

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

Helena, Montana
February 12, 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:

2/12/2009

Correctly printed: **SB 124, SB 229, SB 273, SB 294, SB 309, SB 319, SB 429, SB 430, SB 431, SB 432, SB 433, SB 434, SB 435, SB 436, SB 437, SB 438, SB 439, SB 440, SB 441, SB 442, SB 443, SB 444, SB 445, SB 446, SJR 10.**

Correctly engrossed: **SB 94, SB 150, SB 167, SB 244, SB 280, SB 283, SB 343.**

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Bales, Chairman):

2/12/2009

SB 21, do pass. Report adopted.

SB 119, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "ALLOWING"

Insert: "REQUIRING"

2. Page 1, line 12.

Following: "(1)"

Strike: "Subject to available"

Insert: "If"

Following: "appropriations"

Insert: "specific for this purpose are provided by the legislature"

3. Page 1, line 13.

Following: "plan"

Insert: "is secured"

Following: "department"

Strike: "may"

Insert: "shall"

4. Page 6, line 13.

Following: "(11)"

Strike: "The"

Insert: "Subject to the limitation in [section 1], the"

Following: "department"

Strike: "may"

Insert: "shall"

And, as amended, do pass. Report adopted.

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SB 224, do pass. Report adopted.

NATURAL RESOURCES (Gebhardt, Chairman):
SB 100, introduced bill, be amended as follows:

2/12/2009

1. Title, page 1, line 6.

Strike: "AND"

Insert: ", "

Following: the second "DATE"

Insert: ", AND A TERMINATION DATE"

2. Page 2, line 4.

Strike: "10%"

Insert: "5.8%"

3. Page 3, line 16.

Strike: "10%"

Insert: "5.8%"

4. Page 3, line 27.

Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates September 30, 2013."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Brown, Chairman):
SB 51, introduced bill, be amended as follows:

2/12/2009

1. Title, page 1, line 5.

Strike: "ADOPTING A POLICY"

2. Title, page 1, line 6.

Strike: "PROVIDERS"

Insert: "PRACTITIONERS"

Following: "PATIENTS;"

Insert: "AND"

3. Title, page 1, line 7.

Strike: "PROVIDERS"

Insert: "PRACTITIONERS"

4. Title, page 1, lines 7 and 8.

Following: "OF"

Strike: remainder of line 7 through "PROVIDERS" on line 8

Insert: "ANY FINANCIAL INTEREST ASSOCIATED WITH A REFERRAL"

5. Page 1, line 12 through page 3, line 3.

Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Patient information -- disclosure required when making referrals -- definitions.** (1) It is public policy of the state of Montana that a patient receives from a health care practitioner information that allows the patient to make informed decisions not only relating to the patient's medical conditions

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but also to the financial or quality aspects of the patient's health care decisions.

(2) A health care practitioner who has a financial interest in an entity that provides diagnostic services or therapeutic services or who receives compensation or remuneration for referral of the patient to an entity that provides diagnostic services or therapeutic services shall disclose the interest to a patient prior to referring the patient for diagnostic services or therapeutic services.

(a) The information must be disclosed on a written referral to each patient at the time of referral or, if referred by phone, verbal disclosure must be made at the time of referral and a written referral must be promptly sent to the patient.

(b) The referral must contain the following notice written conspicuously on its face:

"During the course of your relationship with this health care practitioner, you may be referred to another health care provider or health care facility in which the practitioner has an investment, employment, or contractual interest. You have the freedom to choose among health care providers and health care facilities."

(3) Subsection (2) applies to an entity that provides diagnostic services and therapeutic services within a hospital even though the entity is not owned by the hospital.

(4) (a) Except as provided in subsection (4)(b), this section does not apply to a patient receiving emergency care or to a patient admitted to a hospital or critical access hospital.

(b) Upon discharge, the inpatient or outpatient must be provided with the disclosure and referral information contained in subsection (2).

(5) Failure to provide disclosure of a financial interest may result in a \$100 penalty assessed by the department. The department shall report the violation to the appropriate licensing board.

(6) For the purposes of this section, the following definitions apply:

(a) "Department" means the department of public health and human services provided for in 2-15-2201.

(b) "Diagnostic services" means providing any test to determine or identify the nature of a disease, including laboratory and exploratory tests.

(c) "Financial interest" means that the health care practitioner or a partner or employee of the practitioner directly or indirectly holds through business or investment an ownership, contractual, or employment interest in or with another health care practitioner, health care facility, or other person or entity that is the beneficiary of the referral.

(d) "Health care facility" has the meaning provided in 50-5-101.

(e) "Health care practitioner" means an individual licensed by the department of labor and industry who has assessment, admission, and prescription authority.

(f) "Health care provider" has the meaning provided in 50-4-504.

(g) "Therapeutic services" means physical therapy, radiation therapy, and rehabilitation services, including physical therapy, occupational therapy, speech pathology, and any combination of those services."

Insert: "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [section 1]."

"

And, as amended, do pass. Report adopted.

SB 271, introduced bill, be amended as follows:

1. Title, page 1, lines 5 and 6.

Strike: "RENAMING" on line 5 through "COUNSELORS;" on line 6

2. Title, page 1, line 9.

Strike: "SECTIONS 2-15-1744, 37-22-102,"

Insert: "SECTION"

Strike: "AND 37-23-102,"

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3. Page 1, line 14 through line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 1, line 30.

Strike: "2 through 6"

Insert: "1 through 5"

5. Page 2, line 1.

Strike: "2 through 6"

Insert: "1 through 5"

6. Page 2, line 6.

Strike: "2 through 6"

Insert: "1 through 5"

7. Page 2, line 8.

Strike: ", marriage and family therapists,"

8. Page 2, line 11.

Strike: "2 through 6"

Insert: "1 through 5"

9. Page 3, line 19.

Strike: "2 through 6"

Insert: "1 through 5"

10. Page 4, line 4.

Strike: "2 through 6"

Insert: "1 through 5"

11. Page 4, line 13.

Strike: "2 through 6"

Insert: "1 through 5"

12. Page 4, line 21.

Strike: "2 through 6"

Insert: "1 through 5"

13. Page 4, line 23.

Strike: "2 through 6"

Insert: "1 through 5"

14. Page 4, line 24.

Strike: "2 through 6"

Insert: "1 through 5"

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15. Page 4, line 29 through page 5, line 19.

Strike: section 7 in its entirety

Renumber: subsequent sections

16. Page 5, lines 23 and 24.

Strike: "2" on line 23 through "6" on line 24

Insert: "1 through 5"

17. Page 5, line 26.

Strike: "2 through 6"

Insert: "1 through 5"

18. Page 5, line 30.

Strike: "2 through 6"

Insert: "1 through 5"

19. Page 6, line 5 through line 28.

Strike: section 9 in its entirety

Renumber: subsequent sections

20. Page 6, line 30.

Strike: "2 through 6"

Insert: "1 through 5"

21. Page 7, line 1.

Strike: "2 through 6"

Insert: "1 through 5"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Shockley, Chairman):

2/12/2009

SB 241, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: " ; "

Insert: "PROVIDING A FUNDING RESTRICTION; AMENDING SECTION 2-17-521, MCA; "

2. Page 1, line 17.

Strike: "department"

Insert: "division"

3. Page 1, line 27 through line 28.

Strike: line 27 through line 28 in their entirety

Insert: "(3) "Division" means the legislative fiscal division established in 5-12-301.

Renumber: subsequent subsections

4. Page 2, line 26.

Strike: "director"

Insert: "legislative fiscal analyst"

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5. Page 2, line 28.

Strike: "(7)"

Insert: "(6)"

6. Page 3, line 1.

Following: "(1)"

Insert: "The legislative fiscal analyst, based on guidance from the advisory council, is responsible for establishing and maintaining a searchable budget database website in accordance with the provisions of [sections 1 through 5]."

7. Page 3, line 2.

Strike: "department"

Insert: "division"

Following: "develop"

Insert: "and establish"

Strike: "a"

Insert: "an initial basic"

8. Page 3, line 4.

Strike: "director"

Insert: "legislative fiscal analyst"

9. Page 3, line 6.

Strike: "director"

Insert: "legislative fiscal analyst"

10. Page 3, line 9.

Following: "shall"

Insert: "cooperate with the division and advisory council and"

Strike: "department"

Insert: "division"

11. Page 3, line 11.

Strike: "department"

Insert: "division"

Following: "section"

Insert: ", including recommendations on how an agency's existing information technology capabilities and future information technology project development may be integrated with or otherwise support the searchable budget database website"

12. Page 3, line 12.

Strike: "department"

Insert: "division"

13. Page 3, line 17.

Strike: "The director shall appoint a"

Insert: "(1) There is a seven-member"

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14. Page 3, line 18.

Following: "feedback"

Insert: "to the legislative fiscal analyst and the division"

15. Page 3, line 19 through line 20.

Following: "website." on line 19

Insert: "(2) Members of the advisory council must be as follows:

(a) the senate committee on committees shall appoint one senator and one person representing advocates for transparency in government;

(b) the speaker of the house shall appoint one representative and one person representing advocates for transparency in government;

(c) the legislative finance committee shall appoint a person to represent the division;

(d) the governor shall appoint a person from the governor's budget office; and

(e) the chief information officer appointed by the department of administration pursuant to Title 2, chapter 17, part 5, is an ex-officio voting member.

(3)"

Strike: "shall" on line 19 through "that" on line 20

16. Page 3.

Following: line 21

Insert: "NEW SECTION. Section 6. Funding restriction. Funding for the purposes of [sections 1 through 5] may not exceed a total amount equal to \$275,000 in each fiscal year, but the total may be provided as a biennial appropriation."

Insert: "**Section 7.** Section 2-17-521, MCA, is amended to read:

"2-17-521. State strategic information technology plan -- biennial report. (1) The department shall prepare a state strategic information technology plan. The department shall seek the advice of the board in the development of the plan.

(2) The plan must:

(a) reflect the policies as set forth in 2-17-505 and be in accordance with statewide standards and policies established by the department;

(b) establish the statewide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records, information, and services; ~~and~~

(c) establish the strategic direction for how state agencies will develop and use information technology resources to provide state government services; and

(d) consider how agency information technology resources and project development may support the goals of [sections 1 through 5].

(3) The department shall update the plan as necessary. The plan and any updates must be distributed as provided in 2-17-522.

(4) The department shall prepare a biennial report on information technology based on agency information technology plans and performance reports required under 2-17-524 and other information considered appropriate by the department. The biennial report must include:

(a) an analysis of the state's information technology infrastructure, including its value, condition, and capacity;

(b) an evaluation of performance relating to information technology;

(c) an assessment of progress made toward implementing the state strategic information technology plan;

(d) an inventory of state information services, equipment, and proprietary software;

(e) agency budget requests for major projects; and

(f) other information as determined by the department or requested by the governor or the legislature."

Renumber: subsequent sections

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17. Page 3, line 24.

Strike: the first "17"

Insert: "5"

Strike: the first "1"

Insert: "12"

Strike: the second "17"

Insert: "5"

Strike: the second "1"

Insert: "12"

And, as amended, do pass. Report adopted.

TAXATION (Essmann, Chairman):

2/12/2009

SB 265, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 10, 2009

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

Dear Senator Story:

Please be informed that I have signed **Senate Bill 7** sponsored by Senator Gebhardt, **Senate Bill 10** sponsored by Senator Perry, and **Senate Bill 11** sponsored by Senator J. Peterson on February 10, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/11/2009

HB 82, introduced by Driscoll

HB 128, introduced by Sesso

HB 172, introduced by Arntzen

HB 228, introduced by Kerns

HB 287, introduced by Driscoll

HB 298, introduced by Blewett

HB 337, introduced by Blewett

HB 354, introduced by Glaser

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FIRST READING AND COMMITMENT OF BILLS

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

- SB 447**, introduced by Moss, Shockley, referred to Judiciary.
SB 448, introduced by Keane, referred to Local Government.
SB 449, introduced by Keane, referred to Energy and Telecommunications.
SB 450, introduced by Keane, referred to Education and Cultural Resources.
SB 451, introduced by Wanzenried, R. Brown, Branae, Moss, Squires, Essmann, Blasdel, Glaser, O'Hara, referred to Natural Resources.
SB 452, introduced by Curtiss, Gebhardt, referred to Finance and Claims.
SB 453, introduced by Curtiss, Erickson, Hinkle, Murphy, Zinke, Perry, Jackson, Gebhardt, Debby Barrett, Shockley, referred to Agriculture, Livestock and Irrigation.
SB 454, introduced by R. Brown, referred to Judiciary.
SB 455, introduced by Hinkle, Curtiss, Black, Jackson, Balyeat, Bennett, McGillvray, Mendenhall, Reichner, Regier, Arntzen, Hendrick, Boniek, Randall, Miller, Kerns, Morgan, Taylor, referred to Taxation.
SB 456, introduced by Juneau, Augare, Belcourt, Calf Boss Ribs, Pease-Lopez, referred to Taxation.
SB 457, introduced by Branae, referred to Highways and Transportation.
SB 458, introduced by Barkus, Berry, referred to Public Health, Welfare and Safety.
SB 459, introduced by Erickson, Branae, Kaufmann, Juneau, Williams, McAlpin, referred to Taxation.
SB 460, introduced by Story, Zinke, J. Peterson, R. Brown, Barkus, McGee, Bales, Laible, Hinkle, Brenden, Black, Esp, Tutvedt, Brueggeman, Gebhardt, Lewis, Shockley, Kerns, Sales, McGillvray, Kasten, Hollandsworth, D. Brown, Mendenhall, referred to Finance and Claims.
SB 461, introduced by Brueggeman, Belcourt, referred to Natural Resources.
SJR 26, introduced by Juneau, Augare, Belcourt, Calf Boss Ribs, Pease-Lopez, Campbell, 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 Brueggeman in the chair.

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

SB 73 - Senator Hawks moved **SB 73** 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator McGee in the chair.

SB 95 - Senator Brueggeman moved **SB 95** do pass. Motion carried as follows:

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

Senator Brueggeman in the chair.

SB 120 - Senator Zinke moved **SB 120** 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, Schmidt, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Ripley, Shockley, Stewart-Peregoy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Peterson moved **SB 216** be passed for the day. Motion carried.

SB 296 - Senator Essmann moved **SB 296** 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,

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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 299 - Senator J. Tropila moved **SB 299** do pass. Motion carried as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Lewis, Murphy, Perry, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 29

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laslovich, McGee, Moss, Peterson, Ripley, Steinbeisser, Mr. President.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 308 - Senator Keane moved **SB 308** do pass. Motion carried as follows:

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

Total 33

Nays: Bales, Balyeat, Barrett, Black, Brenden, Curtiss, Esp, Hinkle, Jackson, Laible, McGee, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 325 - Senator Perry moved **SB 325** 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,

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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

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Brueggeman 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 124 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, 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 229 passed as follows:

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

Total 27

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

Total 23

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 268 passed as follows:

Yeas: Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Zinke.
Total 29

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, Curtiss, Esp, Gebhardt, Hansen, Hinkle, Jackson, Keane, Murphy, Perry, Peterson, Ripley, Steinbeisser, Tutvedt, Windy Boy, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 273 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, 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 passed as follows:

Yeas: Bales, 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, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 43

Nays: Balyeat, Barkus, Barrett, Esp, Hinkle, McGee, Shockley.
Total 7

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 10 passed 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, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.
Total 40

Nays: Barkus, Brenden, Esp, Gebhardt, Hinkle, Keane, McGee, Ripley, Steinbeisser, Tutvedt.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Gallus moved that his vote on **SB 229** be changed from yes to no. Motion carried.

Senator Windy Boy moved that his vote on **SB 229** be changed from yes to no. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Friday, February 13, 2009. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate