

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

Helena, Montana  
February 20, 2023

Senate Chambers  
State Capitol

Senate convened at 12:55 p.m. President Ellsworth presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-five members present. Senators Emrich, Molnar, Olsen, Vermeire and Webber, excused. Quorum Present.

**BILLS AND JOURNALS** (Lang, Chair)

Correctly printed: **SB 127, SB 262, SB 275, SB 285, SB 293, SB 309, SB 311, SB 382, SB 383, SB 384, SB 385, SB 386, SB 387, SB 388, SB 389, SB 390, SB 391, SB 392, SB 393, SB 394, SB 395, SB 396, SB 397, SR 13, SR 16, HB 28, HB 60, HB 150, HB 200, HB212, HB 221, HB 228.**

Correctly engrossed: **SB 245, SB 264, SB 269, SB 281, SR 5.**

Correctly enrolled: **SJ 4, SR 7, SR 12, SR 14, SR 17, SR 18, SR 19, SR 20, SR 21, SR 22, SR 23, SR 24.**

Examined by the sponsor and found to be correct: **SJ 4, SR 7, SR 12, SR 14, SR 17, SR 18, SR 19, SR 20, SR 21, SR 22, SR 23, SR 24.**

Transmitted to the House: **SB 218, SB 236, SB 244, SB 262, SB 263, SB 270, HB 28, HB 150.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Lang, Chair) 02/16/2023  
**SB 203**, introduced bill, be amended with [SB0203.001.002](#) and, as amended, do pass.  
**HB 100**, be amended with HB0100.002.002 and, as amended, be concurred in.

**JUDICIARY** (Regier, Chair) 02/14/2023  
**SB 11**, introduced bill, be amended with [SB0011.001.002](#) and, as amended, do pass.  
**SB 278**, introduced bill, be amended with [SB0278.001.001](#) and, as amended, do pass.  
**SB 279**, do pass.  
**SB 286**, do pass.  
**SB 318**, introduced bill, be amended with [SB0318.001.001](#) and, as amended, do pass.  
**HB 38**, be concurred in.

**PUBLIC HEALTH, WELFARE AND SAFETY** (McGillvray, Chair) 02/17/2023  
**SR 50**, be adopted.  
**HB 286**, be concurred in.

Without objection, committee reports were adopted.

SENATE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - February 20, 2023

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

Senate Bills concurred in and returned to the Senate: 02/17/2023

**SB 134**, introduced by S. Fitzpatrick  
**SB 135**, introduced by S. Fitzpatrick  
**SB 136**, introduced by S. Fitzpatrick

House bills passed and transmitted to the Senate for concurrence:

02/17/2023

**HB 223**, introduced by S. Kerns  
**HB 262**, introduced by J. Schillinger  
**HB 345**, introduced by J. Hamilton  
**HB 371**, introduced by K. Walsh  
**HB 374**, introduced by D. Hawk

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 398**, introduced by B. Gillespie, referred to Energy and Telecommunications.  
**SB 399**, introduced by C. Pope, referred to Energy and Telecommunications.  
**SB 400**, introduced by J. Fuller, referred to Judiciary.  
**SB 401**, introduced by W. Curdy, referred to Local Government.  
**SB 402**, introduced by W. Curdy, referred to Natural Resources.  
**SB 403**, introduced by W. Curdy, referred to Local Government.  
**SB 404**, introduced by J. Trebas, referred to Local Government.  
**SB 405**, introduced by J. Trebas, D. Zolnikov, referred to Judiciary.  
**SB 406**, introduced by J. Trebas, D. Zolnikov, M. Noland, S. Gunderson, J. Small, J. Ellsworth, K. Bogner, K. Zolnikov, S. Kerns, S. Galloway, S. Gist, R. Marshall, C. Friedel, G. Nikolakakos, referred to Local Government.  
**SB 407**, introduced by S. Morigeau, G. Hertz, M. Dunwell, F. Mandeville, E. Boldman, C. Friedel, referred to Local Government.  
**SB 408**, introduced by B. Molnar, referred to Taxation.  
**SB 409**, introduced by E. Boldman, M. Dunwell, S. Morigeau, referred to Local Government.  
**SB 410**, introduced by B. Usher, referred to Judiciary.  
**SB 411**, introduced by B. Usher, referred to Business, Labor, and Economic Affairs.  
**SB 412**, introduced by B. Usher, referred to Highways and Transportation.  
**SB 413**, introduced by C. Glimm, referred to Education and Cultural Resources.  
**SB 414**, introduced by J. Ellsworth, M. Cuffe, D. Salomon, S. Fitzpatrick, E. McClafferty, J. Esp, T. McGillvray, K. Regier, J. Welborn, B. Molnar, C. Glimm, G. Hertz, M. Lang, D. Zolnikov, D. Lenz, R. Lynch, B. Brown, W. Curdy, M. Dunwell, J. Ellis, F. Mandeville, T. Manzella, W. McKamey, M. Noland, C. Pope, S. Webber, S. Hinebauch, J. Trebas, D. Bartel, B. Usher, W. Sales, B. Beard, E. Boldman, S. Morigeau, J. Small, R. Tempel, J. Fuller, K. Bogner, B. Gillespie, P. Flowers, M. Fox, C. Friedel, S. O'Brien, D. Emrich, S. Vance, T. Vermeire, referred to State Administration.  
**SB 415**, introduced by G. Hertz, referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - February 20, 2023

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

**SR 54**, introduced by T. McGillvray (by request of the (S) Public Health, Welfare, and Safety Standing Committee), referred to Public Health, Welfare and Safety.

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

**SB 392**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.  
**SB 393**, introduced by S. Fitzpatrick, D. Salomon, referred to State Administration.  
**SB 394**, introduced by B. Molnar, M. Dunwell, referred to Legislative Administration.  
**SB 395**, introduced by C. Glimm, referred to State Administration.  
**SB 396**, introduced by K. Bogner, B. Mitchell, referred to Judiciary.  
**SB 397**, introduced by K. Bogner, S. Fitzpatrick, J. Esp, D. Zolnikov, D. Lenz, M. Noland, S. Hinebauch, S. Morigeau, J. Ellsworth, K. Sullivan, K. Zolnikov, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced and read first time:

**HB 223**, introduced by S. Kerns  
**HB 262**, introduced by J. Schillinger  
**HB 345**, introduced by J. Hamilton  
**HB 371**, introduced by K. Walsh  
**HB 374**, introduced by D. Hawk

### MOTIONS

Majority Leader Fitzpatrick moved to **suspend Senate rule S50-190(1)** to take **SB 186** from the third reading board and re-refer it to the Finance and Claims Committee. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Vance, Welborn, Mr. President.  
Total 43

Nays: Usher, Zolnikov.  
Total 2

Voted absentee: None.

Excused: Emrich, Molnar, Olsen, Vermeire, Webber.  
Total 5

Absent or not voting: None.  
Total 0

SENATE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - February 20, 2023

Senator Manzella moved that **SB 337** be taken from the Education and Cultural Resources Committee and re-referred to the Judiciary Committee. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Esp, Fitzpatrick, Friedel, Fuller, Glimm, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Noland, Regier K, Small, Trebas, Usher, Vance, Zolnikov, Mr. President.  
Total 27

Nays: Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gillespie, Gross, Hayman, Lynch, McClafferty, Morigeau, O'Brien, Pope, Sales, Salomon, Tempel, Welborn.  
Total 18

Voted absentee: None.

Excused: Emrich, Molnar, Olsen, Vermeire, Webber.  
Total 5

Absent or not voting: None.  
Total 0

### UNFINISHED BUSINESS

Majority Leader Fitzpatrick moved that the following undersigned name be ADDED as sponsor to **SB 379**: Representative K. Zolnikov.

Without objection, so ordered.

Senator Morigeau moved the following undersigned names be ADDED as sponsors to **SB 407**: Senators C. Friedel and F. Mandeville.

Without objection, so ordered.

### ANNOUNCEMENT OF COMMITTEE MEETINGS

Committee meetings were announced by the committee chairs.

The Montana Senate and Montana House of Representatives will meet in joint session to hear addresses from Montana's Congressional members Senator Jon Tester, Senator Steve Daines, Representative Matt Rosendale and Representative Ryan Zinke, and from Tom McDonald, Council Representative of the Confederated Salish and Kootenai Tribes.

Majority Leader Fitzpatrick moved the Senate recess and proceed to the House of Representatives to meet in a joint session for the purpose of hearing addresses from Montana Congressional members and tribal leaders. Upon adjournment of the joint session, the Senate

SENATE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - February 20, 2023

will be adjourned until the hour of 1:00 p.m., Tuesday, February 21, the 37th legislative day.  
Motion carried.

Senate recessed at 1:08 p.m.

Joint session adjourned at 2:43 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate