

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

Helena, Montana  
April 21, 2009

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. O'Hara. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Becker, Chairman): 4/21/2009  
**SJR 35**, be concurred in. Report adopted.

**JUDICIARY** (Stoker, Chairman): 4/21/2009  
**HR 3**, introduced bill, be amended as follows:

1. Page 1.

**Following:** line 23

**Insert:** "Department of Justice

Montana Highway Patrol	\$175,000	General Fund
Office of Public Defender		
Appellate Defender	\$292,000	General Fund
Office of Public Instruction		
Pupil Transportation	\$360,000	General Fund"

2. Page 1.

**Strike:** line 24 through line 26 in their entirety

3. Page 1.

**Following:** line 26

**Insert:** "Commissioner of Political Practices \$36,000 General Fund"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**House amendments to Senate bills** concurred in: 4/20/2009

**SB 55**, introduced by Steinbeisser

**SB 214**, introduced by Steinbeisser

**House bills** concurred in and returned to the House: 4/20/2009

**HB 97**, introduced by Boland

**HB 135**, introduced by Belcourt

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**House joint resolution** concurred in and returned to the House: 4/20/2009

**HJR 35**, introduced by Himmelberger

**HB 331** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 331**:

4/20/2009

Senator Gebhardt, Chair  
Senator Jackson  
Senator J. Tropila

**HB 658** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 658**:

4/20/2009

Senator Essman, Chair  
Senator Gebhardt  
Senator Gillian

**Governor's amendments to Senate bills** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/20/2009

**SB 117**, introduced by Wanzenried  
**SB 164**, introduced by De. Barrett  
**SB 268**, introduced by R. Brown  
**SB 399**, introduced by Laslovich

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

4/21/2009

**HB 130**, introduced by Stoker  
**HB 131**, introduced by Stoker  
**HB 132**, introduced by Stoker

Conference Committee Report No.1 passed SECOND reading:

4/20/2009

**HB 486**, introduced by MacLaren  
**HB 531**, introduced by Nooney  
**SB 348**, introduced by Essmann

**MESSAGES FROM THE GOVERNOR**

April 13, 2009

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

Dear Representative Bergren:

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Please be informed that I have signed **House Bill 190** sponsored by Representative Van Dyk et al. on April 13, 2009.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 15, 2009

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

Dear Representative Bergren:

Please be informed that I have signed the following bills:

April 15, 2009

**House Bill 104** sponsored by Representative French,  
**House Bill 116** sponsored by Representative McNutt,  
**House Bill 161** sponsored by Representative Augare,  
**House Bill 246** sponsored by Representative Boniek et al.,  
**House Bill 263** sponsored by Representative Smith,  
**House Bill 264** sponsored by Representative Smith,  
**House Bill 386** sponsored by Representative O'Hara et al.,  
**House Bill 402** sponsored by Representative French,  
**House Bill 403** sponsored by Representative Kottel,  
**House Bill 495** sponsored by Representative Arntzen,  
**House Bill 509** sponsored by Representative Ingraham,  
**House Bill 513** sponsored by Representative Cohenour et al.,  
**House Bill 534** sponsored by Representative Campbell et al.,  
**House Bill 572** sponsored by Representative Pomnichowski et al.,  
**House Bill 626** sponsored by Representative Welborn,  
**Senate Bill 124** sponsored by Senator Squires,  
**Senate Bill 192** sponsored by Senator Zinke,  
**Senate Bill 276** sponsored by Senator Squires,  
**Senate Bill 405** sponsored by Senator Moss, and  
**Senate Bill 447** sponsored by Senator Moss et al..

Sincerely,

BRIAN SCHWEITZER  
Governor

April 16, 2009

The Honorable Bob Bergren  
Speaker of the House  
State Capitol

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Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

April 16, 2009

**House Bill 95** sponsored by Representative Hawk,  
**House Bill 103** sponsored by Representative Wilson,  
**House Bill 107** sponsored by Representative Hiner,  
**House Bill 112** sponsored by Representative Sesso,  
**House Bill 127** sponsored by Representative Sesso,  
**House Bill 177** sponsored by Representative Kottel,  
**House Bill 218** sponsored by Representative Menahan,  
**House Bill 328** sponsored by Representative MacLaren,  
**House Bill 338** sponsored by Representative Ankney et al.,  
**House Bill 343** sponsored by Representative A. Noonan et al.,  
**House Bill 373** sponsored by Representative Wilmer et al.,  
**House Bill 380** sponsored by Representative Stahl et al.,  
**House Bill 404** sponsored by Representative Reinhart et al.,  
**House Bill 477** sponsored by Representative Menahan,  
**House Bill 504** sponsored by Representative Reinhart et al.,  
**House Bill 517** sponsored by Representative Hollenbaugh,  
**House Bill 563** sponsored by Representative Kottel,  
**House Bill 591** sponsored by Representative Pease-Lopez,  
**Senate Bill 68** sponsored by Senator Wanzenried,  
**Senate Bill 136** sponsored by Senator Gebhardt,  
**Senate Bill 200** sponsored by Senator Erickson et al.,  
**Senate Bill 261** sponsored by Senator Wanzenried,  
**Senate Bill 275** sponsored by Senator Squires,  
**Senate Bill 294** sponsored by Senator Gillan,  
**Senate Bill 311** sponsored by Senator Gallus.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2009

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

Dear Representative Bergren:

Please be informed that I have signed the following bills:

April 17, 2009

**House Bill 23** sponsored by Representative Himmelberger,  
**House Bill 40** sponsored by Representative Cohenour,  
**House Bill 59** sponsored by Representative Hamilton,

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**House Bill 109** sponsored by Representative Hunter,  
**House Bill 147** sponsored by Representative MacLaren,  
**House Bill 170** sponsored by Representative Menahan,  
**House Bill 222** sponsored by Representative Cohenour et al.,  
**House Bill 357** sponsored by Representative Berry et al.,  
**House Bill 362** sponsored by Representative Henry,  
**House Bill 371** sponsored by Representative Cohenour et al.,  
**House Bill 374** sponsored by Representative Arntzen et al.,  
**House Bill 412** sponsored by Representative Wiseman et al.,  
**House Bill 416** sponsored by Representative MacDonald et al.,  
**House Bill 466** sponsored by Representative P. Beck et al.,  
**House Bill 544** sponsored by Representative Vincent et al.,  
**House Bill 574** sponsored by Representative Vincent,  
**House Bill 588** sponsored by Representative Ankney et al.,  
**Senate Bill 9** sponsored by Senator Erickson,  
**Senate Bill 22** sponsored by Senator Murphy,  
**Senate Bill 57** sponsored by Senator Gillan,  
**Senate Bill 58** sponsored by Senator Gillan,  
**Senate Bill 62** sponsored by Senator Laible,  
**Senate Bill 71** sponsored by Senator Erickson,  
**Senate Bill 95** sponsored by Senator Brueggeman,  
**Senate Bill 96** sponsored by Senator Jent,  
**Senate Bill 104** sponsored by Senator Esp,  
**Senate Bill 113** sponsored by Senator Keane,  
**Senate Bill 123** sponsored by Senator Squires,  
**Senate Bill 126** sponsored by Senator Murphy,  
**Senate Bill 133** sponsored by Senator Kaufmann,  
**Senate Bill 148** sponsored by Senator J. Peterson,  
**Senate Bill 151** sponsored by Senator Brueggeman,  
**Senate Bill 156** sponsored by Senator Cooney,  
**Senate Bill 174** sponsored by Senator Perry,  
**Senate Bill 202** sponsored by Senator Hinkle et al.,  
**Senate Bill 222** sponsored by Senator Hansen,  
**Senate Bill 227** sponsored by Senator R. Brown,  
**Senate Bill 228** sponsored by Senator De. Barrett,  
**Senate Bill 280** sponsored by Senator Gebhardt,  
**Senate Bill 297** sponsored by Senator Larsen,  
**Senate Bill 308** sponsored by Senator Keane et al.,  
**Senate Bill 367** sponsored by Senator Hamlett et al.,  
**Senate Bill 392** sponsored by Senator Brueggeman,  
**Senate Bill 424** sponsored by Senator Barkus et al.,  
**Senate Bill 426** sponsored by Senator Laslovich,  
**Senate Bill 463** sponsored by Senator Wanzenried.

Sincerely,

BRIAN SCHWEITZER  
Governor

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April 18, 2009

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

Dear Representative Bergren:

Please be informed that I have signed the following bills:  
**House Bill 19** sponsored by Representative Ingraham,  
**House Bill 34** sponsored by Representative Wilmer,  
**House Bill 409** sponsored by Representative Pomnichowski et al.,  
**House Bill 420** sponsored by Representative Reinhart et al.,  
**House Bill 443** sponsored by Representative Menahan et al.,  
**House Bill 451** sponsored by Representative Ebinger et al.,  
**House Bill 475** sponsored by Representative Phillips,  
**House Bill 480** sponsored by Representative Pomnichowski,  
**House Bill 499** sponsored by Representative French et al.,  
**House Bill 546** sponsored by Representative Pomnichowski,  
**House Bill 635** sponsored by Representative McChesney,  
**House Bill 127** sponsored by Senator Gillan,  
**House Bill 226** sponsored by Senator Hawks,  
**House Bill 247** sponsored by Senator Black et al.,  
**House Bill 269** sponsored by Senator R. Brown,  
**House Bill 292** sponsored by Senator Gebhardt,  
**House Bill 299** sponsored by Senator J. Tropila et al.,  
**House Bill 330** sponsored by Senator Moss,  
**House Bill 388** sponsored by Senator Gillan et al.,  
**House Bill 401** sponsored by Senator Laslovich,  
**House Bill 441** sponsored by Senator Laslovich,  
**House Bill 444** sponsored by Senator Laslovich,  
**House Bill 449** sponsored by Senator Keane.

April 18, 2009

Sincerely,

BRIAN SCHWEITZER  
Governor

April 19, 2009

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

Dear Representative Bergren:

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Please be informed that I have signed following bills:

April 19, 2009

**Senate Bill 26** sponsored by Senator Murphy

**Senate Bill 84** sponsored by Senator Gillan.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 16, 2009

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

Dear Representative Bergren:

Please be informed that the following bills have been returned with out signature:

April 16, 2009

**House Bill 71** sponsored by Representative Sands,

**House Bill 378** sponsored by Representative Blasdel et al.,

**House Bill 529** sponsored by Representative Jones,

**House Bill 542** sponsored by Representative Vance.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 18, 2009

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

Dear Representative Bergren:

Please be informed that the following bills have been returned with out signature:

April 18, 2009

**House Bill 488** sponsored by Representative Jones,

**House Bill 567** sponsored by Representative Sonju,

**Senate Bill 76** sponsored by Senator Black,

**Senate Bill 193** sponsored by Senator McGee,

**Senate Bill 351** sponsored by Senator Essmann et al.,

**Senate Bill 353** sponsored by Senator Black,

**Senate Bill 361** sponsored by Senator Ripley et al.,

**Senate Bill 375** sponsored by Senator J. Peterson.

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Sincerely,

BRIAN SCHWEITZER  
Governor

**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 Sonju in the chair.

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

**HB 536 - Governor's Amendments** - Representative Malek moved Governor's amendments to **HB 536** 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, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 91

Nays: Boniek, Jones, Kerns, Klock, McGillvray, Miller, Randall, Vincent, Welborn.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 117 - Governor's Amendments** - Representative Kasten moved Governor's amendments to **SB 117** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 100

Nays: None.



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Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 164 - Governor's Amendments** - Representative Sales moved Governor's amendments to **SB 164** be concurred in. Motion carried as follows:

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

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

**SB 268 - Governor's Amendments** - Representative MacDonald moved Governor's amendments to **SB 268** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, 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, Jones, Jopek, Kasten, 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, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Ankney, B. Beck, Berry, Blasdel, Boniek, Ingraham, Kerns, Sales, Smith, Sonju, Vance, Vincent, Wagner, Warburton, Welborn.

Total 15

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**SB 399 - Governor's Amendments** - Representative P. Noonan moved Governor's amendments to **SB 399** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, 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, 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, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 92

Nays: Bennett, Boniek, Kasten, Kerns, Wagner, Warburton.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Belcourt, Sales.  
Total 2

**SB 263 - Conference Committee** - Representative Menahan moved Conference Committee to **SB 263** be adopted in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, 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, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 94

Nays: Augare, Caferro, Campbell, Kottel, Miller, Taylor.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 662 - Senate Amendments** - Representative Arntzen moved Senate amendments to **HB 662** be concurred in. Motion carried as follows:

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

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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, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, 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, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 78

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Miller, Randall, Roberts, Sales, Sonju, Stoker, Vance, Vincent, Wagner, Washburn.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 669 - Senate Amendments** - Representative Vincent moved Senate amendments to **HB 669** 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, 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 96

Nays: Boniek, Kerns, Stahl.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Klock.  
Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, 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, Randall,

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Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 94

Nays: Mendenhall, Vance.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Arntzen, Jones, Sales, Sonju.  
Total 4

**MOTIONS**

Rep. Stoker moved that the House suspend the rules in order to place **HB 130, HB 131, HB 132** on 2nd Reading, this the 85th Legislative Day. Motion carried.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 507**  
Report No. 1, April 21, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 507** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 507** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

**Strike:** "OR INDEMNITY"

2. Title, lines 10 and 11.

**Following:** "EASEMENTS;" on line 10

**Strike:** remainder of line 10 through "PURPOSES;" on line 11

3. Page 2, line 4.

**Strike:** "9"

**Insert:** "8"

4. Page 2, line 7.

**Strike:** "9"

**Insert:** "8"

5. Page 2, line 10.

**Following:** "mark"

**Insert:** "as provided in 70-16-201"

6. Page 2, line 13.

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**Strike:** "9"  
**Insert:** "8"

7. Page 2.

**Following:** line 13

**Insert:** "(3) "Navigable river" means a river that:

(a) was determined navigable at the time of the original federal government surveys of the public land as evidenced by the recorded and monumented surveys of the meander lines of the river; or

(b) has been adjudicated as navigable by a court of competent jurisdiction."

8. Page 4.

**Following:** line 21

**Insert:** "(3) Section 77-1-805 applies to the use of navigable rivers for which leases, licenses, or easements for the use of the bed have been granted."

9. Page 4, line 24.

**Strike:** "9"

**Insert:** "8"

10. Page 5, line 8.

**Following:** "(2)"

**Strike:** "THE"

**Insert:** "For the purposes of [sections 1 through 8], the"

**Following:** "NOT"

**Insert:** ": (a)"

11. Page 5, lines 9 and 10.

**Strike:** "OR THE INDEMNIFICATION OF THE STATE" on line 9

**Following:** "EASEMENT" on line 9

**Strike:** remainder of line 9 through "NOT" on line 10

**Insert:** "; or

(b)"

**Strike:** "OR THE INDEMNIFICATION OF THE STATE"

12. Page 5, lines 18 through 20.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

13. Page 6, line 14.

**Strike:** "9"

**Insert:** "8"

14. Page 6, line 16.

**Strike:** "9"

**Insert:** "8"

For the Senate:

McGee, Chairman  
Hamlett

For the House:

Cohenour, Chairman  
Barrett

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Story

Lake  
Stahl

**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 85 Governors Amendments** concurred as follows:

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

Total 78

Nays: B. Beck, Bennett, Blasdel, Boniek, Hendrick, Henry, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 486 Conference Committee report**, adopted as follows:

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

Total 70

Nays: Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hendrick, Ingraham, Jones, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 531 Conference Committee report**, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Brown, Butcher, Caferro, Campbell, Ebinger, French, Getz, Glaser, Hands, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. 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, Wilson, Mr. Speaker.

Total 75

Nays: P. Beck, Boland, Boss Ribs, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hoven, Lake, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Wilmer, Wiseman.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 557 Governors amendments**, concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, 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, 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, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Bean, Boniek, Kerns, Mendenhall, Morgan, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: Sesso.

Total 1

**HB 598 Senate amendments**, concurred as follows:

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

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Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 92

Nays: Berry, Caferro, Driscoll, Hawk, Lake, Regier, Stahl, Wagner.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 615 Senate amendments**, concurred as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.  
Total 82

Nays: Augare, Bean, Becker, Belcourt, Boniek, Boss Ribs, Caferro, Campbell, Ingraham, Kerns, Mendenhall, Miller, More, Sales, Vincent, Wagner, Warburton, Wiseman.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 634 Senate amendments**, concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, 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, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 85

Nays: Bean, Blasdel, Boniek, Hawk, Ingraham, Kerns, Mendenhall, Miller, Peterson, Randall, Regier, Sales, Smith, Vance, Vincent.  
Total 15

Excused: None.  
Total 0



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Absent or not voting: None.  
Total 0

**HB 636 Senate amendments**, concurred as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 68

Nays: Ankney, Bean, Bennett, Berry, Boniek, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stoker, Wagner, Warburton, Welborn.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 43** adopted as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 77

Nays: Arntzen, Bean, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Regier, Reichner, Stoker, Vance.  
Total 22

Excused: None.  
Total 0

Absent or not voting: Jones.  
Total 1

**SB 343** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney,

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McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 86

Nays: Bean, P. Beck, Caferro, Hendrick, Howard, Kasten, Kerns, Mendenhall, Morgan, Randall, Stoker, Vance, Wagner, Mr. Speaker.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 475** concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, 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, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Blasdel, Dickenson, Hendrick, Kasten, More.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 3** concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Caferro, Cohenour, Driscoll, Fleming, Furey, Getz, Glaser, Henry, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, O'Hara, Peterson, Phillips, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Warburton, Washburn, Wilson, Mr. Speaker.

Total 51

Nays: Ankney, B. Beck, Becker, Bennett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Ebinger, French, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Jopek, Kasten, Kerns, Klock, MacDonald, McClafferty, McGillvray, McNutt, Mendenhall, Morgan, P. Noonan, Nooney, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Sales, Smith, Sonju, Stahl, Vance, Villa, Vincent, Wagner, Welborn, Wilmer, Wiseman.

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Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 28** concurred in as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, 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, Milburn, Miller, A. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Arntzen, Bean, B. Beck, Bennett, Boniek, Butcher, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, Mendenhall, More, Morgan, Noonan, Regier, Sales, Vance, Vincent, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: P. Noonan.

Total 1

**SJR 29** concurred in as follows:

Yeas: 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, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Ankney, Arntzen, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, Noonan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Vance, Vincent, Warburton, Welborn.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 30** concurred in as follows:

***STATE INTERNET/BBS COPY***

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, 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, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 79

Nays: Bennett, Boniek, Brown, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, Peterson, Randall, Sales, Stahl, Vance, Wagner.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 37** concurred in as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Warburton, Wiseman, Mr. Speaker.  
Total 75

Nays: Ankney, Bean, P. Beck, Bennett, Brown, Dickenson, Hands, Hawk, Himmelberger, Kasten, Kerns, Morgan, Nooney, Pomnichowski, Sales, Sands, Sonju, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Roundstone.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House recess until 1:00 p.m. today, April 21, 2009. Motion carried.

House recessed at 8:32 a.m.

House came to order at 1:03 p.m.

Roll Call. All members present. Quorum present.

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**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

**on House Bill 331**

Report No. 0, April 21, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 331** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 331** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

**Strike:** "AND"

2. Title, page 1, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 12 through line 18.

**Strike:** subsection (i) through subsection (iv) in their entirety

**Insert:** "(i) \$85 for each license issued to an establishment that does not have more than two employees working at any one time; and

(ii) \$115 for establishments not referred to in subsection (1)(b)(i)."

4. Page 4, line 7 through line 8.

**Strike:** "as" on line 7 through "(2)" on line 8

**Insert:** "of \$115"

5. Page 4, line 9 through line 14.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

6. Page 4, line 18.

**Strike:** "(2)"

**Insert:** "(1)"

7. Page 4, line 20.

**Strike:** "(2)"

**Insert:** "(1)"

8. Page 4, line 25.

**Strike:** "(3)"

**Insert:** "(2)"

9. Page 4, line 27.

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**Insert:** "NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval."

For the House:

Gebhardt, Chairman  
Jackson  
J. Tropila

For the Senate:

Grinde, Chairman  
Hamilton  
Klock  
Morgan

**MESSAGES FROM THE SENATE**

**Governor's amendments to House bills not concurred in and returned to the House:** 4/21/2009  
**HB 418**, introduced by Butcher

**Governor's amendments to House bills concurred in and returned to the House:** 4/21/2009

**HB 150**, introduced by D. Brown  
**HB 301**, introduced by Kottel  
**HB 332**, introduced by Getz

**Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:**

4/21/2009

**SB 235**, introduced by Murphy  
**SB 290**, introduced by Jackson  
**SB 446**, introduced by Story

**House amendments to Senate bill concurred in:** 4/21/2009

**SB 509**, introduced by Gebhardt

**House amendments to Senate bill not concurred in on 2nd Reading:**

**SB 332**, introduced by Curtiss 4/21/2009

**House bills concurred in and returned to the House:** 4/21/2009

**HB 194**, introduced by Mendenhall  
**HB 279**, introduced by Reinhart

**House joint resolution concurred in and returned to the House:** 4/21/2009

**HJR 36**, introduced by Kottel

**HB 602** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 602:**

4/21/2009

Senator Shockley, Chair  
Senator J. Tropila  
Senator Balyeat

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Conference Committee Report No.1 adopted on 2nd reading: 4/21/2009

**HB 263**, introduced by Smith

Free Conference Committee Report No.1 adopted: 4/21/2009

**SB 348**, introduced by Essmann

Conference Committee Report No.1 adopted: 4/21/2009

**SB 486**, introduced by T. Brown

**HB 531**, introduced by Nooney

**Governor's amendments to Senate bills not concurred in and returned to the House:** 4/21/2009

**SB 360**, introduced by Keane

**SB 371**, introduced by Perry

**SB 396**, introduced by Story

**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 Sonju in the chair.

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

**SB 507 - Conference Committee Report No. 1** - Representative Cohenour moved the Conference Committee report to **SB 507** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, 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, 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 96

Nays: Brown, Caferro, Getz, Pease-Lopez.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 158 - Governor's Amendments** - Representative K. Peterson moved Governor's amendments to **SB 158** be **not** concurred in. Motion carried as follows:

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

Total 88

Nays: P. Beck, Dickenson, French, Jopek, Mendenhall, A. Noonan, Phillips, Sales, Sesso, Van Dyk, Villa, Wiseman.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 360** - Representative Campbell moved to pass consideration for the day on **SB 360**. Motion carried.

**SB 396 - Governor's Amendments** - Representative Vincent moved Governor's amendments to **SB 396** be **not** concurred in. Motion carried as follows:

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

Total 56

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

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 130 - Senate Amendments** - Representative Stoker moved Senate amendments to **HB 130** be concurred in. Motion carried as follows:



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

Total 86

Nays: Bean, Blasdel, Boniek, Butcher, Ingraham, Kerns, Randall, Regier, Sales, Smith, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: B. Beck, McClafferty, Roundstone.

Total 3

**HB 131 - Senate Amendments** - Representative Stoker moved Senate amendments to **HB 131** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, 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, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Ankney, Bean, Blasdel, Boniek, Butcher, Ingraham, Sales, Smith, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**HB 132 - Senate Amendments** - Representative Stoker moved Senate amendments to **HB 132** be concurred in. Motion carried as follows:

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

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Stenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**SJR 35** - Representative Hunter moved **SJR 35** be concurred in. Motion carried 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, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Sales, Smith, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

Total 90

Nays: McGillvray, Mendenhall, Miller, Vance, Wagner.

Total 5

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Excused: None.  
Total 0

Absent or not voting: Arntzen, Ebinger, More, Sales, Sonju.  
Total 5

**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 678** passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, 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, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 87

Nays: B. Beck, Boniek, Brown, Kasten, Morgan, Peterson, Randall, Reichner, Sales, Vincent, Wagner, Warburton.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Campbell moved that **HR 3** be moved to the Judiciary committee for the purpose of making a correction. Motion carried.

Rep. Campbell moved that the Conference Committee on **HB 602** be dissolved and that the Speaker be authorized to appoint a (Free) conference committee on **HB 602**.

The Speaker Appoints:

Rep. Cohenour, Vice Chair  
Rep. French  
Rep. Sonju  
Rep. Randall

**SPECIAL ORDERS OF THE DAY**

Rep. Himmelberger explained the Joint Rules - Rule 40-230  
Rep. Phillips explained how the House Rules are also part of Montana Code.

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**ANNOUNCEMENTS**

Rep. Bennett moved to have his vote changed to a '**YES**' for HB 678, his button did not work.  
Committees were announced by committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Wednesday, April 22, 2009. Motion carried.

House adjourned at 3:02 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House