

**SENATE JOURNAL
68TH LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 06, 2023

Senate Chambers
State Capitol

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

Roll Call. Forty-nine members present. Senator Brown, excused. Quorum Present.

BILLS AND JOURNALS (Lang, Chair): 02/06/2023
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the Eighth through the Fifteenth days, find the same to be correct.

Correctly printed: **SB 124, SB 199, SB 261, SB 262, SB 263, SB 264, SB 265, SB 266, SB 267, SB 268, SB 269, SB 270, SB 271, SR 8, SR 10, SR 26, SR 27, SR 50, HB 24, HB 59, HB 70, HB 71, HB 73, HB 98, HB 99, HB 113, HB 120, HB 153.**

Correctly engrossed: **SB 72.**

Correctly enrolled: **SB 18.**

Examined by the sponsor and found to be correct: **SB 18.**

Transmitted to the House: **SB 34, SB 55, SB 70, SB 164, SJ 6, HB 30, HB 39, HB 43, HB 44, HB 61, HB 67, HB 77, HB 78.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR AND ECONOMIC AFFAIRS (Small, Chair) 02/03/2023
SB 209, introduced bill, be amended with [SB0209.001.001](#) and, as amended, do pass.

JUDICIARY (Regier, Chair) 02/03/2023
SB 201, do pass.
SB 230, do pass.
SR 7, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (McGillvray, Chair) 02/03/2023
SR 17, be adopted.
SR 18, be adopted.
SR 19, be adopted.
SR 20, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 2, 2023

The Honorable Jason Ellsworth
Senate President
Montana State Senate
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Ellsworth:

In accordance with Montana Code Annotated §§ 5-5-301 and 5-5-302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Horseracing
MCA § 2-15-1809

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following persons who were appointed during the recess of the legislature:

- **Janis Calton**, 596 Pine Ridge Rd., Bigfork MT 59911, is appointed to serve a term starting May 30, 2022, and through January 1, 2025. Janis Calton fulfills the requirement of being District 5 representative. I support the confirmation of Ms. Calton.
- **Corey Jones**, 4505 Horizon Parkway, Miles City MT 59301, is appointed to serve a term starting May 30, 2022, and through January 1, 2025. Corey Jones fulfills the requirement of being Horseracing Industry Representative. I support the confirmation of Mr. Jones.
- **Dr. Kerry Pride**, PO Box 26, Silver Star, MT 59751, is appointed to serve a term starting January 1 2023, and through January 1, 2026. Ms. Pride fulfills the requirement of being a member of the Horseracing Industry. I support the confirmation of Ms. Pride.
- **Barry Stang**, 1415 Winnie Ave, Helena, MT 59623, is appointed to serve a term starting January 1, 2023, and through January 1, 2026. Mr. Stang fulfills the requirement of being a member of District 4. I support the confirmation of Mr. Stang.

I have included the appointees' resumes, biographies, or other qualification documentation for your consideration.

I have asked Hannah Slusser, my Boards and Appointments Director, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Slusser can be reached at 444-5665 or by email at Hannah.Slusser@mt.gov.

Thank you for your consideration and service.

Sincerely,

Greg Gianforte
GOVERNOR

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January 2, 2023

The Honorable Jason Ellsworth
Senate President
Montana State Senate
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Ellsworth:

In accordance with Montana Code Annotated §§ 5-5-301 and 5-5-302, I submit to you and the Montana Senate the following board appointments for confirmation.

Board of Hail Insurance
MCA § 2-15-3003

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following persons who were appointed during the recess of the legislature:

- **Jim Schillinger**, Box 400, Circle MT 59215, is reappointed to serve a term starting May 1, 2022, and through May 1, 2025. Jim Schillinger fulfills the qualifications of being a public representative. I support the confirmation of Mr. Schillinger.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Hannah Slusser, my Boards and Appointments Director, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Slusser can be reached at 444-5665 or by email at Hannah.Slusser@mt.gov.

Thank you for your consideration and service.

Sincerely,

Greg Gianforte
GOVERNOR

January 3, 2023

The Honorable Jason Ellsworth
Senate President
Montana State Senate
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Ellsworth:

In accordance with Montana Code Annotated §§ 5-5-301 and 5-5-302, I submit to you and the Montana Senate the following board appointments for confirmation.

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Historical Society Board of Trustees

MCA § 22-3-104

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following persons who were appointed during the recess of the legislature:

- **Carol Donaldson**, 401 3rd Street East, Kalispell, MT 59901, who was appointed on July 1, 2021 and whose term expires June 30, 2026. Ms. Donaldson fulfills the requirements as a member with a special interest in the purposes of the Historical Society. I support the confirmation of Ms. Donaldson.
- **Mary Helland**, 614 6th Ave. N., Glasgow, MT 59230, who was appointed on December 1, 2022, and whose term expires July 1, 2027. Ms. Helland fulfills the requirements as a member with a special interest in the purposes of the Historical Society. I support the confirmation of Ms. Helland.
- **Lorna Kuney**, 400 N California St., Helena, MT 59601, who was appointed on July 1, 2021, and whose term expires June 30, 2026. Ms. Kuney fulfills the requirements as a member with a special interest in the purposes of the Historical Society. I support the confirmation of Ms. Kuney.
- **Steve Lozar**, 31663 Rocky Point Road, Polson, MT 59860, who was appointed on December 1, 2022, and whose term expires July 1, 2027. Mr. Lozar fulfills the requirements as a member with a special interest in the purposes of the Historical Society. I support the confirmation of Mr. Lozar.
- **Jay Russell**, 1105 Durango Dr., Great Falls, MT 59404, who was appointed on July 1, 2021, and whose term expires June 30, 2026. Mr. Russell fulfills the requirements as a member with a special interest in the purposes of the Historical Society. I support the confirmation of Mr. Russell.
- **Bill Whitsitt**, 235 Harbor Drive, Bigfork, MT 59911, who was appointed on December 1, 2022 and whose term expires July 1, 2027. Mr. Whitsitt fulfills the requirements as a member with a special interest in the purposes of the Historical Society. I support the confirmation of Mr. Whitsitt.
- **Candi Zion**, PO Box 122, Winifred, MT 59489, who was appointed on March 28, 2022 and whose term expires July 1, 2024. Ms. Zion fulfills the requirements as a member with a special interest in the purposes of the Historical Society N. I support the confirmation of Ms. Zion

I have included the appointees' resumes, biographies, or other qualification documentation for your consideration.

I have asked Hannah Slusser, my Boards and Appointments Director, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Ms. Slusser can be reached at 444-5665 or by email at Hannah.Slusser@mt.gov.

Thank you for your consideration and service.

Sincerely,

Greg Gianforte
GOVERNOR

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred and returned to the Senate: 02/03/2023

SB 7, introduced by T. McGillvray
SB 35, introduced by D. Salomon
SB 40, introduced by M. Cuffe

House bills passed and transmitted to the Senate for concurrence: 02/03/2023

HB 97, introduced by E. Buttrey
HB 232, introduced by M. Hopkins
HB 251, introduced by L. Jones
HB 263, introduced by A. Regier
HB 286, introduced by M. Caferro
HB 342, introduced by D. Loge
HB 347, introduced by K. Walsh

FIRST READING AND COMMITMENT OF BILLS

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

SB 273, introduced by T. McGillvray, J. Gillette, referred to Taxation.
SB 274, introduced by D. Zolnikov, referred to Natural Resources.
SB 275, introduced by F. Mandeville, referred to Local Government.
SB 276, introduced by S. Hinebauch, referred to Judiciary.
SB 278, introduced by S. Fitzpatrick, referred to Judiciary.
SB 279, introduced by S. Fitzpatrick, referred to Judiciary.

The following Senate bills were introduced and read first time:

SB 272, introduced by T. Manzella, K. Regier, E. Butcher, B. Brown, J. Hinkle, S. Hinebauch, B. Beard, J. Fuller, J. Gillette, C. Hinkle, T. Smith, D. Emrich, S. Vance, J. Etchart.
SB 277, introduced by S. Morigeau, P. Flowers.

The following House bills were introduced, read first time, and referred to committee:

HB 97, introduced by E. Buttrey (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 232, introduced by M. Hopkins, referred to State Administration.
HB 251, introduced by L. Jones, D. Salomon, S. Fitzpatrick, M. Regier, S. Vinton, J. Small, J. Ellsworth, R. Knudsen, K. Bogner, referred to Finance and Claims.
HB 263, introduced by A. Regier, referred to Business, Labor, and Economic Affairs.
HB 286, introduced by M. Caferro, S. Stewart Peregoy, J. Gross, referred to Public Health, Welfare and Safety.
HB 342, introduced by D. Loge, D. Fern, R. Fitzgerald, N. Duram, referred to Natural Resources.
HB 347, introduced by K. Walsh, S. Gist, G. Frazer, referred to Natural Resources.

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The following House bills, previously introduced, were referred to committee:

HB 147, introduced by J. Gillette (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

HB 171, introduced by D. Bedey, referred to Public Health, Welfare and Safety.

HB 192, introduced by B. Mercer, S. Fitzpatrick, G. Hertz, M. Regier, D. Bartel, S. Vinton, J. Ellsworth, R. Knudsen, K. Bogner, referred to Finance and Claims.

HB 212, introduced by J. Kassmier, E. Buttrey, D. Salomon, S. Fitzpatrick, G. Hertz, M. Lang, R. Lynch, R. Fitzgerald, C. Knudsen, T. Welch, B. Beard, J. Small, R. Tempel, B. Ler, L. Brewster, P. Fielder, M. Stromswold, M. Malone, M. Binkley, T. Smith, R. Miner, G. Nikolakakos, P. Green, J. Etchart, B. Barker, referred to Taxation.

HB 221, introduced by T. Welch, E. Buttrey, D. Loge, R. Fitzgerald, J. Dooling, J. Kassmier, referred to Taxation.

HB 222, introduced by T. Welch, D. Zolnikov, D. Loge, R. Fitzgerald, C. Knudsen, J. Ellsworth, J. Dooling, J. Kassmier, referred to Finance and Claims.

HB 267, introduced by C. Sprunger, D. Loge, J. Schillinger, T. Smith, T. Falk, L. Hellegaard, J. Fitzpatrick, referred to Finance and Claims.

SPECIAL ORDERS OF THE DAY

Senator Curdy introduced Gus Turner, a long-time leader of the Future Farmers of America (FFA) chapter in Missoula. In 2022, Gus led a team of four students who won the National Food Science Award presented by the FFA.

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

Majority Leader Fitzpatrick moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Beard in the chair.

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

SB 174 - Senator McKamey moved **SB 174** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Molnar.

Total 1

Voted absentee: None.

Total 0

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Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 182 - Senator Lenz moved **SB 182** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 83 - Senator Cuffe moved **SB 83** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

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SB 188 - Senator Friedel moved **SB 188** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 32

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Kelker, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Salomon, Webber.

Total 17

Voted absentee: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SB 202 - Senator Hertz moved **SB 202** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 33

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Kelker, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.

Total 16

Voted absentee: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SB 214 - Senator McClafferty moved **SB 214** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau,

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Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SR 12 - Senator McGillvray moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

SR 14 - Senator McGillvray moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 14**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

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Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 22 - Senator Fuller moved **HB 22** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 15 - Senator Salomon moved **HB 15** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Usher, Vance, Vermeire, Webber, Zolnikov.
Total 44

Nays: Hinebauch, Manzella, McGillvray, Trebas, Welborn.
Total 5

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

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Absent or not voting: None.
Total 0

HB 123 - Senator Gillespie moved **HB 123** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 46

Nays: Esp, Glimm, Manzella.
Total 3

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 138 - Senator Noland moved **HB 138** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Cuffe, Curdy, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 35

Nays: Boldman, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.
Total 14

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 139 - Senator Gillespie moved **HB 139** be concurred in. Motion carried as follows:

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Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

HB 145 - Senator Small moved **HB 145** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

HB 157 - Senator Vermeire moved **HB 157** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

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Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 160 - Senator Vermeire moved **HB 160** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lynch, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 46

Nays: Bogner, Lenz, Mandeville.
Total 3

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Fitzpatrick moved consideration of **HB 162** be passed for the day. Without objection, so ordered.

Majority Leader Fitzpatrick moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Ellsworth presiding.

Senator Beard moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn.
Total 48

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Nays: Zolnikov.
Total 1

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

HB 24, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 59, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 47

Nays: Gross, Lynch.
Total 2

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Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 70, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 71, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

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Absent or not voting: None.

Total 0

HB 73, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

HB 98, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Kelker, Lang, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Zolnikov.

Total 46

Nays: Hinebauch, Lenz, Welborn.

Total 3

Voted absentee: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

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HB 99, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 113, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Vance, Vermeire, Welborn, Zolnikov.
Total 44

Nays: Flowers, Hayman, O'Brien, Usher, Webber.
Total 5

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 120, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lynch, Mandeville, McClafferty, McGillvray, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 44

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Nays: Emrich, Esp, Lenz, Manzella, McKamey.
Total 5

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 153, concurred in as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Fitzpatrick moved to re-refer **SB 182** and **HB 15**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved the Senate reconsider its action on **SB 47** which was indefinitely postponed the previous legislative day. Motion **failed** as follows:

Yeas: Beard, Bogner, Cuffe, Esp, Fitzpatrick, Friedel, Gillespie, Hertz, Hinebauch, Lang, Mandeville, Manzella, McKamey, Molnar, Sales, Salomon, Small, Trebas, Vermeire, Welborn, Zolnikov, Mr. President.
Total 22

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Nays: Bartel, Boldman, Curdy, Dunwell, Ellis, Emrich, Flowers, Fox, Fuller, Glimm, Gross, Hayman, Kelker, Lenz, Lynch, McClafferty, McGillvray, Morigeau, Noland, O'Brien, Olsen, Pope, Regier K, Tempel, Usher, Vance, Webber.
Total 27

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Senator Molnar moved that **SB 161** be taken from the Business, Labor and Economic Affairs Committee and brought before the Committee of the Whole February 7 or February 8, 2023. Motion **failed** as follows:

Yeas: Bogner, Emrich, Esp, Friedel, Fuller, Glimm, Hinebauch, Lenz, Mandeville, McGillvray, McKamey, Molnar, Morigeau, Noland, Regier K, Salomon, Trebas, Vermeire, Zolnikov.
Total 19

Nays: Bartel, Beard, Boldman, Cuffe, Curdy, Dunwell, Ellis, Fitzpatrick, Flowers, Fox, Gillespie, Gross, Hayman, Hertz, Kelker, Lang, Lynch, Manzella, McClafferty, O'Brien, Olsen, Pope, Sales, Small, Tempel, Usher, Vance, Webber, Welborn, Mr. President.
Total 30

Voted absentee: None.

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Committee meetings were announced by the committee chairs.

Senator Small introduced the Pages for the coming week:

Paige Bertelsen from Havre, sponsored by Senator Tempel
Josey Blazer from Ennis, sponsored by Senator Welborn
Gavin Garrison from Glen, sponsored by Senator Welborn
George Shea from Eureka, sponsored by Senator Cuffe

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Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 02/07/2023, the 27th legislative day. Motion carried.

Senate adjourned at 2:37 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate