

**SENATE JOURNAL  
68TH LEGISLATURE  
ELEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 16, 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. All members present. Quorum present.

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

Correctly printed: **SB 1, SB 10, SB 20, SB 21, SB 34, SB 58, SB 62, SB 69, SB 74, SB 87, SB 88, SB 100, SB 101, SB 107, SB 120, SB 162, SB 163, SB 164, SB 165, SB 166, SB 167, SB 168, SB 169, SB 170, SB 171, SB 172, SB 173, SB 174, SJ 6.**

Correctly engrossed: **SB 71, SB 76, SB 108, SJ 2.**

Transmitted to the House: **SB 18, SB 35, SB 40, SB 80, SB 102, SJ 4.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Lang, Chair) 01/12/2023  
**SB 78**, do pass.

**JUDICIARY** (Regier, Chair) 01/13/2023  
**SJ 3**, introduced bill, be amended with [SJ0003.001.001](#) and, as amended, do pass.

**PUBLIC HEALTH, WELFARE AND SAFETY** (McGillvray, Chair) 01/13/2023  
**SB 36**, introduced bill, be amended with [SB0036.001.002](#) and, as amended, do pass.  
**SB 114**, do pass.  
**SB 116**, do pass.  
**HB 39**, be concurred in.

Without objection, the committee reports were adopted.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

House bills passed and transmitted to the Senate for concurrence: 01/13/2023

**HB 21**, introduced by D. Bedey  
**HB 22**, introduced by D. Bedey  
**HB 26**, introduced by G. Nikolakakos  
**HB 27**, introduced by N. Duram  
**HB 52**, introduced by K. Zolnikov  
**HB 76**, introduced by J. Schillinger  
**HB 88**, introduced by R. Fitzgerald  
**HB 113**, introduced by G. Kmetz

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**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 175**, introduced by M. Dunwell, W. Curdy, K. Abbott, E. Boldman, S. Morigeau, J. Gross, C. Keogh, M. Fox, P. Tuss, J. Karlen, B. Carter, referred to State Administration.

**SB 176**, introduced by K. Regier, referred to State Administration.

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

**SJ 7**, introduced by S. O'Brien, M. Cuffe, D. Salomon, S. Fitzpatrick, E. McClafferty, J. Esp, K. Regier, J. Welborn, L. Jones, G. Hertz, M. Lang, D. Zolnikov, D. Lenz, R. Lynch, A. Olsen, B. Brown, W. Curdy, M. Dunwell, J. Ellis, D. Hayman, F. Mandeville, T. Manzella, W. McKamey, S. Webber, S. Hinebauch, R. Fitzgerald, L. Sheldon-Galloway, D. Bartel, W. Sales, K. Abbott, E. Boldman, S. Morigeau, J. Small, R. Tempel, J. Fuller, D. Harvey, B. Gillespie, C. Keogh, K. Sullivan, P. Flowers, M. Fox, K. Zolnikov, S. Galloway, A. Buckley, K. Walsh, M. Bertoglio, M. Binkley, M. Thane, M. Yakawich, J. Lynch, J. Karlen, referred to State Administration.

**SJ 8**, introduced by J. Ellsworth, referred to the Joint Committee on Redistricting.

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

**SB 166**, introduced by R. Lynch, referred to Business, Labor, and Economic Affairs.

**SB 167**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

**SB 168**, introduced by G. Hertz, R. Lynch, M. Noland, referred to Business, Labor, and Economic Affairs.

**SB 169**, introduced by G. Hertz, J. Esp, B. Brown, B. Usher, J. Ellsworth, C. Friedel, referred to Judiciary.

**SB 170**, introduced by F. Mandeville, referred to Local Government.

**SB 171**, introduced by K. Regier, referred to Judiciary.

**SB 172**, introduced by C. Friedel, M. Hopkins, referred to Judiciary.

**SB 173**, introduced by K. Bogner, referred to Local Government.

**SB 174**, introduced by W. McKamey, S. Fitzpatrick, K. Regier, M. Lang, D. Zolnikov, J. Ellis, D. Hayman, D. Bartel, J. Small, B. Gillespie, J. Kassmier, S. Gist, K. Seekins-Crowe, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution, previously introduced, was referred to committee

**SJ 6**, introduced by S. Webber, F. Smith, J. Windy Boy, M. Weatherwax, T. Running Wolf, M. Fox, referred to Public Health, Welfare and Safety.

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

**HB 21**, introduced by D. Bedey (by request of the Legislative Finance Committee), referred to Education and Cultural Resources.

**HB 22**, introduced by D. Bedey (by request of the Legislative Finance Committee), referred to Education and Cultural Resources.

**HB 26**, introduced by G. Nikolakakos (by request of the Department of Transportation), referred to Highways and Transportation.

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**HB 27**, introduced by N. Duram (by request of the Transportation Interim Committee), referred to Highways and Transportation.

**HB 52**, introduced by K. Zolnikov (by request of the Department of Public Service Regulation), referred to Highways and Transportation.

**HB 76**, introduced by J. Schillinger (by request of the Department of Transportation), referred to Highways and Transportation.

**HB 88**, introduced by R. Fitzgerald (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 113**, introduced by G. Kmetz (by request of the Department of Agriculture), referred to Local Government.

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

**HB 25**, introduced by B. Beard (by request of the Revenue Interim Committee), referred to Taxation.

**HB 30**, introduced by A. Buckley (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.

**HB 110**, introduced by B. Mercer (by request of the Legislative Finance Committee), referred to State Administration.

**HB 121**, introduced by R. Miner (by request of the Department of Revenue), referred to Taxation.

**HB 138**, introduced by T. Welch (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.

**HB 139**, introduced by T. Welch (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.

**HB 142**, introduced by J. Lynch (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

**HB 160**, introduced by D. Harvey (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

**HB 162**, introduced by B. Mitchell (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

**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 Regier in the chair.

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

**SB 4** - Senator Gross moved **SB 4** 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

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Nays: None.  
Total 0

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 23** - Senator Trebas moved **SB 23** 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, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.  
Total 48

Nays: Trebas.  
Total 1

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**SB 29** - Senator McKamey moved **SB 29** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.  
Total 45

Nays: Esp, Glimm, Mandeville, Noland.  
Total 4

Voted absentee: None.  
Total 0

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Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

Senator Dunwell and Senator Mandeville disclosed they are benefit recipients under the defined contribution plan.

**SB 46** - Senator McKamey moved **SB 46** 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, 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: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**SB 63** - Senator Zolnikov moved **SB 63** do pass. Motion carried as follows:

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

Nays: Bartel, Glimm, McGillvray.  
Total 3

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

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Absent or not voting: Molnar.  
Total 1

**SB 65** - Senator Zolnikov moved **SB 65** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Curdy, Dunwell, Ellis, Fitzpatrick, Friedel, Fuller, Gillespie, Hayman, Hertz, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McGillvray, Molnar, Morigeau, Mr. President, O'Brien, Pope, Sales, Salomon, Small, Tempel, Trebas, Vance, Vermeire, Webber, Welborn, Zolnikov.  
Total 35

Nays: Brown, Cuffe, Emrich, Esp, Flowers, Fox, Glimm, Gross, Hinebauch, Manzella, McKamey, Noland, Olsen, Regier K, Usher.  
Total 15

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 75** - Majority Leader Fitzpatrick moved **SB 75** 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, 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: Lenz.  
Total 1

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 120** - Senator Webber moved **SB 120** do pass. Motion carried as follows:

Yeas: Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Gross, Hayman, Hertz, Kelker, Lenz, Lynch, Mandeville, McClafferty, McKamey, Molnar, Morigeau, Mr. President, O'Brien, Olsen, Pope, Sales, Salomon, Small, Trebas, Vermeire, Webber, Welborn, Zolnikov.

Total 36

Nays: Bartel, Beard, Brown, Fuller, Glimm, Hinebauch, Lang, Manzella, McGillvray, Noland, Regier K, Tempel, Usher, Vance.

Total 14

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 Regier 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, 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 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

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**THIRD READING OF BILLS**

**SB 1** passed 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 10** passed 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 20** passed 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,



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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 49

Nays: None.  
Total 0

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**SB 34** passed 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 62** passed 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

**SB 69** passed 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 87** passed as follows:

Yeas: Bartel, Beard, Bogner, Brown, 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 34

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

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Majority Leader Fitzpatrick moved to re-refer **SB 29**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

Committee meetings were announced by the committee chairs.

Senator Zolnikov arose on a point of personal privilege to correct his response to a question during discussion of **SB 65**.

Senator Small introduced Faith Osmundson, the Page for the coming week. Faith is from Buffalo, MT, and is sponsored by Senator Vance.

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 01/17/2023, the 12th legislative day. Motion carried.

Senate adjourned at 2:10 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate