

**SENATE JOURNAL  
61ST LEGISLATURE  
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 11, 2009

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS:**

2/11/2009

Correctly printed: **SB 49, SB 62, SB 124, SB 142, SB 236, SB 273, SB 281, SB 294, SB 311, SB 325, SB 340, SB 341, SB 408, SB 409, SB 410, SB 411, SB 412, SB 413, SB 414, SB 415, SB 416, SB 417, SB 418, SB 419, SB 420, SB 421, SB 422, SB 423, SB 424, SB 425, SB 426, SB 427, SB 428, SJR 24, SJR 25.**

Correctly engrossed: **SB 73, SB 120, SB 174, SB 216, SB 268, SB 269, SB 287, SB 296, SB 299, SJR 10, SJR 17.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman):

2/11/2009

**SB 167**, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.

**Strike:** "CREATING" through "STARVATION;" on line 5

2. Title, page 1, line 5.

**Following:** the first "PROVIDING"

**Insert:** "INCREASED"

**Following:** "PENALTIES FOR"

**Strike:** "A CONVICTION" through "OF"

3. Title, page 1, line 6.

**Following:** "ABANDONMENT"

**Strike:** "OR" through "OFFENSE"

**Strike:** "81-4-502,"

**Insert:** "45-8-211,"

4. Page 1, line 9.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 45-8-211, MCA, is amended to read:

**"45-8-211. Cruelty to animals -- exceptions.** (1) A person commits the offense of cruelty to animals if, without justification, the person knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, torturing, injuring, or killing the animal;

(b) carrying or confining the animal in a cruel manner;

(c) failing to provide an animal in the person's custody with:

(i) food and water of sufficient quantity and quality to sustain the animal's normal health;

(ii) minimum protection for the animal from adverse weather conditions, with consideration given to the species;

(iii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate medical care;

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race.

(2) (a) ~~✳~~ Except as provided in subsection (2)(d), a person convicted of the offense of cruelty to animals shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of a second or subsequent offense of cruelty to animals or of a first or subsequent offense of aggravated animal cruelty shall be fined an amount not to exceed \$2,500 or be sentenced to the department of corrections for a term not to exceed 2 years, or both.

(b) If the convicted person is the owner, the person may be required to forfeit any animal affected to the county in which the person is convicted. This provision does not affect the interest of any secured party or other person who has not participated in the offense.

(c) For the purposes of this subsection (2), when more than one animal is subject to cruelty to animals, each act may comprise a separate offense.

(d) If the offense involves the abandonment of a horse on public or private lands, the court may assess additional fines and penalties of up to \$1,000 and 6 months in jail.

(3) In addition to the sentence provided in subsection (2), the court:

(a) shall require the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected, including reasonable costs of care incurred by a public or private animal control agency or humane animal treatment shelter;

(b) may require the defendant to pay all reasonable costs of necessary care of the affected animal that are incurred by a public or private animal control agency or humane animal treatment shelter; ~~and~~

(c) shall prohibit or limit the defendant's ownership, possession, or custody of animals, as the court believes appropriate during the term of the sentence; and

(d) for the willful act of equine abandonment, may order full restitution for all public and private costs incurred.

(4) This section does not prohibit:

(a) a person humanely destroying an animal for just cause;

(b) the use of commonly accepted agricultural and livestock practices on livestock;

(c) rodeo activities that meet humane standards of the professional rodeo cowboys association;

(d) lawful fishing, hunting, and trapping activities;

(e) lawful wildlife management practices;

(f) lawful scientific or agricultural research or teaching that involves the use of animals;

(g) services performed by a licensed veterinarian;

(h) lawful control of rodents and predators and other lawful animal damage control activities; or

(i) accepted training and discipline methods."

And, as amended, do pass. Report adopted.

**SB 343**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "MONTANA"

**Insert:** "AQUATIC"

2. Title, page 1, line 7.

**Following:** "SPREAD OF"

**Insert:** "AQUATIC"

3. Title, page 1, line 9.

**Strike:** "VEHICLES AND"

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

**Following:** "VESSELS FOR"  
**Insert:** "AQUATIC"

4. Title, page 1, line 10.  
**Following:** "TRANSPORT OF"  
**Insert:** "AQUATIC"

5. Page 1, line 16 through line 17.  
**Strike:** line 16 through line 17

6. Page 1, line 18.  
**Strike:** "two"  
**Strike:** "known as"  
**Insert:** "including Eurasian watermilfoil,"  
**Following:** "quagga mussel"  
**Insert:** ", "  
**Following:** "and"  
**Insert:** "the"  
**Strike:** "a"

7. Page 1, line 19.  
**Strike:** "threat"  
**Insert:** "threats"

8. Page 1, line 30.  
**Following:** "WHEREAS,"  
**Insert:** "Eurasian watermilfoil,"  
**Following:** "zebra mussel"  
**Insert:** ", "  
**Following:** "and"  
**Insert:** "the"

9. Page 2, line 2.  
**Following:** "WHEREAS,"  
**Insert:** "Eurasian watermilfoil is already present in Montana and"

10. Page 2, line 4.  
**Following:** "with an"  
**Insert:** "aquatic"

11. Page 2, line 9.  
**Following:** "Montana"  
**Insert:** "Aquatic"

12. Page 2, line 15 through line 16.  
**Strike:** subsection (b) in its entirety  
**Re-number:** subsequent subsections

13. Page 2, line 17.  
**Following:** "about the"

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

**Insert:** "further"

14. Page 2, line 17.

**Following:** "infestation of"

**Insert:** "Eurasian watermilfoil (*Myriophyllum spicatum*) and the introduction, importation, and infestation of"

15. Page 2, line 28.

**Following:** "exterior of"

**Strike:** "vehicles and"

16. Page 3, line 13.

**Following:** "agriculture"

**Strike:** ", "

**Insert:** "and"

17. Page 3, line 13 through line 14.

**Following:** "parks" on line 13

**Strike:** ", and" on line 13 through "livestock" on line 14

18. Page 3, line 16.

**Strike:** "and the" through "livestock"

**Following:** "livestock,"

**Strike:** "a"

**Insert:** "an aquatic"

19. Page 3, line 24.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

20. Page 5, line 9.

**Strike:** "vehicles and"

21. Page 5, line 10.

**Strike:** "vehicles and"

22. Page 5, line 11.

**Strike:** "vehicles and"

23. Page 5, line 26.

**Strike:** "vehicles and"

24. Page 5, line 28.

**Strike:** "vehicles and"

25. Page 5, line 30.

**Insert:** "vehicles and"

26. Page 6, line 1.

**Strike:** "vehicles and"

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

27. Page 6, line 16.

**Strike:** "aquatic"

28. Page 6, line 20.

**Strike:** "vehicle or"

29. Page 7, line 3.

**Strike:** "vehicles and"

30. Page 7, line 6 through line 7.

**Strike:** "vehicle" on line 6 through the first "or" on line 7

31. Page 7, line 10 through line 11.

**Strike:** ":" on line 10 through "(i)" on line 11

32. Page 7, line 11.

**Strike:** "; and"

**Insert:** "."

33. Page 7, line 12.

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

34. Page 7, line 13.

**Strike:** "vehicle or"

35. Page 7, line 14.

**Following:** "exterior of the"

**Strike:** "vehicle or"

**Following:** "that"

**Strike:** "vehicle or"

36. Page 7, line 26.

**Strike:** "vehicle,"

**Following:** "vessel"

**Strike:** ", "

And, as amended, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman):

2/11/2009

**SB 150**, introduced bill, be amended as follows:

1. Title, page 1, line 16.

**Strike:** "39-51-2302,"

2. Page 1, line 29.

**Following:** "members"

**Insert:** "as prescribed in subsection (3) and in 2-15-124"

3. Page 2, line 20 through line 27.

**Strike:** section 4 in its entirety

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

**Renumber:** subsequent sections

4. Page 14, line 6 through page 15, line 7.

**Strike:** section 14 in its entirety

5. Page 21, line 9.

**Strike:** "(1)"

6. Page 21, line 12 through line 13.

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

7. Page 21, line 17.

**Strike:** "6" through "20"

**Insert:** "5 through 7, 9, 13, and 18"

8. Page 21, line 19.

**Strike:** "through 4"

**Insert:** "and 3"

**Strike:** "12," through "21"

**Insert:** "11, 12, 17, and 19"

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Brueggeman, Chairman):

2/10/2009

**SB 283**, introduced bill, be amended as follows:

1. Page 1, line 5.

**Following:** "PURPOSE OF"

**Strike:** "COMPLYING WITH"

**Insert:** "CONSIDERING"

2. Page 1, line 14.

**Following:** "plan to"

**Strike:** "comply with"

**Insert:** "consider"

3. Page 1, line 15.

**Following:** "2008"

**Insert:** ", and the rules adopted by the federal railroad administration to implement that act"

And, as amended, do pass. Report adopted.

**SB 319**, do pass. Report adopted.

**NATURAL RESOURCES** (Gebhardt, Chairman):

2/10/2009

**SB 94**, introduced bill, be amended as follows:

1. Title, line 11.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

2. Page 1, line 22.

**Following:** "(2)"

**Insert:** "(a)"

3. Page 1.

**Following:** line 23

**Insert:** " (b) For the purposes of this section, nonconsumptive use means a beneficial use of water that:

- (i) does not cause a reduction in the source of supply;
- (ii) returns substantially all of the water to the source of supply; and
- (iii) causes little or no disruption in ground water or stream conditions."

4. Page 2, line 23.

**Following:** "~~if any,~~"

**Insert:** "if any,"

**Following:** "amount,"

**Insert:** "location, and"

**Strike:** ",and location"

**Following:** "of"

**Insert:** "any"

5. Page 2, line 24.

**Strike:** "potentially affected"

**Following:** "area"

**Insert:** "described in subsection (2)(a)"

6. Page 3.

**Following:** line 7

**Insert:** "(2) A hydrogeologic assessment that will be used to predict net depletion of surface water resulting from a new appropriation right must include hydrogeologic data or a model that includes:

(a) the area or estimated area of ground water that will be affected, not to exceed the boundaries of the drainage subdivisions established by the office of water data coordination, United States geological survey, and used by the water court, unless the applicant chooses to expand the boundaries;

(b) the geology of the area identified in subsection (2)(a), including stratigraphy and structure;

(c) the parameters of the aquifer system within the area identified in subsection (2)(a) that is assessed in the data or model;

(d) the locations of surface waters within the area described in subsection (2)(a) that are subject to an appropriation right, including but not limited to springs, creeks, streams, or rivers that may or may not show a net depletion;

(e) evidence of water availability; and

(f) the locations of all wells or other sources of ground water of record within the area identified in subsection (2)(a)."

7. Page 4.

**Following:** line 7

**Insert:** "(3) The hydrogeologic assessment must include an analysis of whether the information required by subsection (2) predicts that there may be a net depletion of surface water in the area described in subsection (2)(a) and the extent of the depletion, if any."

**Renumber:** subsequent subsections

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

8. Page 4, line 9.

**Following:** "~~data,~~"

**Insert:** "the monitoring well data,"

9. Page 5, line 3.

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

**Renumber:** subsequent subsections

10. Page 5, line 27.

**Following:** "vegetation"

**Insert:** "for which there is not an associated water right"

11. Page 5, line 30.

**Following:** "water."

**Insert:** "This subsection does not apply to actions that increase the efficiency of existing conveyance structures."

12. Page 8, line 27.

**Following:** "(iv)"

**Insert:** "that portion of a change in appropriation right to instream flow for"

13. Page 9, line 3.

**Following:** "or"

**Insert:** "that portion of a change in appropriation right to instream flow for"

14. Page 14.

**Following:** line 17

**Insert:** "NEW SECTION. Section 11. Applicability. [This act] applies to applications received by the department after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**TAXATION** (Essmann, Chairman):

2/11/2009

**SB 244**, introduced bill, be amended as follows:

1. Page 2, line 7.

**Following:** "15-30-103 if"

**Strike:** "₂"

**Insert:** ":

(A) the taxpayer has voluntarily filed an amended tax return and paid the tax due;

(B) the taxpayer pays the tax and interest due within 30 days following the first notice from the department to the taxpayer of the tax due;

(C) "

And, as amended, do pass. Report adopted.

**SB 280**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "BIWEEKLY"

**Insert:** "SEMIMONTHLY"

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

2. Page 1, line 29.

**Strike:** "biweekly"

**Insert:** "semimonthly"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/10/2009

**HB 177**, introduced by Kottel

**HB 208**, introduced by O'Hara

**HB 269**, introduced by Mehlhoff

**HB 295**, introduced by Menahan

**HB 296**, introduced by Menahan

**HB 311**, introduced by Blasdel

**HB 368**, introduced by Fleming

**MOTIONS**

Senator J. Peterson moved that the Republicans caucus. Motion carried. Sen. Williams moved that the Democrats caucus. Motion carried.

Senate in recess.

Senate reconvened at 1:20 p.m.

Roll Call. All members present. Quorum present.

Senator Gebhardt moved that **SB 94** be removed from second reading and re-referred back to Natural Resources. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Zinke, Mr. President.

Total 46

Nays: Juneau, Kaufmann, Wanzenried, Windy Boy.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Balyeat moved **SB 408** be moved from the Business, Labor, and Economic Affairs committee to the Highways and Transportation committee. Motion carried.

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

**FIRST READING AND COMMITMENT OF BILLS**

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

- SB 429**, introduced by Zinke, referred to Finance and Claims.  
**SB 430**, introduced by Hamlett, Gebhardt, referred to Taxation.  
**SB 431**, introduced by R. Brown, referred to Business, Labor, and Economic Affairs.  
**SB 432**, introduced by R. Brown, Blewett, Blasdel, referred to Public Health, Welfare and Safety.  
**SB 433**, introduced by Gebhardt, Tutvedt, Bales, Debby Barrett, Blasdel, Kasten, Mendenhall, Howard, Vincent, Getz, McChesney, Hiner, McNutt, referred to Local Government.  
**SB 434**, introduced by Gebhardt, referred to Local Government.  
**SB 435**, introduced by Brenden, Bales, Debby Barrett, Black, Curtiss, Gebhardt, Ripley, Stahl, Steinbeisser, Tutvedt, referred to Finance and Claims.  
**SB 436**, introduced by Gallus, referred to Fish and Game.  
**SB 437**, introduced by Perry, Story, McNutt, Cohenour, referred to Natural Resources.  
**SB 438**, introduced by Juneau, Stewart-Peregoy, Augare, Kottel, referred to Business, Labor, and Economic Affairs.  
**SB 439**, introduced by Story, referred to Public Health, Welfare and Safety.  
**SB 440**, introduced by Gebhardt, Hinkle, Keane, Ankney, referred to Natural Resources.  
**SB 441**, introduced by Laslovich, referred to Judiciary.  
**SB 442**, introduced by Laslovich, referred to Judiciary.  
**SB 443**, introduced by Black, referred to Highways and Transportation.  
**SB 444**, introduced by Laslovich, referred to Business, Labor, and Economic Affairs.  
**SB 445**, introduced by Branae, referred to Public Health, Welfare and Safety.  
**SB 446**, introduced by Story, Gillan, Brueggeman, Keane, R. Brown, Larsen, Becker, P. Noonan, referred to Public Health, Welfare and Safety.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

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

**SB 229** - Senator Perry moved **SB 229** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 28

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

Total 0

**SB 124** - Senator Squires moved **SB 124** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 273** - Senator Laslovich moved **SB 273** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: Juneau, Stewart-Peregoy.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 294** - Senator Gillan moved **SB 294** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 46

Nays: Balyeat, Esp, Hinkle, Mr. President.

Total 4

Absent or not voting: None.

Total 0

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

Excused: None.  
Total 0

**SB 309** - Senator Shockley moved **SB 309** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, Tutvedt, Williams, Windy Boy, Zinke.  
Total 37

Nays: Barkus, Brenden, R. Brown, T. Brown, Esp, Hinkle, Laible, Perry, Ripley, Steinbeisser, M. Tropila, Wanzenried, Mr. President.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 10** - Senator Erickson moved **SJR 10** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 41

Nays: Barkus, Brenden, Esp, Gebhardt, Hinkle, Keane, Ripley, Steinbeisser, Tutvedt.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted unanimously.

**MOTIONS**

Sen. Bales moved that **SB 309** be re-referred to Finance and Claims. Motion carried.

**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:

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

**SB 49** passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 45

Nays: Balyeat, Esp, Hinkle, Jackson, Steinbeisser.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 62** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Zinke, Mr. President.  
Total 43

Nays: Erickson, Juneau, Kaufmann, Laslovich, Moss, Wanzenried, Windy Boy.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 281** passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Tutvedt, Wanzenried, Williams, Zinke.  
Total 36

Nays: Balyeat, Erickson, Esp, Gebhardt, Juneau, Kaufmann, Moss, Murphy, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Windy Boy, Mr. President.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

**SB 311** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Curtiss, Esp, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 340** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 45

Nays: R. Brown, Curtiss, Juneau, Stewart-Peregoy, Windy Boy.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 341** passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 41

Nays: Balyeat, R. Brown, Hinkle, Jackson, Juneau, Kaufmann, Murphy, Squires, Stewart-Peregoy.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 11, 2009

**SJR 17** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 46

Nays: Esp, Gillan, Juneau, Keane.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Thursday, February 12, 2009. Motion carried.

Senate adjourned at 2:31 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate