

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

Helena, Montana
February 21, 2023

Senate Chambers
State Capitol

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

Roll Call. Forty-seven members present. Senators Kelker, Molnar and Olsen, excused. Quorum Present.

BILLS AND JOURNALS (Lang, Chair)

Correctly printed: **SB 279, SB 286, SB 398, SB 399, SB 400, SB 401, SB 402, SB 403, SB 404, SB 405, SB 406, SB 407, SB 408, SB 409, SB 410, SB 411, SB 412, SB 413, SB 414, SR 50, SR 54, HB 38, HB 286.**

Correctly engrossed: **SB 11, SB 203, SB 278, SB 318, SR 15, HB 100.**

Signed by the Secretary of the Senate at 3:10 p.m., February 20, 2023: **SJ 4, SR 7, SR 12, SR 14, SR 17, SR 18, SR 19, SR 20, SR 21, SR 22, SR 23, SR 24.**

Signed by the President at 9:40 a.m., February 21, 2023: **SJ 4, SR 7, SR 12, SR 14, SR 17, SR 18, SR 19, SR 20, SR 21, SR 22, SR 23, SR 24.**

Delivered to the Secretary of State at 11:41 a.m., February 21, 2023: **SR 7, SR 12, SR 14, SR 17, SR 18, SR 19, SR 20, SR 21, SR 22, SR 23, SR 24.**

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Esp, Chair) 02/16/2023
HB 3, be concurred in.
HB 185, be amended with [HB0185.001.001](#) and, as amended, be concurred in.

LEGISLATIVE ADMINISTRATION (Lang, Chair) 02/20/2023
HB 167, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (McGillvray, Chair) 02/15/2023
SB 150, introduced bill, be amended with [SB0150.001.003](#) and, as amended, do pass.
SB 300, do pass.
SR 15, introduced resolution, be amended with [SR0015.001.001](#) and, as amended, be adopted.

TAXATION (Hertz, Chair) 02/21/2023
SB 246, introduced bill, be amended with [SB0246.001.001](#) and, as amended, do pass.
SB 253, introduced bill, be amended with [SB0253.001.001](#) and, as amended, do pass.

Without objection, the committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

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

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- SB 416**, introduced by J. Ellis, referred to State Administration.
- SB 417**, introduced by B. Molnar, referred to Finance and Claims.
- SB 418**, introduced by B. Molnar, referred to State Administration.
- SB 419**, introduced by S. Vance, referred to Business, Labor, and Economic Affairs.
- SB 420**, introduced by C. Friedel, referred to Local Government.
- SB 421**, introduced by C. Friedel, referred to Business, Labor, and Economic Affairs.
- SB 422**, introduced by K. Bogner, referred to Public Health, Welfare and Safety.
- SB 423**, introduced by K. Bogner, D. Salomon, E. McClafferty, T. McGillvray, K. Regier, J. Welborn, L. Jones, J. Cohenour, B. Keenan, C. Glimm, M. Lang, D. Zolnikov, D. Lenz, B. Brown, M. Dunwell, F. Mandeville, S. Hinebauch, D. Fern, D. Loge, R. Fitzgerald, J. Trebas, B. Usher, W. Sales, T. Welch, B. Beard, J. Small, N. Duram, J. Dooling, D. Harvey, E. Kerr-Carpenter, B. Gillespie, J. Kassmier, B. Mercer, T. Moore, D. Bedey, M. Marler, P. Flowers, B. Ler, K. Zolnikov, B. Mitchell, A. Regier, K. Seekins-Crowe, M. Malone, E. Stafman, A. Buckley, M. Bertoglio, M. Thane, C. Friedel, M. Yakawich, R. Miner, G. Parry, D. Emrich, T. Vermeire, C. Sprunger, P. Green, B. Barker, J. Karlen, referred to Judiciary.
- SB 424**, introduced by F. Mandeville, E. Buttrey, G. Hertz, B. Brown, M. Hopkins, F. Nave, referred to State Administration.
- SB 425**, introduced by J. Small, E. Kerr-Carpenter, referred to Public Health, Welfare and Safety.
- SB 426**, introduced by J. Small, referred to Natural Resources.
- SB 427**, introduced by T. Vermeire, referred to Taxation.
- SB 428**, introduced by B. Molnar, referred to Fish and Game.
- SB 429**, introduced by S. Fitzpatrick, D. Salomon, J. Kassmier, referred to Judiciary.
- SB 430**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
- SB 431**, introduced by C. Friedel, referred to Judiciary.
- SB 432**, introduced by T. Manzella, referred to State Administration.
- SB 433**, introduced by T. Manzella, referred to State Administration.
- SB 434**, introduced by T. Manzella, referred to Judiciary.
- SB 435**, introduced by T. Manzella, referred to State Administration.
- SB 436**, introduced by S. Hinebauch, referred to Judiciary.
- SB 437**, introduced by J. Gross, E. McClafferty, J. Ellis, S. Morigeau, P. Flowers, referred to Public Health, Welfare and Safety.
- SB 438**, introduced by B. Usher, referred to Judiciary.
- SB 439**, introduced by B. Usher, referred to Judiciary.
- SB 440**, introduced by B. Usher, referred to Judiciary.
- SB 441**, introduced by M. Noland, referred to State Administration.
- SB 442**, introduced by M. Lang, M. Cuffe, T. McGillvray, R. Lynch, S. Hinebauch, D. Loge, D. Bartel, C. Knudsen, B. Usher, R. Tempel, B. Ler, P. Fielder, J. Schillinger, K. Seekins-Crowe, M. Malone, C. Hinkle, M. Binkley, R. Marshall, S. Essmann, R. Miner, G. Parry, N. Nicol, referred to Taxation.
- SB 443**, introduced by C. Friedel, J. Cohenour, referred to Judiciary.
- SB 444**, introduced by J. Small, D. Salomon, E. McClafferty, L. Jones, W. McKamey, S. Morigeau, J. Kassmier, M. Bertoglio, S. O'Brien, T. Brockman, G. Nikolakakos, referred to Business, Labor, and Economic Affairs.
- SB 445**, introduced by K. Bogner, referred to Judiciary.
- SB 446**, introduced by D. Lenz, referred to Legislative Administration.

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

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SJ 14, introduced by M. Lang, M. Cuffe, T. McGillvray, S. Hinebauch, D. Loge, D. Bartel, C. Knudsen, B. Usher, R. Tempel, B. Ler, P. Fielder, J. Schillinger, M. Malone, C. Hinkle, R. Marshall, R. Miner, G. Parry, N. Nicol, referred to Fish and Game.

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

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.

MOTIONS

Majority Leader Fitzpatrick moved the Senate suspend rules to allow Senator Usher to be the floor carrier for **SB 309**. Motion carried as follows:

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

Total 47

Nays: None.

Total 0

Voted absentee: None.

Excused: Kelker, Molnar, Olsen.

Total 3

Absent or not voting: None.

Total 0

**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:

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SB 210 - Senator Glimm moved **SB 210** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Trebas, Usher, Vance.

Total 26

Nays: Bogner, Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Gillespie, Gross, Hayman, Kelker, Lynch, McClafferty, McKamey, Morigeau, O'Brien, Olsen, Pope, Small, Tempel, Vermeire, Webber, Welborn, Zolnikov.

Total 24

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 237 - Senator Vance moved **SB 237** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, 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: Dunwell.

Total 1

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 211 - Senator McGillvray moved **SB 211** do pass. Motion carried as follows:

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

Total 31

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

Total 19

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 94 - Senator Usher moved **SB 94** do pass.

SB 94 - Senator Usher moved **SB 94**, second reading copy, be amended with [SB0094.003.002](#).
Amendment **adopted** as follows:

Yeas: Bartel, 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, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 47

Nays: Beard, Emrich, Trebas.

Total 3

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 94, as amended, passed as follows:

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

Total 47

Nays: Beard, Mandeville, Trebas.

Total 3

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Voted absentee: None.
Total 0

Excused: None.
Total 0

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, Brown, 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 50

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 314 - Majority Leader Fitzpatrick moved **SB 314** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, 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 50

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SB 224 - Senator Hertz moved **SB 224** do pass.

SB 224 - Senator Hertz moved **SB 224**, second reading copy, be amended with [SB0224.002.001](#).
Amendment **adopted** as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Emrich, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 40

Nays: Dunwell, Ellis, Flowers, Gross, Hayman, Lynch, McClafferty, O'Brien, Olsen, Webber.
Total 10

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 224, as amended, passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Trebas, Usher, Vance, Vermeire, Zolnikov.
Total 31

Nays: Boldman, Cuffe, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Kelker, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Tempel, Webber, Welborn.
Total 19

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 309 - Senator Usher moved **SB 309** do pass. Motion carried as follows:

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

Total 46

Nays: Hayman, Hinebauch, McClafferty, Mr. President.

Total 4

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 312 - Senator Vermeire moved **SB 312** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, 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 48

Nays: Lang, Lenz.

Total 2

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 20 - House Amendments - Majority Leader Fitzpatrick moved do concur in House amendments to **SB 20**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, 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 50

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Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn.
Total 46

Nays: Hayman, McClafferty, Zolnikov.
Total 3

Voted absentee: None.
Total 0

Excused: Olsen.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Fitzpatrick moved to re-refer **SB 224**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

UNFINISHED BUSINESS

Majority Leader Fitzpatrick moved the following undersigned names be **ADDED** as sponsors to **SB 322**:

Senators K. Bogner, J. Ellsworth, W. McKamey, D. Salomon, J. Small, and D. Zolnikov.

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Representatives B. Barker, A. Buckley, E. Buttrey, M. Hopkins, J. Kassmier and G. Nikolakakos.

Without objection, so ordered.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Committee meetings were announced by the committee chairs.

Senator Small introduced the Pages for the coming week:

Gideon Addy from Great Falls, Montana, sponsored by Senator Emrich
Alyssa Toce-Blount from Frazer, Montana, sponsored by Senator Small
Benjamin Rhodes from Great Falls, Montana, sponsored by Senator Trebas
Paisley Smith from Helena, Montana, sponsored by Senator Beard

Majority Leader Fitzpatrick moved the Senate adjourn until 12:45 p.m., 02/22/2023, the 38th legislative day. Motion carried.

Senate adjourned at 2:34 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate