

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

Helena, Montana
April 20, 2009

House Chambers
State Capitol

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

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

Mr. Speaker introduced the pages for the week:

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 152 as amended by 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, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 as amended by Senate, passed 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,

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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, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Bennett, Boniek, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Peterson, Randall, Sales, Smith, Stahl, Vance, Wagner.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 464 as amended by Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, 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, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Bennett, Boniek, Brown, Caferro, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Miller, Morgan, Sales, Smith, Sonju, Vincent.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 483 as amended by Senate, passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, 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, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 94

Nays: Blewett, Driscoll, Hands, Henry, Reinhart, Wiseman.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 32 adopted as follows:

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

Total 61

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

Total 39

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HJR 37 adopted as follows:

Yeas: Ankney, Arntzen, Barrett, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Reinhart, Roundstone, Sales, Sands, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Augare, Bean, B. Beck, P. Beck, Bennett, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Hollandsworth, Hollenbaugh, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Phillips, Pomnichowski, Regier, Reichner, Roberts, Sesso, Smith, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 39 adopted as follows:

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

Total 63

Nays: Ankney, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 37

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HJR 42 adopted 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, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 54

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

Total 45

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

SB 100 concurred in as follows:

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

Total 94

Nays: Caferro, Cohenour, Morgan, Pomnichowski, Reinhart, Wiseman.

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Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 425 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Driscoll, French, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Rooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Barrett, P. Beck, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Ebinger, Fleming, Furey, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacLaren, Malek, McAlpin, McClafferty, Menahan, More, Phillips, Pommichowski, Reinhart, Sales, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MESSAGES FROM THE GOVERNOR

April 18, 2009

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

The Honorable Robert Story

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President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 533, "**AN ACT ADDING VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE AS A CRIME FOR WHICH A YOUTH 16 YEARS OF AGE OR OLDER MAY BE CHARGED AS AN ADULT IN DISTRICT COURT; AND AMENDING SECTION 41-5-206, MCA**" for the following reasons.

House Bill 533 adds the crime of vehicular homicide while under the influence to the list of crimes for which a youth 16 years of age or older can be charged as an adult. Unlike most of the crimes for which a youth may be charged as an adult, the crime of vehicular homicide involves the commission of a negligent not an intentional act. A youth who commits this crime has obviously made bad decisions, but is not, in all likelihood, a bad kid. When I consider the consequences of this bill, I do not believe that deterrence will be among them. I believe that the only real consequence is that the punishment will be more severe. More importantly, I am not convinced that trying this youth as an adult will produce better results in terms of rehabilitating the youth than treatment and punishment through the youth court.

I respectfully ask that you sustain my veto of House Bill 533 for the reasons stated above.

Sincerely,

BRIAN SCHWEITZER
Governor

April 19, 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:

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Yesterday, April 18, 2009, I issued a veto of House Bill 533 and returned it to the House of Representatives with a letter stating the reasons for my veto. My veto statement asked that you sustain my veto for the reasons in the letter. I discovered today that the letter also unintentionally stated that I was returning the bill with amendments. I offered no amendments to the bill, and I am writing today to clarify yesterday's letter. Please also be advised that my attorney returned the bill to the Clerk of the House yesterday, and at the time of the return, both my attorney and the Clerk signed a written acknowledgment that the bill was delivered to the House with the reasons for my veto.

I am writing to clarify the written veto message. Thank you.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

April 18, 2009

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

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 536, "**AN ACT REVISING IGNITION INTERLOCK DEVICE REQUIREMENTS; AMENDING SECTIONS 61-8-442 AND 61-8-733, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

I have proposed these amendments at the request of the Department of Justice. Changes made by the Senate to sections 1 and 2 of the bill (to §§ 61-8-442 and 61-8-733, MCA), resulted in an incompatibility between those criminal statutes and § 61-5-208, MCA, an administrative statute

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enforced by the Motor Vehicle Division governing drivers license suspensions and issuance of probationary drivers' licenses. The amendments cure the incompatibility. Additionally, the amendments sought by the Department of Justice ensure that Montana's laws are consistent with federal requirements, particularly those enacted by Congress in 2008 governing sanctions for repeat intoxicated drivers.

Finally, the amendments also reinstate the requirement contained in current law that a repeat offender is responsible for paying for the costs of leasing, installing, and maintaining the interlock device. It appears those current requirements were unintentionally eliminated when the Senate amended the bill.

Combined, I believe these amendments retain the intent of the Legislature to require interlock devices on any vehicle driven by a second or subsequent offender during any probationary drivers' license period.

I have discussed these amendments with the sponsor of the bill, Representative Malek, who supports the amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 536

1. Title, line 6.

Following: "SECTIONS"

Insert: "61-5-208,"

Following: "61-8-442"

Insert: ", "

Strike: "AN IMMEDIATE"

2. Title, line 7.

Strike: "EFFECTIVE DATE AND"

3. Page 1, line 10.

Insert: "Section 1. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- limitation on issuance of

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probationary license -- notation on driver's license. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension, unless the person completes at least 45 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a probationary driver license be issued subject to the requirements of 61-8-442. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) Except as provided in subsection (3)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

(4) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.

(5) (a) A driver's license that is issued after a license revocation to a person described in subsection (5)(b) must be clearly marked with a notation that conveys the term of the person's probation restrictions.

(b) The provisions of subsection (5)(a) apply to a license issued to a person for whom a court has reported a felony conviction under 61-8-731, the judgment for which has as a condition of probation that the person may not operate a motor vehicle unless:

- (i) operation is authorized by the person's probation officer; or
- (ii) a motor vehicle operated by the person is equipped with an ignition interlock

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device.""

Renumber: subsequent sections

4. Page 1, line 19.

Following: "shall"

Insert: " :

(a) if recommending that a probationary license be issued to the person,"

5. Page 1, line 21.

Following: "PERIOD"

Strike: "OR"

Insert: "and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or

(b)"

6. Page 2, line 12.

Following: "shall"

Insert: " :

(a) if recommending that a probationary license be issued to the person,"

7. Page 2, line 13.

Following: "PERIOD"

Strike: "OR"

Insert: "and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or

(b)"

8. Page 2, line 30.

Strike: line 30 in its entirety

Renumber: subsequent sections

- END -

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The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 400, "**AN ACT LIMITING DISMISSALS IN JUSTICES' COURT; AMENDING SECTION 25-31-409, MCA; AND REPEALING SECTION 25-33-207, MCA**" for the following reasons.

Senate Bill 400 limits dismissals in justice court in two instances. In the first instance, a dismissal would be disallowed for nonservice of a summons or failure to proceed while a summons remains valid. The second concerns a dismissal for failure to file an undertaking when a matter is appealed from justice court.

My amendment addresses the second area involving undertakings. Appeals from justice court require the filing of an undertaking, which may not exceed twice the amount of the judgment or value of the property when the judgment is for the recovery of personal property. Claims brought in justice court may not exceed \$7,000 in value.

Current law contains two contradictory provisions concerning the dismissal of actions from justice court for failure to file an undertaking. Section 25-33-207, MCA, which is repealed under Senate Bill 400, allows a party to file the undertaking any time at or before the hearing on a motion to dismiss the appeal. Section 25-33-208, MCA, subjects the action to dismissal for failure of the party to file an undertaking within 10 days after filing a notice of appeal. My proposed amendment repeals the latter provision, not the former, as proposed in the bill. Under my amendment, a party could cure the failure to file an undertaking up to the time of the hearing on a motion to dismiss. I believe the mandatory remedy of dismissal of an action for failure to file an undertaking within 10 days is unfairly harsh.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO SENATE BILL 400

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1. Title, line 5.

Strike: "25-33-207"

Insert: "25-33-208"

2. Page 1, line 17.

Strike: "25-33-207"

Insert: "25-33-208"

- END -

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 371, "**AN ACT REVISING THE DEFINITION OF "EMPLOYEE" OR "WORKER" WITH RESPECT TO WORKERS' COMPENSATION LAWS; CLARIFYING INJURIES THAT MAY NOT BE CONSIDERED AS ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT; AMENDING SECTIONS 39-71-118 AND 39-71-407, MCA; AND PROVIDING AN EFFECTIVE DATE**" for the following reasons.

Senate Bill 371 defines certain injuries that do not arise out of and in the course and scope of employment for purposes of workers' compensation coverage. To my understanding, one of the major questions that arose during the deliberations over Senate Bill 371 was whether and to what extent the newly enacted definition changes coverage now available under current rulings by the Montana Supreme Court and generally recognized principles in workers' compensation law. I have reviewed the bill and discussed it with representatives from the Montana Department of Labor and Industry who specialize in this area. My amendments seek to clarify that the bill codifies current legal principles and standards in the area of workers' compensation law.

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Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 371

1. Page 1, line 9 through line 14.

Strike: line 9 through line 14 in their entirety

Insert: "WHEREAS, the Montana Legislature finds it necessary to provide more certainty and seeks to codify a definition of injuries that do not arise out of and in the course and scope of employment and that is consistent with current rulings of the Montana Supreme Court and generally recognized principles in workers' compensation law."

- END -

April 19, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 446, "**AN ACT REVISING HOSPITAL LAWS TO PROVIDE LICENSING REQUIREMENTS FOR SPECIALTY HOSPITALS; REQUIRING AN IMPACT STUDY BEFORE A SPECIALTY HOSPITAL IS LICENSED; REQUIRING PAYMENT NONDISCRIMINATION AND CHARITY CARE POLICIES FOR HOSPITALS; REQUIRING HOSPITALS TO ENSURE 24-HOUR EMERGENCY CARE; AMENDING SECTIONS 50-5-101 AND 50-5-245, MCA; AND PROVIDING AN EFFECTIVE DATE**" for the following reasons.

Senate Bill 446, sponsored by Senator Story, effectively lifts the moratorium on specialty hospitals in Montana and establishes application and licensure requirements for specialty

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hospitals. As you know, specialty hospitals are a subclass of hospitals exclusively engaged in the treatment of patients with a cardiac condition, an orthopedic condition, or cancer-related diseases. Unlike community hospitals, specialty hospitals serve a “niche” market, and there has been a fair amount of research and debate as to the overall impact specialty hospitals have on health care costs to Americans, one area of focus being that specialty hospitals do not serve indigent patients to the same extent as community hospitals.

Senate Bill 446 seeks to address these policy concerns by including prohibitions on hospital discrimination based on a patient’s ability to pay. The bill also requires all hospitals, including specialty hospitals to have a charity care policy consistent with the tax status of the hospital.

My amendments alter the charity care policy requirements by requiring specialty hospitals to have a written charity care policy irrespective of the hospital’s tax status. While I recognize that under the bill, a specialty hospital applying as a joint venture with a nonprofit hospital must have the same charity care policy as the nonprofit, my amendment will ensure that a charity care policy is in place for all specialty hospitals.

I ask for your support.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 446

1. Page 8, line 28.

Strike: "A"

Insert: "Except as provided in subsection (3), a"

2. Page 9, line 5.

Insert: "(3) A specialty hospital must have in writing a charity care policy consistent with industry standards for nonprofit hospitals irrespective of the tax status of the specialty hospital."

- END -

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The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 158, "**AN ACT INCREASING THE NUMBER OF DISTRICT COURT JUDGES; PROVIDING FOR ADDITIONAL JUDGES IN THE 1ST, 11TH, AND 13TH JUDICIAL DISTRICTS TO BE ELECTED AT THE NOVEMBER 2010 GENERAL ELECTION; AMENDING SECTION 3-5-102, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE**" for the following reasons.

As passed by the Legislature, Senate Bill 158 adds three new district court judges – located in the first, eleventh, and thirteenth judicial districts – to be elected in November 2010 and begin their terms of office on January 3, 2011. While the need for additional judges is clear, so too, are the limits of our financial capacity during these financially challenging times. The amendments I propose would delay the effective date of this legislation by four years. They seek to achieve the balance of bringing a greater level of judicial services, but to do so when the state's economy has rebounded and our revenue picture has improved.

I ask for your support of my amendments to Senate Bill 158.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 158

1. Title, line 8.
Strike: "2010"
Insert: "2014"

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2. Page 1, line 28.

Strike: "2010"

Insert: "2014"

Strike: "3, 2011"

Insert: "5, 2015"

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

Strike: section 3 in its entirety

Renumber: subsequent section

4. Page 2, line 5.

Strike: "2010"

Insert: "2014"

- END -

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 171, "**AN ACT CREATING THE OFFENSE OF DAMAGE TO RENTAL PROPERTY; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

Senate Bill 171 creates the criminal offense of damage to rental property for damage exceeding \$500 over the damage deposit, if any, or if no deposit exists, exceeding \$500. Violation of the offense carries a fine of up to \$1000 and/or 6 months in jail. Additionally, a judge is required to order restitution, though the judge has discretion as to the amount.

My amendments do three things. First, under the bill presented to me, the acts of destroying, defacing, damaging, impairing, or removing a part of the rental property constitute conduct

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falling within the criminal offense created under the bill. My amendment eliminates the act of "removal" of a part of the property as something that falls within the definition of the criminal offense. "Removal" of property is a category more similar to theft, and I believe should be prosecuted as such.

Second, my amendment lowers the maximum fine that can be imposed under this criminal offense from \$1,000 to \$500. This amendment will have the effect of limiting jurisdiction of a prosecution of the offense to justice court and eliminating the concurrent jurisdiction that district courts have over offenses punishable by a fine exceeding \$500. See §3-10-303, MCA. I ask you to keep in mind that a prosecutor is still free to exercise his or her discretion to bring criminal mischief charges for the same conduct under § 45-6-101, MCA, violation of which carries a fine of up to \$1,000. Under the criminal mischief statute, if the pecuniary loss exceeds \$1,000, felony charges can be brought.

Third, my amendment removes the restitution provisions from the bill. Criminal procedures already contain provision for the imposition of restitution by judges, and those provisions are flexible and well-established. See §§ 46-18-201(5) and 46-18-241 to -249, MCA. I don't believe it is necessary to enact specific restitution provisions for this newly created offense, which may differ from the general restitution provisions applicable to all crimes.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 171

1. Page 1, line 12.

Following: "damages"

Insert: "or"

Following: "impairs"

Strike: ", or removes"

2. Page 1, line 18.

Strike: "\$1,000"

Insert: "\$500"

3. Page 1, lines 23 through 28.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

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- END -

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 360, "**AN ACT GENERALLY REVISING THE MONTANA MAJOR FACILITY SITING ACT; CLARIFYING THE DEFINITION OF "FACILITY"; AMENDING SECTION 75-20-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

Senate Bill 360 revises the Major Facility Siting Act primarily by exempting from the Act geothermal plants of 50 megawatts or less and certain upgrades of transmission lines outside existing right-of-way. My amendment addresses the latter subject.

The Major Facility Siting Act currently exempts new transmission lines of 10 miles or less and upgrades within existing easements or right-of-ways, regardless of length. Senate Bill 360 exempts from Siting Act review upgrades outside existing easements or right-of-ways so long as the new portion does not exceed 10 miles in length, or is not 10% of the existing transmission right-of-way, whichever is greater.

My amendment limits the upgrade exemption to only those upgrades of existing line requiring 10 miles or less of new right-of-way. As stated, the 10 mile exemption is the same as that given construction on new transmission lines under § 75-20-104(8)(a)(i), MCA. Thus, construction of new lines and upgrades of existing lines outside existing right-of-ways would be subject to the same permitting standards.

I ask for your support of this amendment.

Sincerely,

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BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 360

1. Page 3, lines 3 and 4.
Following: "LENGTH" on line 3
Strike: Remainder of line 3 through "GREATER" on line 4

-END-

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

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

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 396, "**AN ACT PROVIDING AN EXEMPTION FOR A REPLACEMENT APPROPRIATION FOR A WATER RIGHT FOR CERTAIN CHANGES IN POINTS OF DIVERSION; AND AMENDING SECTION 85-2-402, MCA**" for the following reasons.

Senate Bill 396, sponsored by Senator Robert Story, enables a water appropriator to change an existing point of diversion without prior approval of the Department of Natural Resources and Conservation ("DNRC"), under certain conditions. Present law requires that a change in a point of diversion be pre-approved by the DNRC. Senate Bill 396 alters present law to allow for an appropriator to change a point of diversion that has become inoperable or deteriorated without prior approval of the DNRC, provided that the new point of diversion does not change the amount of water diverted or impact the water rights of other appropriators. After a new diversion is in place, SB 396 would require that the appropriator file a notice of replacement point of diversion with the DNRC. DNRC, after an assessment of the notice and, if deemed

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necessary, an inspection of the diversion, would then issue an authorization for the change if the new diversion fulfills all requirements.

I am concerned that SB 396, as currently drafted, could result in adverse consequences for other appropriators if more water than intended is diverted. The bill as it stands now allows the appropriator to use water as soon as the new diversion point is completed, prior to review and approval by the DNRC. If more water than intended is diverted, other appropriators would be denied the use of that water until administrative review and hearing processes are completed.

My amendments preserve the ability of an appropriator to change a point of diversion without prior approval of the DNRC, but require that the appropriator refrain from using the replacement point of diversion until the notice of replacement is filed and authorization made by the Department. I have also included a time period of one year following an authorization of a replacement diversion point during which other appropriators may file an objection. This period gives potential objectors time to judge the impacts of the new diversion point on their water rights.

I ask you to join me in supporting my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 396

1. Page 2, line 25.
Following: "(15)"
Strike: "and"
Insert: ", "
Following: "(16)"
Insert: ", and (18)"

2. Page 2, line 26.
Following: "without the"
Insert: "prior"

3. Page 9, line 27.
Following: "FORM"
Strike: "PROVIDED BY"
Insert: "available from"

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Following: "THE DEPARTMENT."

Insert: "The replacement point of diversion may not be used until a notice of replacement is filed and authorization is made by the department."

4. Page 10, lines 12 through 15.

Following: "SHALL" on line 12

Strike: remainder of line 12 through "(B)" on line 15

5. Page 10, line 21.

Strike: "AN"

Insert: "Within 1 year following the authorization of the change from the department, an"

- 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 Hollenbaugh in the chair.

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

HB 658 - Senate Amendments - Representative Jopek moved Senate amendments to **HB 658** 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, 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, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek, Kasten, Wagner.

Total 3

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 85 - Governor's Amendments - Representative Sands moved Governor's amendments to **HB 85** be concurred in. Motion carried as follows:

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

Total 82

Nays: Bennett, Blasdel, Boniek, Hendrick, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: Belcourt.

Total 1

HB 557 - Governor's Amendments - Representative Belcourt moved Governor's amendments to **HB 557** 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, 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, 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, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn,

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Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Bean, Kasten, Kerns, Lake, Randall, Sales, Wagner.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 486 - Conference Committee Report No. 1 - Representative MacLaren moved the Conference Committee report to **HB 486** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Belcourt, Bennett, Berry, Blewett, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Bean, B. Beck, Becker, Blasdel, Boland, Boniek, Brown, Dickenson, Hendrick, Hoven, Ingraham, Jones, Kasten, Kerns, Lake, Mehlhoff, Mendenhall, More, Morgan, O'Hara, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 31

Excused: None.
Total 0

Absent or not voting: Boss Ribs, Hawk.
Total 2

HB 531 - Conference Committee Report No. 1 - Representative Nooney moved the Conference Committee report to **HB 531** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boniek, Brown, Butcher, Caferro, Campbell, Getz, Hands, Hendrick, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A.

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Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 67

Nays: P. Beck, Berry, Boland, Boss Ribs, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hoven, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Wilmer, Wilson, Wiseman.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 598 - Senate Amendments - Representative P. Noonan moved Senate amendments to **HB 598** be concurred in. Motion carried as follows:

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

Total 91

Nays: Berry, Boniek, Caferro, Himmelberger, Hollandsworth, Regier, Warburton.

Total 7

Excused: None.

Total 0

Absent or not voting: Howard, McChesney.

Total 2

HB 615 - Senate Amendments - Representative MacLaren moved Senate amendments to **HB**

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615 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. 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, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 90

Nays: Augare, Belcourt, Boniek, Caferro, Campbell, Mendenhall, More, Wagner, Wiseman.
Total 9

Excused: None.
Total 0

Absent or not voting: Nooney.
Total 1

HB 634 - Senate Amendments - Representative McAlpin moved Senate amendments to **HB 634** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, 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, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Blasdel, Boniek, Hawk, Hendrick, Ingraham, Kasten, Lake, Miller, Smith, Vincent.
Total 10

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

HB 636 - Senate Amendments - Representative Dickenson moved Senate amendments to **HB 636** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, 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, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: Ankney, Bean, Bennett, Berry, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, Morgan, Randall, Regier, Roberts, Sales, Smith, Stoker, Taylor, Wagner, Warburton, Welborn.
Total 29

Excused: None.

Total 0

Absent or not voting: B. Beck, Milburn.

Total 2

HB 678 - Senate Amendments - Representative Pomnichowski moved Senate amendments to **HB 678** be **not** concurred in. Motion **failed** as follows, and will proceed to 3rd reading:

Yeas: Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 45

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

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Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 40 - Representative Menahan moved **HJR 40** be adopted. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, Pease-Lopez, Reinhart, Sands, Sesso, Steenson, Stoker, Van Dyk, Vincent, Wagner, Wiseman, Mr. Speaker.

Total 43

Nays: Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Glaser, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Vance, Villa, Warburton, Washburn, Wilmer, Wilson.

Total 54

Excused: None.

Total 0

Absent or not voting: Boss Ribs, Taylor, Welborn.

Total 3

Mr. Speaker rose on a point of order to state that House Rule 40-140(4) states that if a **do not concur** motion fails than the opposite is true. So to clarify, when the do not concur motion on **HB 678** failed, the opposite is a do concur motion and it proceeds onto 3rd reading.

HJR 43 - Representative Wiseman moved **HJR 43** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara,

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Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

Nays: Bean, Boniek, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Kasten, Kerns, Lake, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Sales, Smith, Stoker, Taylor, Vance, Wagner.

Total 24

Excused: None.

Total 0

Absent or not voting: B. Beck, Brown, Glaser, Himmelberger, McGillvray, Reichner, Washburn, Welborn.

Total 8

SB 343 - Representative Taylor moved **SB 343** 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, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bean, Caferro, Dickenson, Hendrick, Howard, Kasten, Kerns, Mendenhall, More, Morgan, Vance, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: Peterson, Phillips, Sesso, Warburton.

Total 4

Rep. Wiseman rose on a point of parliamentary enquiry.

Rep. Stahl moved that **SB 475** be moved to the bottom of the board. Motion carried.

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SJR 3 - Representative Lake moved **SJR 3** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, Malek, McAlpin, McChesney, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Vincent, Warburton, Washburn, Wilmer, Wilson.

Total 65

Nays: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Boniek, Brown, Butcher, Campbell, Grinde, Himmelberger, Howard, Kasten, Kerns, MacDonald, MacLaren, McClafferty, McGillvray, McNutt, Mendenhall, Morgan, Pease-Lopez, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Wagner, Welborn, Wiseman, Mr. Speaker.

Total 34

Excused: None.

Total 0

Absent or not voting: Villa.

Total 1

SJR 28 - Representative Hendrick moved **SJR 28** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, 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, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Bean, B. Beck, Bennett, Boniek, Brown, Butcher, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, Morgan, Regier, Reichner, Wagner, Washburn.

Total 17

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SJR 29 - Representative MacDonald moved **SJR 29** 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, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 59

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent, Welborn.

Total 39

Excused: None.

Total 0

Absent or not voting: Mehlhoff, Stahl.

Total 2

SJR 30 - Representative Hunter moved **SJR 30** 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, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Bean, Bennett, Brown, Butcher, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, More, Peterson, Randall, Sales, Vance, Vincent, Wagner, Warburton, Washburn.

Total 22

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Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

SJR 37 - Representative Lake moved **SJR 37** 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, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, 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, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman.

Total 83

Nays: Bennett, Blasdel, Boniek, Brown, Dickenson, Hawk, Himmelberger, Kasten, Kerns, Malek, Sales, Sands, Sonju, Vincent, Wagner, Welborn, Mr. Speaker.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 475 - Representative Driscoll moved **SB 475** do pass.

SB 475 - Representative Stahl moved **SB 475**, second reading copy, be amended as follows:

1. Page 2, line 12 through page 3, line 9.

Strike: section 4 in its entirety

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara,

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Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 85

Nays: Becker, Caferro, Cohenour, Dickenson, Hamilton, Henry, Jopek, A. Noonan, Phillips, Pomnichowski, Villa, Wilmer, Wiseman.

Total 13

Excused: Boniek.

Total 1

Absent or not voting: McAlpin.

Total 1

SB 475 - Representative Pomnichowski moved **SB 475**, second reading copy, be amended as follows:

1. Title, line 4.

Following: "SALES;"

Strike: "AND"

2. Title, line 5.

Following: "DEADLINE"

Insert: "; AND ALLOWING FOR PUBLIC MEETINGS"

3. Page 2, line 4.

Insert: "NEW SECTION. Section 2. Option for public meeting. (1) Public meetings may be held at least 14 days before an upcoming sale.

(2) The department may hold a meeting on its own initiative or at the request of a county commission in a county where a tract is being offered for sale."

Insert: "NEW SECTION. Section 3. No appropriation. It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding."

ReNUMBER: subsequent sections

4. Page 2, line 9.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

5. Page 2, line 10.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

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Amendment **failed** as follows:

Yeas: Augare, Barrett, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pommichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Villa, Wilmer, Wilson, Wiseman.
Total 38

Nays: Ankney, Arntzen, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boss Ribs, Brown, Butcher, Ebinger, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 60

Excused: Boniek.
Total 1

Absent or not voting: Mehlhoff.
Total 1

SB 475 - Representative Driscoll moved **SB 475**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blewett, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 83

Nays: Becker, Blasdel, Boland, Boniek, Dickenson, Hendrick, Jopek, Kasten, McClafferty, Mendenhall, A. Noonan, P. Noonan, Sales, Sesso, Villa, Wiseman.
Total 16

Excused: None.
Total 0

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Absent or not voting: Pomnichowski.

Total 1

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

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

Total 89

Nays: McGillvray, Miller, Phillips, Sales, Vance, Vincent, Wilson.

Total 7

Excused: Boniek.

Total 1

Absent or not voting: French, Hollenbaugh, Mendenhall.

Total 3

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 263**

Report No. 1, April 20, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 263** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 263** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.

Following: the first "the"

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Strike: "MINIMUM"

2. Page 1, line 23 through line 24.

Following: "AS" on line 23

Strike: remainder of line 23 through "SUBSECTION" on line 24

Insert: "follows, except as provided in subsections"

3. Page 1, line 25.

Following: "(2)"

Strike: "."

Insert: "and (3):

(a) in every misdemeanor case, \$150; and

(b) in every felony case, \$500."

4. Page 2, line 1.

Following: "INCURRED"

Insert: "and, except as provided in subsection (3), the court shall require the defendant to pay the costs of counsel and other costs and expenses as reflected in the statement"

5. Page 2, line 16 through line 20.

Strike: subsection (5) in its entirety

For the Senate:

Shockley, Chair

Laible

Jent

For the House:

Getz, Vice Chair

Menahan

Nooney

Peterson

MOTIONS

Rep. Caferro moved that her vote be changed to a 'YES' for 3rd reading on **HJR 32**. Motion carried.

Rep. Campbell moved that the Speaker be authorized to appoint a FREE Conference Committee on HB 658 and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Jopek, Vice Chair

Rep. Barrett

Rep. Lake

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Rep. Blasdel

SPECIAL ORDERS OF THE DAY

Rep. Himmelberger read and explained House Joint Rule 40-210 "Governors Veto"
Rep. Himmelberger read and explained House Rule 70-60.
Rep. Himmelberger read and explained House Rule 40-260.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Tuesday, April 21, 2009. Motion carried.

House adjourned at 3:02 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House