

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

Helena, Montana  
January 19, 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. All members present. Quorum present.

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

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the First through the Seventh days, find the same to be correct.

Correctly printed: **SB 3, SB 16, SB 17, SB 33, SB 36, SB 64, SB 74, SB 76, SB 81, SB 88, SB 100, SB 101, SB 107, SB 149, SB 179, SB 180, SB 181, SB 182, SB 183, SB 184, SB 185, SB 186, SB 187, SB 188, SB 189.**

Correctly engrossed: **SB 24, SB 50, SB 54, SB 108.**

Transmitted to the House: **SB 48, SB 56, SB 67, SB 71.**

**COMMUNICATIONS AND PETITIONS**

The Montana Judicial Standards Commission submitted its report for calendar years 2021 and 2022 to the legislature as required by 3-1-1126, MCA.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Regier, Chair) 01/11/2023

**SB 12**, introduced bill, be amended with [SB0012.001.001](#) and, as amended, do pass.

**SB 19**, do pass.

**SB 38**, do pass.

**SB 68**, introduced bill, be amended with [SB0068.001.001](#) and, as amended, do pass.

**SB 106**, do pass.

**SJ 5**, do pass.

**JUDICIARY** (Regier, Chair) 01/13/2023

**SB 134**, do pass.

**JUDICIARY** (Regier, Chair) 01/17/2023

**SB 89**, introduced bill, be amended with [SB0089.001.010](#) and, as amended, do pass.

**JUDICIARY** (Regier, Chair) 01/18/2023

**SB 154**, do pass.

**HB 77**, be concurred in.

**HB 78**, be concurred in.

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**JUDICIARY** (Regier, Chair) 01/19/2023  
**SB 159**, do pass.

**LOCAL GOVERNMENT** (Friedel, Chair) 01/18/2023  
**SB 143**, introduced bill, be amended with [SB0143.001.001](#) and, as amended, do pass.  
**SB 173**, do pass.  
**HB 67**, be concurred in.

**NATURAL RESOURCES** (Welborn, Chair) 01/13/2023  
**SB 42**, introduced bill, be amended with [SB0042.001.001](#) and, as amended, do pass.  
**SB 43**, introduced bill, be amended with [SB0043.001.001](#) and, as amended, do pass.  
**SB 72**, introduced bill, be amended with [SB0072.001.001](#) and, as amended, do pass.

**STATE ADMINISTRATION** (Cuffe, Chair) 01/18/2023  
**SB 128**, do pass.

Without objection, the committee reports were adopted.

**MESSAGES FROM THE GOVERNOR**

January 11, 2023

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

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 cabinet appointment for confirmation.

**Department of Public Health and Human Services**  
*MCA § 2-15-3001*

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:

**Charles Brereton**, 111 N Sanders St., Helena, MT 59601, [charles.brereton@mt.gov](mailto:charles.brereton@mt.gov), who was appointed on July 22, 2022. I support the confirmation of Director Brereton.

I have included the appointee's resume, 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](mailto:Hannah.Slusser@mt.gov).

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Thank you for your consideration and service.

Sincerely,

Greg Gianforte  
GOVERNOR

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

House bill passed and transmitted to the Senate for concurrence: 01/18/2023

**HB 59**, introduced by R. Fitzgerald

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 190**, introduced by F. Mandeville, referred to State Administration.

**SB 191**, introduced by S. Fitzpatrick, referred to Judiciary.

**SB 192**, introduced by M. Dunwell, referred to Taxation.

**SB 193**, introduced by M. Dunwell, A. Olsen, T. France, referred to Legislative Administration.

**SB 194**, introduced by M. Dunwell, T. France, referred to Taxation.

**SB 195**, introduced by J. Trebas, D. Zolnikov, J. Hinkle, K. Bogner, B. Mitchell, S. Galloway, C. Friedel, referred to Local Government.

**SB 196**, introduced by W. Sales, referred to Public Health, Welfare and Safety.

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

**SR 2**, introduced by S. Hinebauch, referred to Fish and Game.

**SR 3**, introduced by S. Hinebauch, referred to Fish and Game.

**SR 4**, introduced by M. Cuffe, referred to State Administration.

**SR 5**, introduced by M. Cuffe, referred to State Administration.

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

**HB 59**, introduced by R. Fitzgerald (by request of the Livestock Loss Board), referred to Agriculture, Livestock and Irrigation.

**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 Noland in the chair.

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

**SB 155**- Majority Leader Fitzpatrick moved consideration of **SB 155** be passed for the day. Without objection, so ordered.

**SB 27** - Senator Sales moved **SB 27** 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 78** - Senator Gillespie moved **SB 78** do pass. Motion carried as follows:

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

Nays: Flowers, Fuller, Gross, Molnar, Olsen.  
Total 5

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 95** - Senator Usher moved **SB 95** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Flowers, 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 36

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

Total 14

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 111** - Senator Glimm moved **SB 111** 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, 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: Hinebauch.

Total 1

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 114** - Senator Lenz moved **SB 114** do pass. Motion **failed** as follows:

Yeas: Bartel, Beard, Boldman, Emrich, Fuller, Glimm, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, Morigeau, Noland, Regier K, Trebas, Usher, Vance, Zolnikov.

Total 19

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Nays: Bogner, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Gross, Hayman, Hertz, Kelker, Lynch, McClafferty, McKamey, Molnar, Mr. President, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Vermeire, Webber, Welborn.  
Total 31

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 114** - Majority Leader Fitzpatrick moved **SB 114** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Gross, Hayman, Hertz, Kelker, Lynch, McClafferty, McGillvray, McKamey, Molnar, Mr. President, Noland, O'Brien, Pope, Sales, Salomon, Small, Tempel, Vance, Vermeire, Webber, Welborn, Zolnikov.  
Total 34

Nays: Bartel, Beard, Boldman, Emrich, Fuller, Glimm, Hinebauch, Lang, Lenz, Mandeville, Manzella, Morigeau, Olsen, Regier K, Trebas, Usher.  
Total 16

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 116** - Senator Lenz moved **SB 116** 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, 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: Hayman.  
Total 1

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Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 130** - Senator Mandeville moved **SB 130** 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, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Zolnikov.  
Total 48

Nays: Morigeau, Welborn.  
Total 2

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 131** - Senator Mandeville moved **SB 131** do pass. Motion carried as follows:

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

Nays: Curdy, Flowers, Hayman, Lynch, Salomon, Tempel.  
Total 6

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 152** - Senator Mandeville moved **SB 152** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, 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 46

Nays: Flowers, Gross, Hayman, Lynch.  
Total 4

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJ 3** - Senator Lynch moved **SJ 3** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, 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, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.  
Total 48

Nays: Fuller, Tempel.  
Total 2

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.



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Senator Noland 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, 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

**THIRD READING OF BILLS**

**SB 36** passed as follows:

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

Nays: Dunwell, Ellis, Gross, Hayman, O'Brien, Olsen.  
Total 6

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 74** passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, 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 48

Nays: Emrich, Glimm.  
Total 2

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 76** 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 88** 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, McKamey, Molnar, Morigeau,

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

Total 48

Nays: McGillvray, Vance.

Total 2

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 100** passed as follows:

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

Total 45

Nays: Hayman, Kelker, Lang, Regier K, Tempel.

Total 5

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 101** passed as follows:

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

Total 45

Nays: Hayman, Kelker, Lang, Regier K, Tempel.

Total 5

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Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 107** passed as follows:

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

Total 32

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

Total 18

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### MOTIONS

Majority Leader Fitzpatrick moved to re-refer **SB 95**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **SJ 6** be taken from the Public Health, Welfare and Safety Committee and re-referred to the Education and Cultural Resources Committee. Without objection, so ordered.

Senator Manzella moved to change her previous day's third-reading vote on **SB 56** from No to Yes. Without objection, so ordered.

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**ANNOUNCEMENT OF COMMITTEE MEETINGS**

Committee meetings were announced by the committee chairs.

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 01/20/2023, the 15th legislative day. Motion carried.

Senate adjourned at 2:32 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate