts, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 264 - Representative Cohenour moved **SB 264** 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, 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, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 81

Nays: Boniek, Brown, Hendrick, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, Nooney, Randall, Sales, Smith, Vance, Wagner, Warburton, Washburn, Wiseman.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 - Representative Reichner moved **SB 291** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Brown, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 68

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Cohenour, Getz, Hawk, Hendrick, Howard, Kasten, Kerns, Lake,

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MacLaren, McGillvray, Milburn, Miller, Morgan, Nooney, Randall, Roberts, Sales, Smith, Sonju, Vance, Wagner.
Total 26

Excused: None.
Total 0

Absent or not voting: Boss Ribs, Caferro, Himmelberger, Hollandsworth, Reichner, Roundstone.
Total 6

SB 300 - Representative Butcher moved **SB 300** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 65

Nays: Arntzen, Bean, B. Beck, Becker, Bennett, Blasdel, Boniek, Brown, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, Lake, McClafferty, McGillvray, Mendenhall, More, Morgan, Nooney, Randall, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Warburton, Washburn.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Yeas: 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, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 55

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 44

Excused: None.
Total 0

Absent or not voting: Morgan.
Total 1

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SB 343 - Representative Taylor moved **SB 343** be concurred in. Motion carried as follows:

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

Total 79

Nays: Ankney, B. Beck, Caferro, Hawk, Hendrick, Howard, Jones, Kasten, Kerns, Mendenhall, Morgan, Randall, Reichner, Sonju, Stoker, Vance, Villa, Vincent, Wagner, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: Belcourt.

Total 1

SB 509 - Representative Hoven moved **SB 509** be concurred in.

SB 509 - Representative Mehlhoff moved **SB 509**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Following: "EFFECTIVE DATE"

Insert: ", "

Strike: "AND"

Following: "APPLICABILITY DATE"

Insert: ", AND A TERMINATION DATE"

2. Page 6.

Following: line 13

Insert: "NEW SECTION. Section 7. Termination. The amendment in [section 3(5)] defining "coal washing" and the amendment in [section 3(6)] revising the definition of "contract sales price" terminate July 1, 2017."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, 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, Kerns, Klock, Kottel, Lake, 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, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boniek, Caferro, Howard, McGillvray, More, Randall, Regier, Reichner, Stahl, Vincent.

Total 10

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 509 - Representative Hoven moved **SB 509** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Brown, Butcher, Campbell, Ebinger, Fleming, 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, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.
Total 66

Nays: Barrett, P. Beck, Becker, Blewett, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, French, Furey, Grinde, Hamilton, Hands, Henry, Hunter, MacDonald, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wiseman.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 511 - Representative Fleming moved **SB 511** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, 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, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Ankney, Hendrick, Kasten, McGillvray, Miller, More, Peterson.
Total 7

Excused: None.
Total 0

Absent or not voting: Arntzen, Campbell, Hiner, Jopek, A. Noonan.
Total 5

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

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

Total 79

Nays: Bennett, Boniek, Hendrick, MacDonald, Mendenhall, Miller, More, Regier, Roberts, Stahl, Vincent, Warburton.

Total 12

Excused: None.

Total 0

Absent or not voting: Blasdel, Hands, Howard, Jones, Malek, McNutt, A. Noonan, Pease-Lopez, Wagner.

Total 9

FIRST READING AND COMMITMENT OF BILLS

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

SJR 33, introduced by Perry, referred to Business and Labor.

SJR 36, introduced by Gebhardt, Keane, referred to Federal Relations, Energy, and Telecommunications.

SJR 37, introduced by Essmann, referred to Taxation.

SJR 38, introduced by Stewart-Peregoy, Sands, Henry, Windy Boy, Augare, Pease-Lopez, Ankney, referred to Human Services.

SJR 39, introduced by Brueggeman, Hinkle, Wanzenried, Gillan, Laslovich, Cooney, Brueggeman, referred to Judiciary.

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 42, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, 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, 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, Noonan, 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

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Excused: None.
Total 0

Absent or not voting: Butcher.
Total 1

HB 150, as amended by the Governor, passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Campbell, Cohenour, 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.
Total 91

Nays: Barrett, Caferro, Hands, Peterson, Sands, Sesso, Wiseman, Mr. Speaker.
Total 8

Excused: None.
Total 0

Absent or not voting: Butcher.
Total 1

HB 173, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Boniek, Ingraham, Kasten, Kerns, Mendenhall, Randall, Regier, Roberts, Sales, Smith, Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: Butcher.
Total 1

HB 301, as amended by the Governor, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Campbell,

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Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Bean, B. Beck, P. Beck, Blasdel, Boniek, Brown, Caferro, Hendrick, Ingraham, Kasten, Lake, Mendenhall, Miller, More, Morgan, Roberts, Sales, Smith, Sonju, Vance, Vincent, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 333, as amended by the Senate, passed 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, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hendrick, Kerns, Lake, MacLaren, Mendenhall, Miller, Randall, Roberts, Sales, Sonju, Stoker, Vincent, Wagner, Warburton, Washburn.

Total 20

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 478, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, 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, 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, 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 97

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Nays: Butcher, Wagner.
Total 2

Excused: None.
Total 0

Absent or not voting: Reichner.
Total 1

SB 55 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Belcourt, Berry, 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, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 78

Nays: Bean, Becker, Bennett, Blasdel, Boniek, Brown, Hendrick, Kasten, Kerns, MacLaren, McGillvray, Miller, More, Morgan, Randall, Roberts, Sonju, Vance, Vincent, Wagner, Warburton, Wiseman.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 97 concurred in as follows:

Yeas: 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, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Miller, Morgan, Nooney, Randall, Sales, Sonju, Vance, Vincent, Wagner, Washburn, Welborn.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 214 concurred in as follows:

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

Total 79

Nays: Barrett, Becker, Bennett, Boniek, Brown, Caferro, Cohenour, Henry, Kerns, Lake, MacDonald, Malek, McAlpin, Menahan, Miller, Sands, Stoker, Wagner, Wiseman.

Total 19

Excused: None.

Total 0

Absent or not voting: Kottel, McChesney.

Total 2

SB 249 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Boniek, Butcher, Campbell, Ebinger, French, Furey, Getz, Grinde, Hoven, Howard, Ingraham, Jones, Kerns, Klock, Kottel, MacDonald, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Roundstone, Sesso, Smith, Stahl, Taylor, Villa, Vincent, Wagner, Warburton, Wilmer, Wilson, Mr. Speaker.

Total 54

Nays: Bean, B. Beck, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Fleming, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kasten, Lake, MacLaren, Malek, McAlpin, Menahan, Mendenhall, Nooney, Pomnichowski, Reichner, Reinhart, Roberts, Sales, Sands, Sonju, Steenson, Stoker, Vance, Van Dyk, Washburn, Welborn, Wiseman.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 322 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, 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, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands,

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Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bennett, Boniek, Caferro, Hawk, Howard, Kasten, Kerns, Mendenhall, Miller, Randall, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 439 concurred in as follows:

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

Total 72

Nays: Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hendrick, Himmelberger, Hoven, Howard, Jones, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Randall, Regier, Sales, Vance, Vincent, Wagner, Warburton.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Kasten moved to take **SB 344** from committee and be placed on 2nd reading on the 82nd Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Butcher, Campbell, French, Getz, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn, Mr. Speaker.

Total 54

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

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Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Peterson moved to take **SB 425** from the Fish, Wildlife and Parks Committee and be placed on 2nd reading on the 82nd Legislative Day. Motion requires 3/5 majority vote. Motion carried as follows:

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

Total 62

Nays: Barrett, P. Beck, Becker, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Campbell moved that **SB 343** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 2**, and request the Senate appoint a like committee.

Mr. Speaker appoints:

Sesso, Vice Chair

Hiner

Jones

Kasten

Rep. Sales rose on a point of order to announced that it should be Rep. Hawk.

Mr. Speaker announced that the House will stand at ease at 3:09 p.m.

The House came to order 3:10 p.m.

Rep. Campbell withdrew her motion.

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 2**, and request the Senate appoint a like committee.

The Speaker Appoints:

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Sesso, Vice Chair
Hiner
Jones
Hawk

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 10:00 a.m., Friday, April 17, 2009. Motion carried.

House adjourned at 3:12 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House