

**SENATE JOURNAL  
61ST LEGISLATURE  
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 25, 2009

Senate Chambers  
State Capitol

Senate convened at 10:00 a.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:**

2/24/2009

Signed by the President at 5:15 p.m., February 24, 2009: **SR 4, SR 5, SR 6, SR 7.**

Correctly enrolled: **SR 3.**

Correctly printed: **SB 267, SB 348, SB 374, SB 381, SB 382, SB 398, SB 406, SB 409, SB 411, SB 413, SB 426, SB 427, SB 431, SB 434, SB 439, SB 440, SB 444, SB 446, SB 447, SB 468, SB 471, SB 481, SJR 21, SB 501.**

Correctly engrossed: **SB 267, HJR 8.**

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth legislative days, find the same to be correct.

Senator Curtiss, Chair

Delivered to the Secretary of State at 9:10 a.m., February 25, 2009: **SR 3, SR 4, SR 5, SR 6, SR 7.**

**MESSAGES FROM THE OTHER HOUSE**

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

2/24/2009

**HB 194**, introduced by Mendenhall  
**HB 420**, introduced by Reinhart  
**HB 432**, introduced by Mehlhoff  
**HB 490**, introduced by Van Dyk  
**HB 515**, introduced by McAlpin  
**HB 544**, introduced by Vincent  
**HB 567**, introduced by Sonju

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

2/24/2009

**HJR 22**, introduced by O'Hara

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

2/25/2009

**HB 218**, introduced by Menahan  
**HB 431**, introduced by Blewett  
**HB 443**, introduced by Menahan  
**HB 445**, introduced by Hands  
**HB 531**, introduced by Nooney  
**HB 534**, introduced by Campbell  
**HB 542**, introduced by Vance  
**HB 546**, introduced by Pomnichowski

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

**HB 563**, introduced by Kottel

**HB 622**, introduced by Himmelberger

**HB 628**, introduced by Stoker

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

2/25/2009

**HJR 14**, introduced by Warburton

**MESSAGES FROM THE GOVERNOR**

February 24, 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 39** sponsored by Senator Juneau et al. and **Senate Bill 115** sponsored by Senator Kaufmann on February 19, 2009.

Sincerely,

BRIAN SCHWEITZER  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 501**, introduced by Kaufmann, referred to Taxation.

**MOTIONS**

Senator J. Peterson moved the Senate recess to Caucuses and reconvene at 10:30 a.m. Motion carried.

Senate reconvened at 10:25 a.m.

Roll Call. All members present. Quorum present.

**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 285 failed** as follows:

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

Total 24

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 292** passed as follows:

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

Total 38

Nays: Cooney, Erickson, Jent, Juneau, Kaufmann, Moss, Schmidt, Squires, Stewart-Peregoy, M. Tropila, Williams, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 348** passed as follows:

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

Total 42

Nays: Cooney, Erickson, Hinkle, Keane, Laslovich, Murphy, J. Tropila, M. Tropila.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 374** passed as follows:

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

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 381** passed as follows:

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 382** passed as follows:

Yeas: Bales, 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 26

Nays: Balyeat, 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 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 398** passed as follows:

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

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Tutvedt, Williams, Zinke, Mr. President.

Total 39

Nays: Erickson, Gebhardt, Juneau, Kaufmann, Moss, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 409** passed as follows:

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

Total 46

Nays: Brenden, Hinkle, Ripley, Steinbeisser.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 411** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, 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 49

Nays: Brenden.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 413** passed as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

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

Total 44

Nays: Bales, Brenden, Gebhardt, McGee, Ripley, Steinbeisser.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 426** 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 427** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, 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: Gillan, Stewart-Peregoy.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 431** passed as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 434** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Laible, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 44

Nays: Cooney, Juneau, Kaufmann, Keane, Laslovich, Stewart-Peregoy.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 439** passed as follows:

Yeas: Bales, Barkus, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Kaufmann, Keane, 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 44

Nays: Balyeat, Barrett, R. Brown, Essmann, Jackson, Laible.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 440** passed as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Steinbeisser, Tutvedt, Mr. President.  
Total 26

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 444** passed as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, 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, Mr. President.  
Total 48

Nays: Balyeat, Hinkle.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 447** 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



SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

**SB 468** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hawks, Hinkle, Jackson, Laible, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, J. Tropila, M. Tropila, Tutvedt, Zinke, Mr. President.  
Total 31

Nays: Branae, Erickson, Gallus, Hamlett, Hansen, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Schmidt, Squires, Stewart-Peregoy, Wanzenried, Williams, Windy Boy.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 471** passed as follows:

Yeas: Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Peterson, Ripley, Shockley, Tutvedt.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 481** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Steinbeisser, J. Tropila, Tutvedt, Zinke, Mr. President.  
Total 29

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

**SJR 21** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Zinke, Mr. President.  
Total 33

Nays: Branae, Cooney, Erickson, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Moss, Schmidt, Squires, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Senator Hawks moved to change his vote on **SB 431** from yes to no. Without objection, so ordered.

Senator Gebhardt moved to change his vote on **SB 285** from yes to no. Without objection, so ordered.

Senator Hamlett moved to change his vote on **SB 381** from yes to no. Without objection, so ordered.

Senator J. Tropila moved to change his vote on **SB 413** from no to yes. Without objection, so ordered.

Senator Squires moved to change her vote on **SB 481** from yes to no. Without objection, so ordered.

Senator McGee moved to take **SB 406** from Judiciary, have the bill printed, and placed on second reading this day.  
Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Gebhardt, Hansen, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, J. Tropila, Windy Boy, Mr. President.  
Total 27

Nays: Branae, Cooney, Erickson, Essmann, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

**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 McGee in the chair.

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

**SB 469** - Senator Brueggeman moved **SB 469** do pass. Motion **failed** as follows:

Yeas: Balyeat, Black, R. Brown, T. Brown, Brueggeman, Gallus, Gebhardt, McGee, Ripley, Shockley.  
Total 10

Nays: Bales, Barkus, Barrett, Branae, Brenden, Cooney, Curtiss, Erickson, Esp, Essmann, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 40

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 469** - Senator Esp moved **SB 469** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Branae, R. Brown, Cooney, Curtiss, Erickson, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.  
Total 40

Nays: Balyeat, Black, Brenden, T. Brown, Brueggeman, Gallus, Jackson, Ripley, Shockley, Zinke.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 20** - Senator Jent moved **SB 20** 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, 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 49

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Nays: Laible.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 221** - Senator M. Tropila moved **SB 221** do pass. Motion carried as follows:

Yeas: Barkus, Branae, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Perry, Ripley, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 31

Nays: Bales, Balyeat, Barrett, Black, Brenden, R. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Laible, Lewis, McGee, Peterson, Shockley, Steinbeisser, Tutvedt, Mr. President.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senator Peterson moved the Senate recess until 1:00 p.m. Motion carried.

Roll Call. All members present, except Senator Gallus, excused. Quorum present.

Senator Gallus present.

**MOTIONS**

Senator Perry moved that **SB 492** be taken from Judiciary and placed on second reading. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Perry, Peterson, Ripley, Steinbeisser, J. Tropila, Tutvedt, Zinke.  
Total 23

Nays: Barrett, Branae, Cooney, Erickson, Esp, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Schmidt, Shockley, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams, Windy Boy, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Excused: None.  
Total 0

Senator Shockley moved that **SB 487** be taken from Local Government and placed on second reading this day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, R. Brown, T. Brown, Brueggeman, Curtiss, Gebhardt, Hinkle, Jackson, Laible, McGee, Murphy, Perry, Peterson, Shockley, Zinke.  
Total 18

Nays: Black, Branae, Brenden, Cooney, Erickson, Esp, Essmann, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Mr. President.  
Total 32

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Senator Laible moved to change his vote on **SB 20** from no to yes. Without objection, so ordered.

Senator Laslovich moved that **HB 235** be re-referred from Taxation to Judiciary. Motion carried.

**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 McGee in the chair.

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

**SB 286** - Senator T. Brown moved **SB 286** do pass. Motion carried as follows:

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

Nays: Balyeat, Hawks, Jent, Perry, Windy Boy.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Total 0

**SB 290** - Senator Jackson moved **SB 290** do pass. Motion carried as follows:

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

Nays: Cooney, Esp, Hansen, Kaufmann, Moss.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 333** - Senator Balyeat moved **SB 333** do pass. Motion carried 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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 367** - Senator Hamlett moved **SB 367** 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

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Excused: None.  
Total 0

**SB 388** - Senator Gillan moved **SB 388** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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 46

Nays: Balyeat, Brenden, Hinkle, Keane.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 403** - Senator Gebhardt moved **SB 403** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hinkle, Jackson, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Tutvedt, Windy Boy, Zinke, Mr. President.  
Total 35

Nays: Branae, Cooney, Erickson, Hawks, Jent, Juneau, Kaufmann, Larsen, Moss, Schmidt, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 445** - Senator Branae moved **SB 445** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Williams, Windy Boy, Zinke, Mr. President.  
Total 38

Nays: Brenden, Esp, Gillan, Hansen, Keane, Laible, McGee, Perry, Schmidt, Squires, Tutvedt, Wanzenried.  
Total 12

Absent or not voting: None.  
Total 0

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Excused: None.  
Total 0

**SB 484** - Senator Balyeat moved **SB 484** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 26

Nays: Branae, Brueggeman, 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 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 485** - Senator Juneau moved **SB 485** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 38

Nays: Barrett, Brenden, R. Brown, Esp, Essmann, Hinkle, Jackson, McGee, Peterson, Ripley, Tutvedt, Mr. President.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 267** - Senator Hamlett moved **SB 267** do pass.

**SB 267** - Senator Hamlett moved **SB 267**, second reading copy, be amended as follows:

1. Title, line 6.

**Strike:** "BEFORE" through "RELEASED"

**Insert:** "; AND CLARIFYING THE RETENTION OF ELECTRONIC COPIES OF CAMPAIGN ADVERTISING RECORDS"

2. Page 1, line 10.

**Following:** "required"

**Insert:** "-- retention"



SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

3. Page 1, line 13.

**Strike:** "least " through "before"

**Insert:** "the time"

4. Page 1, line 16.

**Strike:** "online"

**Insert:** "on the commissioner's website"

5. Page 1.

**Following:** line 17

**Insert:** "(3) Sixty days after the official canvass of the election for which the commissioner posted the advertisements, the commissioner may remove the information from the website. However, the commissioner shall retain the information as a public record pursuant to 2-6-211."

Amendment adopted 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 267** - Senator Hamlett moved **SB 267**, as amended, do pass. Motion carried as follows:

Yeas: Barrett, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Murphy, Peterson, Ripley, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 36

Nays: Bales, Balyeat, Barkus, Black, Brenden, Gallus, Hinkle, Jackson, Laible, Lewis, McGee, Perry, Steinbeisser, Tutvedt.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Senator Peterson moved the committee rise and report. Motion carried. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

Peterson moved the Senate recess until 3:45 p.m. Motion carried.

Roll Call. All members present, except Senators Gillan and Brenden excused. Quorum present.

**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 McGee in the chair.

Senator Gillan present.

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

**HJR 8** - Senator Steinbeisser moved **HJR 8** be concurred in.

**HJR 8** - Senator Steinbeisser moved **HJR 8**, second reading copy, be amended as follows:

1. Page 2, line 9 through line 11.

**Following:** "AN" on line 9

**Strike:** remainder of line 9 through "OFFICE" on line 11

**Insert:** "agreement is signed between the Board of Regents and Richland County that ensures payment of all associated operating and maintenance costs by Richland County for the life of the building or until the building is sold"

Amendment adopted as follows:

Balyeat, Barkus, Barrett, Black, Branae, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden.

Total 1

**HJR 8** - Senator Steinbeisser moved **HJR 8**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, 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,

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brenden.  
Total 1

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

**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 Barkus in the chair.

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

**SB 94** - Senator Jent moved **SB 94** do pass. Motion carried as follows:

Barkus, Branae, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Perry, Schmidt, Shockley, Squires, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barrett, Black, R. Brown, T. Brown, Curtiss, Gebhardt, Hamlett, Hinkle, Murphy, Peterson, Ripley, Steinbeisser, Stewart-Peregoy.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Brenden.  
Total 1

**SB 199** - Senator Cooney moved **SB 199** do pass. Motion carried as follows:

Yeas: Balyeat, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 36

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Nays: Bales, Barkus, Barrett, R. Brown, Esp, Hinkle, Jackson, Laible, McGee, Ripley, Steinbeisser, Tutvedt, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: Brenden.

Total 1

**SB 288** - Senator Hinkle moved **SB 288** do pass. Motion carried as follows:

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

Total 25

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

Total 24

Absent or not voting: None.

Total 0

Excused: Brenden.

Total 1

**SB 351** - Senator Essmann moved **SB 351** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brenden.

Total 1

**SB 442** - Senator Laslovich moved **SB 442** do pass. Motion carried as follows:

Yeas: Balyeat, Barkus, Barrett, Black, Branae, R. 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, Shockley, Squires, Stewart-Peregoy, J. Tropila,

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 45

Nays: Bales, T. Brown, Ripley, Steinbeisser.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Brenden.  
Total 1

Pursuant to Senate Rule S50-100(2) on bills proposing an amendment to the Montana Constitution, **SB 442** will progress as though it had received the majority vote.

**SB 475** - Senator Esp moved **SB 475** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, 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 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brenden.  
Total 1

**SB 493** - Senator Larsen moved **SB 493** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Branae, T. Brown, Cooney, Curtiss, Erickson, Gallus, Hamlett, Hansen, Hawks, Keane, Larsen, Laslovich, Moss, Murphy, Perry, Ripley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 28

Nays: Balyeat, Barrett, R. Brown, Brueggeman, Esp, Essmann, Gebhardt, Gillan, Hinkle, Jackson, Jent, Juneau, Kaufmann, Laible, Lewis, McGee, Peterson, Schmidt, Shockley, Tutvedt, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Brenden.  
Total 1

**HB 13** - Senator Lewis moved **HB 13** be concurred in. Motion carried as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 25, 2009

Yeas: Bales, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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 46

Nays: Balyeat, Hinkle, Jackson.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Brenden.  
Total 1

**SB 406** - Senator McGee moved **SB 406** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hansen, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Steinbeisser, Stewart-Peregoy, J. Tropila, Windy Boy, Mr. President.  
Total 26

Nays: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Shockley, Squires, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Brenden.  
Total 1

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

**MOTIONS**

Senator Bales moved to re-refer **SB 493** to Finance and Claims after second reading. Motion carried.

Senator Cooney moved to change his third reading vote on **SB 257** from yes to no. Without objection, so ordered.

Majority Leader Peterson moved that the Senate adjourn until 8:00 a.m., Thursday, February 26, 2009. Motion carried.

Senate adjourned at 5:34 a.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate