

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

Helena, Montana
April 2, 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 Senators Brueggeman and Windy Boy, excused. Quorum present.

BILLS AND JOURNALS:

4/2/2009

Correctly printed: **SJR 35, SJR 36, SR 15, SR 16, SR 17, HB 40, HB 107, HB 109, HB 112, HB 127, HB 246, HB 374, HB 480, HB 499, HB 533, HB 534, HB 574, HB 608, HJR 9.**

Correctly engrossed: **HB 536.**

Correctly enrolled: **SB 9, SB 68, SB 200, SB 228, SB 235, SB 261, SB 268, SB 290, SB 294, SB 447, SJR 17.**

Senator Brueggeman present at this time.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Gebhardt, Chairman):

4/1/2009

SR 19, be adopted. Report adopted.

SR 20, be adopted. Report adopted.

HJR 30, be concurred in. Report adopted.

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

4/1/2009

HB 173, be amended as follows:

1. Page 1, line 23.

Strike: "The"

Insert: "Subject to available funding, the"

2. Page 4, lines 7 and 8.

Strike: section 4 in its entirety

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 280, be concurred in. Report adopted.

TAXATION (Essmann, Chairman):

4/2/2009

SB 653, do pass. Report adopted.

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MESSAGES FROM THE GOVERNOR

April 2, 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 40** sponsored by Senator Juneau, **Senate Bill 47** sponsored by Senator Steinbeisser, **Senate Bill 49** sponsored by Senator Wanzenried, **Senate Bill 184** sponsored by Senator Balyeat, **Senate Bill 216** sponsored by Senator Laslovich, and **Senate Bill 323** sponsored by Senator Erickson on April 1, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

FREE CONFERENCE COMMITTEE
on **Senate Bill 79**
Report No. 001, April 2, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 79** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 79** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

Strike: "CERTAIN TERMS"

Insert: "'NONEMERGENCY AMBULANCE TRANSPORT" AND "VOLUNTEER EMERGENCY MEDICAL TECHNICIAN"'

2. Page 3, line 8.

Following: "OR MORE"

Strike: " 1 "

Insert: "if the ambulance company is transporting a patient"

Following: "THAT COUNTY"

Strike: "WITH"

Insert: "that has"

3. Page 3, line 9.

Following: "OR LESS TO"

Strike: "A"

Insert: "the nearest"

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Strike: "IN THAT COUNTY"

Insert: "that is able to meet the patient's medical needs"

For the Senate:

Murphy, Chairman
Juneau
Laible

For the House:

Becker
Hendrick
Sands
Smith

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 108**
Report No. 001, April 2, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 108** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 108** (reference copy -- salmon) be amended as follows:

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

Following: "PROCEEDINGS" on line 7

Strike: "EXCEPT IN CERTAIN CIRCUMSTANCES"

2. Title, page 1, lines 12 and 13.

Following: "PLANS" on line 12

Strike: "EXCEPT IN CERTAIN CIRCUMSTANCES"

3. Page 2, lines 18 and 19.

Following: "SERVICE" on line 18

Strike: "unless" on line 18 through "dishonorable" on line 19

4. Page 5, lines 11 and 12.

Following: "child" on line 11

Strike: "unless" on line 11 through "dishonorable" on line 12

5. Page 7, lines 25 and 26.

Following: "SERVICE" on line 25

Strike: "unless" on line 25 through "dishonorable" on line 26

For the Senate:

McGee, Chairman
Jent
Zinke

For the House:

Kerns
Kottel
Menahan
Stoker

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MOTIONS

Senator Peterson moved that the Conference Committee on **HB 622** be dissolved and President Story be authorized to appoint a free conference committee. Motion carried. President Story appointed Senator R. Brown, Chairman, Senator Brenden, and Senator Windy Boy.

MESSAGES FROM THE OTHER HOUSE

HB 622 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 622**:

4/1/2009

Representative Dickenson, Vice Chair
Representative Hands
Representative Himmelberger
Representative MacLaren

Senate amendments to House bill concurred in:

4/1/2009

HB 386, introduced by O'Hara

Senate amendments to House joint resolution concurred in:

4/1/2009

HJR 33, introduced by Bergren

Senate bills concurred in and returned to the Senate:

4/1/2009

SB 9, introduced by Erickson
SB 68, introduced by Wanzenried
SB 200, introduced by Erickson
SB 228, introduced by Debby Barrett
SB 235, introduced by Murphy
SB 261, introduced by Wanzenried
SB 268, introduced by R. Brown
SB 290, introduced by Jackson
SB 294, introduced by Gillan
SB 447, introduced by Moss

Senate joint resolution concurred in and returned to the Senate:

4/1/2009

SJR 17, introduced by Perry

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/1/2009

SB 305, introduced by Tutvedt
SB 330, introduced by Moss
SB 396, introduced by Story
SB 427, introduced by Laslovich
SB 442, introduced by Laslovich
SB 457, introduced by Branae

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SB 48 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 48**:
4/2/2009

Representative Pomnichowski, Vice Chair
Representative Blasdel
Representative Lake
Representative Wiseman

FIRST READING AND COMMITMENT OF BILLS

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

HB 678, introduced by Pomnichowski, Milburn, referred to Natural Resources.

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

SJR 37, introduced by Essmann, referred to Taxation.

MOTIONS

Senator Brueggeman moved that **HB 615** be moved from Business, Labor, and Economic Affairs to Highways and Transportation. Motion carried.

Senator Laible moved to re-refer **HB 459** from Senate Education and Cultural Resources to Senate Finance and Claims. 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 Wanzenried in the chair.

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

HB 269 - Senator Shockley moved **HB 269** be concurred in. 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, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

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Total 1

HB 318 - Senator Keane moved **HB 318** be concurred in. Motion carried as follows:

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

Total 29

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

Total 20

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 373 - Senator Zinke moved **HB 373** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, 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, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 46

Nays: Barkus, Esp, Ripley.

Total 3

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 380 - Senator Tutvedt moved **HB 380** be concurred in. 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, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Windy Boy.
Total 1

HB 384 - Senator Brueggeman moved **HB 384** be concurred in. 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, Zinke, Mr. President.
Total 46

Nays: Balyeat, Esp, Hinkle.
Total 3

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 416 - Senator Brueggeman moved **HB 416** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, 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, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 47

Nays: Barkus, Steinbeisser.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Gallus excused at this time.

HB 475 - Senator Cooney moved **HB 475** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Mr. President.
Total 35

Nays: Barkus, Barrett, Brenden, R. Brown, Curtiss, Essmann, Gebhardt, Hinkle, Jackson, McGee, Ripley, Steinbeisser, Zinke.
Total 13

Absent or not voting: None.

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Total 0

Excused: Gallus, Windy Boy.

Total 2

HB 630 - Senator Esp moved **HB 630** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hansen, Hawks, 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, Zinke, Mr. President.

Total 44

Nays: Balyeat, Black, Hinkle, McGee.

Total 4

Absent or not voting: None.

Total 0

Excused: Gallus, Windy Boy.

Total 2

HB 635 - Senator R. Brown moved **HB 635** be concurred in. Motion carried as follows:

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

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gallus, Windy Boy.

Total 2

Senator Gallus present at this time.

HJR 15 - Senator Shockley moved **HJR 15** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Branae, Brenden, T. Brown, Brueggeman, Cooney, Gallus, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Larsen, Laslovich, Moss, Murphy, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, Wanzenried, Williams, Zinke.

Total 27

Nays: Balyeat, Barrett, Black, R. Brown, Curtiss, Erickson, Esp, Essmann, Gebhardt, Hinkle, Jackson, Jent, Keane, Laible, Lewis, McGee, Perry, Ripley, Steinbeisser, M. Tropila, Tutvedt, Mr. President.

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Total 22

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 57 - House Amendments - Senator Gillan moved House amendments to **SB 57** be concurred in. 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, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 58 - House Amendments - Senator Gillan moved House amendments to **SB 58** be concurred in. 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, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 95 - House Amendments - Senator Brueggeman moved House amendments to **SB 95** be concurred in. 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, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 123 - House Amendments - Senator Squires moved House amendments to **SB 123** be concurred in. 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, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 133 - House Amendments - Senator Kaufmann moved House amendments to **SB 133** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Murphy, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 34

Nays: Barkus, Barrett, Brenden, R. Brown, Curtiss, Esp, Gallus, Gebhardt, Laible, McGee, Perry, Ripley, Tutvedt, Zinke, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

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SB 148 - House Amendments - Senator J. Peterson moved House amendments to **SB 148** be concurred in. 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, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 164 - House Amendments - Senator Debby Barrett moved House amendments to **SB 164** be concurred in. 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, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 174 - House Amendments - Senator Perry moved House amendments to **SB 174** be concurred in. 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, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 202 - House Amendments - Senator Hinkle moved House amendments to **SB 202** be concurred in. 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, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 299 - House Amendments - Senator J. Tropila moved House amendments to **SB 299** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, 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, Zinke, Mr. President.
Total 48

Nays: Barkus.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 351 - House Amendments - Senator Essmann moved House amendments to **SB 351** be concurred in. Motion carried as follows:

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

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Total 42

Nays: Balyeat, Barkus, Brenden, Hinkle, Jent, Juneau, Mr. President.

Total 7

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 371 - House Amendments - Senator Perry moved House amendments to **SB 371** be concurred in. Motion carried as follows:

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

Total 36

Nays: Branae, Cooney, Erickson, Hansen, Juneau, Kaufmann, Keane, Moss, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried.

Total 13

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 399 - House Amendments - Senator Laslovich moved House amendments to **SB 399** be concurred in. 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, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

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

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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:

HB 40 concurred in 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, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 107 concurred in 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, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 109 concurred in as follows:

Yeas: Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Mr. President.
Total 37

Nays: Bales, Balyeat, Barkus, Brenden, R. Brown, Curtiss, Hinkle, Jackson, McGee, Ripley, Steinbeisser, Tutvedt, Zinke.

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Total 13

Paired: Windy Boy, Aye; Barkus, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 112 concurred in as follows:

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

Total 44

Nays: Balyeat, R. Brown, Hinkle, McGee, Tutvedt.

Total 5

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 127 concurred in as follows:

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

Total 40

Nays: Balyeat, Barkus, R. Brown, Curtiss, Esp, Essmann, Hinkle, McGee, Tutvedt.

Total 9

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 246 concurred in as follows:

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

Total 29

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

Paired: Barkus, Aye; Windy Boy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 374 concurred in as follows:

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

Nays: Balyeat, Barkus, Esp, Hinkle, McGee, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 486 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, 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, Zinke, Mr. President.
Total 43

Nays: Brenden, Curtiss, Gebhardt, Hinkle, McGee, Shockley.
Total 6

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 499 concurred in 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, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley,

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Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke.
Total 47

Nays: Esp, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 531 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Jent, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.
Total 38

Nays: Black, Branae, Cooney, Erickson, Gillan, Hansen, Hawks, Juneau, Kaufmann, Keane, Moss.
Total 11

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 533 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Tutvedt, Wanzenried, Williams, Mr. President.
Total 38

Nays: Barrett, Erickson, Juneau, Kaufmann, Keane, Murphy, Ripley, Stewart-Peregoy, J. Tropila, M. Tropila, Windy Boy, Zinke.
Total 12

Paired: Barkus, Aye; Windy Boy, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 534 concurred in as follows:

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Yeas: Bales, Balyeat, Barrett, Black, Branae, 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, Mr. President.

Total 44

Nays: Barkus, Brenden, R. Brown, Hinkle, Zinke.

Total 5

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 536 concurred in as follows:

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

Total 41

Nays: Barkus, Brenden, Gebhardt, Juneau, Murphy, Steinbeisser, Tutvedt, Zinke.

Total 8

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 574 concurred in 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, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 46

Nays: Juneau, Kaufmann, Murphy.

Total 3

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 602 concurred in as follows:

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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, 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, Zinke, Mr. President.
Total 47

Nays: Jent, Keane.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 608 concurred in as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, 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, Zinke, Mr. President.
Total 46

Nays: Balyeat, Curtiss, Hinkle.
Total 3

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HJR 9 concurred in 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, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SPECIAL ORDERS OF THE DAY

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SR 15 - Senator Gallus moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with **Senate Resolution No. 15**, and that the ayes and nays be spread upon the journal.

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, Zinke, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SR 16 - Senator Gallus moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with **Senate Resolution No. 16**, and that the ayes and nays be spread upon the journal.

Yeas: Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, 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, Zinke, Mr. President.
Total 40

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, Curtiss, Hinkle, Ripley, Shockley.
Total 9

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SR 17 - Senator Gallus moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with **Senate Resolution No. 17**, and that the ayes and nays be spread upon the journal.

Yeas: Balyeat, Barkus, Barrett, Branae, Brenden, T. Brown, Cooney, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke.
Total 40

Nays: Bales, Black, R. Brown, Brueggeman, Curtiss, Hinkle, McGee, Peterson, Mr. President.

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Total 9

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SR 24 - Senator Perry moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with **Senate Resolution No. 24**, and that the ayes and nays be spread upon the journal.

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, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Zinke, Mr. President.

Total 48

Nays: Stewart-Peregoy.

Total 1

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SR 26 - Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with **Senate Resolution No. 26**, and that the ayes and nays be spread upon the journal.

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

Total 48

Nays: Essmann.

Total 1

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SR 27 - Senator Shockley moved that the nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with **Senate Resolution No. 27**, and that the ayes and nays be spread upon the journal.

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

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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, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 2:00 p.m., Friday, April 3, 2009. Motion carried.

Senate adjourned at 2:27 p.m.

MARILYN MILLER
Secretary of the Senate

ROBERT STORY
President of the Senate