

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

Helena, Montana
February 10, 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, except Senator Gallus, excused. Quorum present.

BILLS AND JOURNALS:

2/10/2009

Correctly printed: **SB 71, SB 83, SB 162, SB 204, SB 243, SB 276, SB 308, SB 402, SB 403, SB 404, SB 405, SB 406, SB 407, SJR 9, SJR 23.**

Correctly engrossed: **SB 95.**

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth, seventeenth, eighteenth, and nineteenth legislative days, find the same to be correct.

Senator Curtiss, Chair

REPORTS OF STANDING COMMITTEES

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

2/10/2009

SB 142, do pass. Report adopted.

SB 287, introduced bill, be amended as follows:

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

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

2. Page 2, line 14.

Following: "acts."

Insert: "(1)"

3. Page 2, line 17.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

4. Page 2.

Following: line 21

Insert: "(d) provides a conventional medical disease diagnosis; (e) directs or instructs a person to discontinue medical care or a medical treatment prescribed by a licensed health care provider;"

Renumber: subsequent subsections

5. Page 2, line 22.

Strike: "a chiropractic adjustment that uses"

Following: "low-amplitude"

Strike: "thrusting force"

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Insert: "thrust to a joint"

6. Page 2, line 23 through line 26.

Strike: subsection (5) in its entirety

Insert: "(g) knowingly and purposely diagnoses and treats a physical or mental health condition of a client under circumstances or conditions that cause or create an imminent or discernible risk of significant bodily harm, serious physical or mental illness, or death; or"

Renumber: subsequent subsections

7. Page 2.

Following: line 28

Insert: "(2) For the purposes of subsection (1)(d), the following activities are not a diagnosis:

(a) the use of medical terminology or common words to advise a client to see a licensed, certified, or registered health care provider in order to rule out a diagnosable condition;

(b) a statement by an individual that symptoms may be indicative of or consistent with a specific medical condition; or (c) a statement by an individual that a client has a probability of significantly less than 100% of having a specific medical condition.

(3) The fact that an individual is providing unlicensed health care services is not evidence of an imminent or discernible risk of harm for the purposes of subsection (1)(g)."

8. Page 2, line 30.

Following: "client"

Insert: "-- exception"

9. Page 3, line 9.

Following: "qualifications"

Strike: ", if any,"

10. Page 3, line 11.

Following: "obtain"

Strike: "written"

Insert: "a signed"

11. Page 3, line 13.

Strike: "written"

Insert: "signed"

12. Page 3, line 14.

Strike: "written"

Insert: "signed"

Following: "years"

Insert: "after the last client contact"

13. Page 3.

Following: line 14

Insert: "(2) The statement required under subsection (1) must include the following language: "The State of Montana has not adopted any educational or training standards for individuals who provide unlicensed health care services. This disclosure is for informational purposes only. Under Montana law, an individual who provides unlicensed health care services may not provide a medical diagnosis or instruct or direct a person to discontinue a medically prescribed treatment. A client may seek at any time a medical diagnosis from a

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licensed health care provider qualified to make a diagnosis."

Renumber: subsequent subsections

14. Page 3.

Following: line 20

Insert: "(5) Practitioners who are recognized within their community as traditional and cultural healers are exempt from the disclosure and acknowledgment requirements of this section."

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Laible, Chairman):

2/10/2009

SB 216, introduced bill, be amended as follows:

1. Page 6, line 7.

Following: line 6

Insert: "(12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment."

Renumber: subsequent subsections

2. Page 6, line 13.

Strike: "(12)(a)"

Insert: "(13)(a)"

3. Page 6, line 17.

Strike: "(13)(a)"

Insert: "(14)(a)"

And, as amended, do pass. Report adopted.

SB 273, do pass. Report adopted.

FINANCE AND CLAIMS (Bales, Chairman):

2/10/2009

SB 73, introduced bill, be amended as follows:

1. Page 14, line 7.

Following: "or"

Insert: ", after January 1, 2011, the owner"

And, as amended, do pass. Report adopted.

JUDICIARY (Perry, Chairman):

2/10/2009

SB 236, do pass. Report adopted.

LOCAL GOVERNMENT (Esp, Chairman):

2/10/2009

SB 294, do pass. Report adopted.

SB 296, introduced bill, be amended as follows:

1. Title, line 5.

Strike: ", RESORT COMMUNITIES, AND THE STATE"

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2. Title, line 7.

Following: "TO THE"

Insert: "CITY"

Strike: "AND RECORDER"

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "7-6-1504, AND 18-7-201,"

3. Page 1, line 21.

Following: "to the"

Insert: "city"

Strike: "and recorder"

4. Page 2, line 17 through page 4, line 21.

Strike: sections 2 and 3 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Gebhardt, Chairman):
SB 120, introduced bill, be amended as follows:

2/10/2009

1. Title, page 1, line 6.

Following: "ENTITIES"

Insert: "AND WATER RIGHT HOLDERS"

Strike: "PRIORITIZING"

Insert: "ALLOWING CONSIDERATION OF"

2. Page 11, line 3.

Following: "petition"

Insert: ":

(i)"

3. Page 11, line 4.

Following: "45"

Insert: "; or

(ii) signed by at least one-third of the water right holders in a proposed controlled ground water area"

4. Page 13, line 22 through line 23.

Strike: ", including" on line 22 through "activities," on line 23

5. Page 14, line 19.

Strike: "must be prioritized"

Insert: "may be considered"

6. Page 14, line 22.

Strike: "prioritize"

Insert: "consider"

7. Page 14, line 28.

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Strike: "existing or"

8. Page 15, line 2.

Following: "designation"

Insert: "within 60 days"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Brown, Chairman):

2/10/2009

SB 174, introduced bill, be amended as follows:

1. Page 6, line 3.

Strike: "consultation"

Insert: "concurrence"

2. Page 6, line 6.

Strike: "consultation"

Insert: "concurrence"

3. Page 7, line 13.

Strike: "consultation"

Insert: "concurrence"

And, as amended, do pass. Report adopted.

SB 325, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

2/10/2009

SB 124, do pass. Report adopted.

SB 299, introduced bill, be amended as follows:

1. Page 2, line 13.

Following: "blue"

Insert: "or black"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/9/2009

HB 75, introduced by Van Dyk

HB 170, introduced by Menahan

HB 192, introduced by Taylor

HB 203, introduced by Miller

HB 223, introduced by Cohenour

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

2/9/2009

HJR 7, introduced by Vincent

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FIRST READING AND COMMITMENT OF BILLS

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

- SB 408**, introduced by Wanzenried, referred to Business, Labor, and Economic Affairs.
- SB 409**, introduced by Brueggeman, referred to Highways and Transportation.
- SB 410**, introduced by Brueggeman, Keane, referred to Business, Labor, and Economic Affairs.
- SB 411**, introduced by Tutvedt, referred to Local Government.
- SB 412**, introduced by Kaufmann, referred to Public Health, Welfare and Safety.
- SB 413**, introduced by Kaufmann, referred to State Administration.
- SB 414**, introduced by Kaufmann, referred to Public Health, Welfare and Safety.
- SB 415**, introduced by Kaufmann, referred to Agriculture, Livestock and Irrigation.
- SB 416**, introduced by Laible, referred to Business, Labor, and Economic Affairs.
- SB 417**, introduced by Keane, Essmann, referred to Natural Resources.
- SB 418**, introduced by Branae, referred to Taxation.
- SB 419**, introduced by Jackson, referred to Taxation.
- SB 420**, introduced by Jackson, referred to Natural Resources.
- SB 421**, introduced by Jackson, referred to Natural Resources.
- SB 422**, introduced by Jackson, referred to Natural Resources.
- SB 423**, introduced by Jackson, referred to Local Government.
- SB 424**, introduced by Barkus, Ankney, Hands, Wanzenried, Zinke, referred to Energy and Telecommunications.
- SB 425**, introduced by Bales, Barkus, Jent, J. Tropila, referred to Fish and Game.
- SB 426**, introduced by Laslovich, referred to Natural Resources.
- SB 427**, introduced by Laslovich, referred to Natural Resources.
- SB 428**, introduced by Moss, referred to Judiciary.

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

- SJR 24**, introduced by Hawks, referred to Energy and Telecommunications.
- SJR 25**, introduced by J. Peterson, Laible, Williams, referred to Education and Cultural Resources.

**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 Black in the chair.

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

SB 242 - Senator Balyeat moved **SB 242** do pass. Motion **failed** as follows:

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

Total 23

Nays: Branae, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 27

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 242 - Senator Williams moved **SB 242** be indefinitely postponed. Motion carried as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.
Total 26

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Gallus present.

SB 49 - Senator Wanzenried moved **SB 49** 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, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 44

Nays: Balyeat, Esp, Hinkle, Jackson, McGee, Steinbeisser.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 62 - Senator Laible moved **SB 62** do pass. Motion carried 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, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Zinke, Mr. President.
Total 39

Nays: Erickson, Juneau, Kaufmann, Larsen, Laslovich, Moss, Squires, Stewart-Peregoy, Wanzenried, Williams,

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Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 - Senator R. Brown moved do pass.

SB 268 - Senator Tutvedt moved **SB 268**, second reading copy, be amended as follows:

1. Page 1, line 18.

Following: "transporting"

Insert: "processed or"

Following: "products"

Insert: "or inputs, including but not limited to fertilizer, manure, and pesticides"

Amendment adopted as follows:

, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, 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 47

Nays: Balyeat, Esp, Keane.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 - Senator R. Brown moved **SB 268**, as amended, do pass. Motion carried as follows:

Yeas: Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Schmidt, Shockley, Squires, J. Tropila, M. Tropila, Wanzenried, Williams, Zinke.

Total 30

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, Esp, Gebhardt, Hansen, Hinkle, Jackson, Keane, Murphy, Perry, Peterson, Ripley, Steinbeisser, Stewart-Peregoy, Tutvedt, Windy Boy, Mr. President.

Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 281 - Senator Shockley moved **SB 281** do pass. Motion carried 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, Williams, Zinke.

Total 35

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

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 311 - Senator Gallus moved **SB 311** do pass. Motion carried 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 - Senator Laslovich moved **SB 340** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, 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, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 47

Nays: R. Brown, Juneau, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 341 - Senator Laslovich moved **SB 341** do pass. Motion carried as follows:

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

Total 41

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

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 Black moved the Committee of the Whole report be adopted. Report adopted unanimously.

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:

SB 71 passed 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, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Tutvedt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 83 passed as follows:

Yeas: Balyeat, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Juneau, Kaufmann, Keane, Laible, Larsen, Lewis, Moss, Murphy, Peterson, Schmidt, Shockley, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 36

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Nays: Bales, Barkus, R. Brown, Esp, Hinkle, Jent, Laslovich, McGee, Perry, Ripley, Squires, Steinbeisser, Tutvedt, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 162 failed as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 204 passed as follows:

Yeas: Bales, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 34

Nays: Balyeat, Barkus, Barrett, R. Brown, Esp, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Perry, Peterson, Ripley, Tutvedt, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 243 passed as follows:

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

Total 23

Nays: Black, Branae, T. Brown, Cooney, Erickson, Esp, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau,

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Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Pursuant to Senate Rule S50-100(2) on bills proposing an amendment to the Montana Constitution, **SB 243** will progress as though it had received the majority vote.

SB 276 passed as follows:

Yeas: Balyeat, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Ripley, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 34

Nays: Bales, Barkus, R. Brown, Curtiss, Esp, Gebhardt, Hinkle, Jackson, Laible, McGee, Perry, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 9 adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, 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 48

Nays: Esp, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

SB 162 - Senator Jent moved **SB 162** be indefinitely postponed. Motion carried as follows:

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Yeas: Branae, R. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy.
Total 26

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Zinke, Mr. President.
Total 24

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., Wednesday, February 11, 2009. Motion carried.

Senate adjourned at 2:34 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate