# EIGHTY-NINTH SESSION - 2015

# SIXTIETH DAY

# SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 13, 2015

The House of Representatives convened at 10:00 a.m. and was called to order by Kurt Daudt, Speaker of the House.

Prayer was offered by the Reverend Paul Slack, New Creation Church, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Albright	Dean, M.	Heintzeman	Lillie	Newberger	Schultz
Allen	Dehn, R.	Hertaus	Loeffler	Newton	Scott
Anderson, M.	Dettmer	Hilstrom	Lohmer	Nornes	Simonson
Anderson, P.	Dill	Hoppe	Loon	Norton	Slocum
Anderson, S.	Drazkowski	Hornstein	Loonan	O'Driscoll	Smith
Anzelc	Erhardt	Hortman	Lucero	O'Neill	Sundin
Applebaum	Erickson	Howe	Lueck	Pelowski	Swedzinski
Atkins	Fabian	Isaacson	Mack	Peppin	Theis
Backer	Fenton	Johnson, B.	Mahoney	Persell	Thissen
Baker	Fischer	Johnson, C.	Marquart	Petersburg	Torkelson
Barrett	Franson	Johnson, S.	Masin	Peterson	Uglem
Bennett	Freiberg	Kahn	McDonald	Pierson	Urdahl
Bernardy	Garofalo	Kelly	McNamara	Pinto	Vogel
Bly	Green	Kiel	Melin	Poppe	Wagenius
Carlson	Gruenhagen	Knoblach	Metsa	Pugh	Ward
Christensen	Gunther	Koznick	Miller	Quam	Whelan
Clark	Hackbarth	Kresha	Moran	Rarick	Wills
Considine	Halverson	Laine	Mullery	Rosenthal	Winkler
Cornish	Hamilton	Lenczewski	Murphy, E.	Runbeck	Yarusso
Daniels	Hancock	Lesch	Murphy, M.	Sanders	Youakim
Davids	Hansen	Liebling	Nash	Schoen	Zerwas
Davnie	Hausman	Lien	Nelson	Schomacker	Spk. Daudt

A quorum was present.

Mariani and Selcer were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

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### REPORTS OF CHIEF CLERK

S. F. No. 205 and H. F. No. 337, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Sanders moved that S. F. No. 205 be substituted for H. F. No. 337 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 455 and H. F. No. 840, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Sanders moved that S. F. No. 455 be substituted for H. F. No. 840 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1371 and H. F. No. 1549, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

O'Neill moved that S. F. No. 1371 be substituted for H. F. No. 1549 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1432 and H. F. No. 1326, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

McNamara moved that S. F. No. 1432 be substituted for H. F. No. 1326 and that the House File be indefinitely postponed. The motion prevailed.

## **REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2106, A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

Reported the same back with the following amendments:

Page 1, delete line 15 and insert:

"(2) for payment to medical providers for treatment of Keith Littler for injuries sustained while performing sentence-to-service work in St. Louis County, \$2,559.87;

(3) for payment to Leandrew Miller for permanent injuries to his right small finger sustained while performing assigned duties at Minnesota Correctional Facility - Stillwater, \$750; and

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(4) for payment to Bradley Post for injuries to his back sustained while performing assigned duties in the Institution Community Work Crew Program in Nobles County, \$8,925, and to medical providers for treatment of Mr. Post, \$760.30."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2235, A bill for an act relating to workers' compensation; adopting recommendations of the workers' compensation advisory council regarding inpatient hospital payments; authorizing rulemaking; requiring a report; amending Minnesota Statutes 2014, section 176.136, subdivision 1b; proposing coding for new law in Minnesota Statutes, chapter 176.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

S. F. No. 1215, A bill for an act relating to health; prohibiting the use of certain flame-retardant chemicals in certain products; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "Section 1. [325F.071] FLAME-RETARDANT CHEMICALS; PROHIBITION.

Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given.

(b) "Child" means a person under 12 years of age.

(c) "Children's product" means a product primarily designed or intended by a manufacturer to be used by or for a child, including any article used as a component of such a product, but excluding a food, beverage, dietary supplement, pharmaceutical product or biologic, children's toys that are subject to the most recent version of the American Society for Testing and Materials F963, Standard Consumer Safety Specification for Toy Safety, a medical device as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321(h), products listed under section 116.9405, clauses (10) and (11), and products listed under sections 325F.03 and 325F.04.

(d) "Upholstered residential furniture" means furniture with padding, coverings, and cushions intended and sold for use in the home or places of lodging.

Subd. 2. Flame-retardant chemicals; prohibition. (a) On and after July 1, 2018, no manufacturer or wholesaler may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state a children's product or upholstered residential furniture containing, in amounts greater than 1,000 parts per million in any product component, the following flame-retardants:

(1) TDCPP (tris(1,3-dichloro-2-propyl)phosphate), Chemical Abstracts Service number 13674-87-8;

(2) decabromodiphenyl ether, Chemical Abstracts Service number 1163-19-5;

(3) hexabromocyclododecane, Chemical Abstracts Service number 25637-99-4; and

(4) TCEP (tris(2-chloroethyl)phosphate), Chemical Abstracts Service number 115-96-8.

(b) On and after July 1, 2019, no retailer may sell or offer for sale or use in this state a children's product or upholstered residential furniture containing in amounts greater than 1,000 parts per million in any product component the flame retardant chemicals listed in paragraph (a).

(c) The sale or offer for sale of any previously owned product containing a chemical restricted under this section is exempt from the provisions of this section.

Subd. 3. Flame-retardant chemicals; replacement chemicals. A manufacturer shall not replace a chemical whose use is prohibited under this section with a chemical identified on the basis of credible scientific evidence by a state, federal, or international agency as being known or suspected with a high degree of probability to:

(1) harm the normal development of a fetus or child or cause other developmental toxicity;

(2) cause cancer, genetic damage, or reproductive harm;

(3) disrupt the endocrine or hormone system; or

(4) damage the nervous system, immune system, or organs, or cause other systemic toxicity.

## Sec. 2. FLAME RETARDANT REPORTS.

By January 15, 2016, the commissioner of health, in consultation with the state fire marshal, shall report to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over environment and natural resources policy, commerce, health, and public safety regarding:

(1) the status of federal, international, and other states' laws and regulations in identifying, prioritizing, evaluating, and regulating the use of flame retardants in upholstered furniture, mattresses, and carpet pads;

(2) the status of relevant fire safety standards and practices for residential settings for products including mattresses, upholstered furniture, and carpet pads;

(3) the status of and any authoritative findings from studies and reports on a direct link to meaningful negative health and safety effects and impacts on firefighters of flame retardants covered by this section, particularly as it relates to the combustion of flame retardants in articles in actual firefighting settings relative to overall smoke hazards and combustion byproducts;

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(4) in developing the report, the agency may consult with stakeholders, including representatives of state agencies, product manufacturers, chemical manufacturers, firefighters, public health experts, and independent scientists. The report must include information on any stakeholder process consulted with or used in developing the report."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a report;"

With the recommendation that when so amended the bill be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2106 and 2235 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 205, 455, 1371 and 1432 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Baker and Miller introduced:

H. F. No. 2328, A bill for an act relating to capital investment; appropriating money for highway-rail grade separation projects in Willmar; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Schultz, Laine and Franson introduced:

H. F. No. 2329, A bill for an act relating to health licensing; providing licensure for doulas; amending Minnesota Statutes 2014, sections 148.995, subdivision 2; 148.996; 148.997, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

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Masin, Atkins, Loonan and Kresha introduced:

H. F. No. 2330, A bill for an act relating to insurance; regulating long-term disability policies; prohibiting standard of review provisions; proposing coding for new law in Minnesota Statutes, chapter 60A.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

## **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 177, A bill for an act relating to insurance; regulating the sale of self-service storage insurance; proposing coding for new law in Minnesota Statutes, chapter 60K.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 916, A bill for an act relating to counties; providing a process for making certain county offices appointive in Crow Wing County.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1193, A bill for an act relating to human services; excluding certain school-age child care programs from human services licensure; amending Minnesota Statutes 2014, section 245A.03, subdivision 2, by adding a subdivision; repealing Minnesota Statutes 2014, section 245A.03, subdivision 2c.

JOANNE M. ZOFF, Secretary of the Senate

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### Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1427, A bill for an act relating to local government; changing the meeting requirement for the District 1 Hospital Board; amending Laws 1963, chapter 118, section 4, as amended.

JOANNE M. ZOFF, Secretary of the Senate

#### Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 307, A bill for an act relating to transportation; commerce; providing for proof of insurance in electronic format; amending Minnesota Statutes 2014, section 169.791, subdivisions 1, 2.

The Senate has appointed as such committee:

Senators Eken, Kent and Ruud.

Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

#### Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1725, A bill for an act relating to state government; permitting electronic filing for hearings in contested cases at the Office of Administrative Hearings; amending Minnesota Statutes 2014, section 14.58.

The Senate has appointed as such committee:

Senators Wiklund, Scalze and Anderson.

Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 383, 706, 1603, 1694, 1771 and 1876.

JOANNE M. ZOFF, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 383, A bill for an act relating to health occupations; changing provisions for licensing of optometrists; amending Minnesota Statutes 2014, sections 148.03; 148.52; 148.54; 148.57; 148.574; 148.575; 148.577; 148.603; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 2014, sections 148.571; 148.572; 148.572; 148.573, subdivision 1; 148.576, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

S. F. No. 706, A bill for an act relating to human services; establishing requirements for correction orders and conditional licenses for certain human services programs; providing for settlement agreements; authorizing a health care delivery pilot program; modifying licensing requirements for foster care providers; modifying home and community-based services standards; striking language establishing the Monitoring Technology Review Panel in the disability waiver rate system; amending Minnesota Statutes 2014, sections 245A.06, by adding a subdivision; 245A.155, subdivisions 1, 2; 245A.65, subdivision 2; 245D.02, by adding a subdivision; 245D.05, subdivisions 1, 2; 245D.07, subdivision 2; 245D.071, subdivision 5; 245D.09, subdivisions 3, 5; 245D.22, subdivision 4; 245D.31, subdivisions 3, 4, 5; 256B.4914, subdivision 6; 256B.492; proposing coding for new law in Minnesota Statutes, chapters 245A; 256B.

The bill was read for the first time.

Halverson moved that S. F. No. 706 and H. F. No. 980, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1603, A bill for an act relating to taxation; sales and use; providing criminal and civil penalties for use of automated sales suppression devices; amending Minnesota Statutes 2014, section 609.5316, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1694, A bill for an act relating to public safety; providing for religious objections to autopsies in certain cases; amending Minnesota Statutes 2014, sections 390.005, by adding a subdivision; 390.11, subdivisions 1, 2, by adding a subdivision; 390.32, subdivisions 2, 3.

The bill was read for the first time.

Green moved that S. F. No. 1694 and H. F. No. 1935, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1771, A bill for an act relating to health; changing provisions in the medical cannabis program; amending Minnesota Statutes 2014, sections 152.22, subdivision 6; 152.25, subdivision 1; 152.27, subdivision 6; 152.29, subdivision 1; 152.34; Laws 2014, chapter 311, sections 17, subdivision 2; 20.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

S. F. No. 1876, A bill for an act relating to children; establishing a legislative task force on child protection.

The bill was read for the first time.

Mullery moved that S. F. No. 1876 and H. F. No. 827, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Peppin moved that the House recess subject to the call of the Chair. The motion prevailed.

### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

Metsa was excused for the remainder of today's session.

### **CALENDAR FOR THE DAY**

S. F. No. 1504, A bill for an act relating to health; changing the expiration date for e-Health Advisory Committee, the Trauma Advisory Council, and the Maternal and Child Health Advisory Task Force; suggesting review of data collection on stillbirths and prenatal protocols to prevent stillbirths; amending Minnesota Statutes 2014, sections 62J.495, subdivision 2; 144.608, subdivision 2; 145.8811, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Albright	Clark	Green	Johnson, B.	Loeffler	Nelson
Allen	Considine	Gruenhagen	Johnson, C.	Lohmer	Newberger
Anderson, P.	Cornish	Gunther	Johnson, S.	Loon	Newton
Anderson, S.	Daniels	Hackbarth	Kahn	Loonan	Nornes
Anzelc	Davids	Halverson	Kelly	Lueck	Norton
Applebaum	Davnie	Hamilton	Kiel	Mack	O'Driscoll
Atkins	Dean, M.	Hansen	Knoblach	Mahoney	O'Neill
Backer	Dehn, R.	Hausman	Koznick	Marquart	Pelowski
Baker	Dettmer	Heintzeman	Kresha	Masin	Persell
Barrett	Dill	Hilstrom	Laine	McNamara	Petersburg
Bennett	Erhardt	Hoppe	Lenczewski	Melin	Peterson
Bernardy	Fabian	Hornstein	Lesch	Moran	Pierson
Bly	Fenton	Hortman	Liebling	Mullery	Pinto
Carlson	Fischer	Howe	Lien	Murphy, E.	Poppe
Christensen	Freiberg	Isaacson	Lillie	Murphy, M.	Rarick

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Rosenthal Sanders Schoen Schomacker	Schultz Scott Slocum Sundin	Swedzinski Theis Thissen Torkelson	Uglem Urdahl Vogel Wagenius	Ward Whelan Wills Winkler	Yarusso Youakim Zerwas	
Those who voted in the negative were:						
Anderson, M. Drazkowski Erickson Franson	Garofalo Hancock Hertaus Lucero	McDonald Miller Nash Peppin	Pugh Quam Runbeck Simonson	Smith Spk. Daudt		

The bill was passed and its title agreed to.

H. F. No. 501, A bill for an act relating to elections; modifying provisions related to military and overseas voting; amending Minnesota Statutes 2014, sections 203B.01, subdivision 3; 203B.16, subdivisions 1, 2; 203B.17, subdivisions 1, 2; 204D.11, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright Allen Anderson, M.	Dean, M. Dehn, R. Dettmer	Heintzeman Hertaus Hilstrom	Lillie Loeffler Lohmer	Newton Nornes Norton	Scott Simonson Slocum
Anderson, P.	Dill	Hoppe	Loon	O'Driscoll	Smith
Anderson, S.	Drazkowski	Hornstein	Loonan	O'Neill	Sundin
Anderson, S. Anzelc	Erhardt	Hortman	Lucero	Pelowski	Swedzinski
Applebaum	Erickson	Howe	Lueck		Theis
Appleoaum	Fabian	Isaacson	Mack	Peppin Persell	Thissen
Backer					Torkelson
	Fenton	Johnson, B.	Mahoney	Petersburg	
Baker	Fischer	Johnson, C.	Marquart	Peterson	Uglem
Barrett	Franson	Johnson, S.	Masin	Pierson	Urdahl
Bennett	Freiberg	Kahn	McDonald	Pinto	Vogel
Bernardy	Garofalo	Kelly	McNamara	Poppe	Wagenius
Bly	Green	Kiel	Melin	Pugh	Ward
Carlson	Gruenhagen	Knoblach	Miller	Quam	Whelan
Christensen	Gunther	Koznick	Moran	Rarick	Wills
Clark	Hackbarth	Kresha	Mullery	Rosenthal	Winkler
Considine	Halverson	Laine	Murphy, E.	Runbeck	Yarusso
Cornish	Hamilton	Lenczewski	Murphy, M.	Sanders	Youakim
Daniels	Hancock	Lesch	Nash	Schoen	Zerwas
Davids	Hansen	Liebling	Nelson	Schomacker	Spk. Daudt
Davnie	Hausman	Lien	Newberger	Schultz	£

The bill was passed and its title agreed to.

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H. F. No. 1257 was reported to the House.

Zerwas moved to amend H. F. No. 1257, the second engrossment, as follows:

Page 3, line 25, strike "currently registered with the" and insert "in compliance with" and strike "the"

Page 3, line 26, after "Development" insert "registration requirements"

Page 7, line 24, after the period, insert "The amendments to section 16C.285, subdivision 3, clause (1), item (ii), are effective the day following final enactment and apply to solicitation documents issued on or after January 1, 2015."

The motion prevailed and the amendment was adopted.

H. F. No. 1257, A bill for an act relating to state government; changing provisions in the responsible contractor law; amending Minnesota Statutes 2014, section 16C.285, subdivisions 1, 2, 3, 4, 5, 6, 7, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

The bill was passed, as amended, and its title agreed to.

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## REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Peppin from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Friday, May 15, 2015 and established a prefiling requirement for amendments offered to the following bills:

S. F. Nos. 1371, 455, 205, 253 and 495.

## MOTIONS AND RESOLUTIONS

Applebaum moved that his name be stricken as an author on H. F. No. 1365. The motion prevailed.

#### MOTION TO SUSPEND RULES

Bly moved that the rules of the House be so far suspended that H. F. No. 2296 be recalled from the Committee on Agriculture Finance, be given its second and third readings, and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Bly motion and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Allen	Dehn, R.	Hortman	Lillie	Nelson	Simonson
Anzelc	Dill	Isaacson	Loeffler	Newton	Slocum
Applebaum	Erhardt	Johnson, C.	Mahoney	Norton	Sundin
Atkins	Fischer	Johnson, S.	Marquart	Pelowski	Thissen
Bernardy	Freiberg	Kahn	Masin	Persell	Wagenius
Bly	Halverson	Laine	Melin	Pinto	Ward
Carlson	Hansen	Lenczewski	Moran	Poppe	Winkler
Clark	Hausman	Lesch	Mullery	Rosenthal	Yarusso
Considine	Hilstrom	Liebling	Murphy, E.	Schoen	Youakim
Davnie	Hornstein	Lien	Murphy, M.	Schultz	

Those who voted in the negative were:

Albright Anderson, M. Anderson, P. Anderson, S. Backer Baker Baker Barrett Bennett Christensen	Dean, M. Dettmer Drazkowski Erickson Fabian Fenton Franson Garofalo Green	Hamilton Hancock Heintzeman Hertaus Hoppe Howe Johnson, B. Kelly Kiel	Lohmer Loon Loonan Lucero Lueck Mack McDonald McNamara Miller	O'Driscoll O'Neill Peppin Petersburg Peterson Pierson Pugh Quam Rarick	Scott Smith Swedzinski Theis Torkelson Uglem Urdahl Vogel Whelan
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Daniels Davids	Gunther Hackbarth	Koznick Kresha	Newberger Nornes	Sanders Schomacker	Zerwas Spk. Daudt

The motion did not prevail.

## ADJOURNMENT

Peppin moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, May 14, 2015. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, May 14, 2015.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

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