

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

Helena, Montana  
January 20, 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 Kelker, excused. Quorum Present.

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

Correctly printed: **SB 19, SB 27, SB 38, SB 78, SB 95, SB 106, SB 111, SB 116, SB 128, SB 130, SB 131, SB 134, SB 152, SB 154, SB 159, SB 173, SB 190, SB 191, SB 192, SB 193, SB 194, SB 195, SB 196, SR 2, SR 3, SR 4, SR 5, SJ 3, SJ 5, HB 67, HB 77, HB 78.**

Correctly engrossed: **SB 12, SB 42, SB 43, SB 68, SB 72, SB 89, SB 143.**

Transmitted to the House: **SB 36, SB 74, SB 76, SB 88, SB 100, SB 101, SB 107.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Lang, Chair) 01/19/2023  
**SB 37**, do pass.

**FINANCE AND CLAIMS** (Esp, Chair) 01/19/2023  
**SB 29**, do pass.

**HIGHWAYS AND TRANSPORTATION** (Manzella, Chair) 01/19/2023  
**SB 144**, do pass.

**NATURAL RESOURCES** (Welborn, Chair) 01/18/2023  
**SB 39**, introduced bill, be amended with [SB0039.001.002](#) and, as amended, do pass.

Without objection, committee reports were adopted.

**REPORTS OF SELECT COMMITTEES**

To the President,

We, your joint select committee on (S) Redistricting recommend that **Senate joint resolution 8** (first reading copy - white) be re-referred to the Senate and House State Administration Standing Committees and further recommend that it be amended by the Senate State Administration Committee with the following amendments contained in [SJ0008.001.014](#).

Signed: Senator Mike Cuffe, Chairman

Dated: January 20, 2023

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**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

House bills passed and transmitted to the Senate for concurrence:

01/19/2023

**HB 31**, introduced by R. Fitzgerald  
**HB 32**, introduced by S. Gist  
**HB 33**, introduced by S. Gist  
**HB 34**, introduced by S. Gist  
**HB 41**, introduced by J. Bergstrom  
**HB 51**, introduced by J. Read  
**HB 65**, introduced by T. Moore  
**HB 66**, introduced by G. Kmetz  
**HB 68**, introduced by G. Nikolakakos  
**HB 69**, introduced by T. Falk  
**HB 80**, introduced by G. Nikolakakos  
**HB 84**, introduced by K. Walsh  
**HB 92**, introduced by P. Green  
**HB 175**, introduced by E. Buttrey

**FIRST READING AND COMMITMENT OF BILLS**

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

**SR 6**, introduced by K. Regier, referred to Judiciary.  
**SR 7**, introduced by K. Regier, referred to Judiciary.  
**SR 8**, introduced by K. Regier, referred to Judiciary.  
**SR 9**, introduced by K. Regier, referred to Judiciary.  
**SR 10**, introduced by K. Regier, referred to Judiciary.  
**SR 11**, introduced by G. Hertz, referred to Taxation.  
**SR 12**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 13**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 14**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 15**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 16**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 17**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 18**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 19**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 20**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 21**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 22**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 23**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 24**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 25**, introduced by T. McGillvray, referred to Public Health, Welfare and Safety.  
**SR 26**, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.  
**SR 27**, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.  
**SR 28**, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.  
**SR 29**, introduced by J. Small, referred to Business, Labor, and Economic Affairs.  
**SR 30**, introduced by J. Small, referred to Business, Labor, and Economic Affairs.

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The following Senate bills were introduced and read first time:

**SB 197**, introduced by M. Cuffe.

**SB 198**, introduced by J. Gross, M. Caferro, S. Stewart Peregoy, R. Lynch, B. Usher, J. Small, S. O'Brien.

**SB 199**, introduced by G. Hertz.

**SB 200**, introduced by G. Hertz.

**SB 201**, introduced by G. Hertz.

**SB 202**, introduced by G. Hertz.

The following House bills were introduced and read first time:

**HB 31**, introduced by R. Fitzgerald (by request of the Department of Revenue).

**HB 32**, introduced by S. Gist (by request of the Local Government Interim Committee).

**HB 33**, introduced by S. Gist (by request of the Local Government Interim Committee).

**HB 34**, introduced by S. Gist (by request of the Department of Natural Resources and Conservation).

**HB 41**, introduced by J. Bergstrom (by request of the Department of Labor and Industry).

**HB 51**, introduced by J. Read (by request of the Department of Livestock).

**HB 65**, introduced by T. Moore (by request of the Department of Public Health and Human Services).

**HB 66**, introduced by G. Kmetz (by request of the Department of Revenue).

**HB 68**, introduced by G. Nikolakakos (by request of the Department of Revenue).

**HB 69**, introduced by T. Falk (by request of the Department of Revenue.)

**HB 80**, introduced by G. Nikolakakos (by request of the Department of Military Affairs).

**HB 84**, introduced by K. Walsh (by request of the Department of Livestock).

**HB 92**, introduced by P. Green (by request of the Department of Justice).

**HB 175**, introduced by E. Buttrey

**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 Zolnikov in the chair.

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

Majority Leader Fitzpatrick moved that **SB 54** be passed for the day. Without objection, so ordered.

Majority Leader Fitzpatrick moved consideration of **SB 64** be moved to the bottom of the board. Without objection, so ordered.

**SB 155** - Senator Bogner moved **SB 155** do pass.

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**SB 155** - Senator Bogner moved **SB 155**, second reading copy, be amended with [SB0155.001.001](#).

Amendment **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, 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: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

**SB 155**, as amended, 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, 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: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

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**SB 17** - Senator Welborn moved **SB 17** 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, 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: Kelker.

Total 1

Absent or not voting: None.

Total 0

**SB 33** - Senator Cuffe moved **SB 33** 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, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 47

Nays: Gross, Olsen.

Total 2

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

**SB 50** - Senator Bartel moved **SB 50** 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, 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: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

**SB 81** - Senator Tempel moved **SB 81** 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, 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: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

**SB 132** - Senator Beard moved **SB 132** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, 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: Esp, McGillvray.  
Total 2

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Voted absentee: None.  
Total 0

Excused: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

**SB 149** - Senator Lenz moved **SB 149** 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, 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: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

President Ellsworth resumed the chair at this time.

**SB 64** - Senator Zolnikov moved **SB 64** 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, 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

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Excused: Kelker.  
Total 1

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 Zolnikov 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, 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: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

**SB 27** 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, 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



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Excused: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

**SB 78** passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, Hertz, Hinebauch, 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 47

Nays: Gross, Molnar.  
Total 2

Voted absentee: None.  
Total 0

Excused: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

**SB 111** 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, 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: Hinebauch.  
Total 1

Voted absentee: None.  
Total 0

Excused: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

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**SB 116** passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, 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 47

Nays: Dunwell, Hayman.

Total 2

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

**SB 130** 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, 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: Kelker.

Total 1

Absent or not voting: None.

Total 0

**SB 131** 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, Lang, Lenz, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau,

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Total 47

Nays: Lynch, Welborn.

Total 2

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

**SB 152** passed as follows:

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

Total 46

Nays: Flowers, Lynch, Welborn.

Total 3

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

**SJ 3** 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, Lang, Lenz, Lynch, 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 47

Nays: Mandeville, Tempel.

Total 2

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Voted absentee: None.  
Total 0

Excused: Kelker.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Majority Leader Fitzpatrick moved to re-refer **SB 132**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **SJ 8** be re-referred to the State Administration Committee. Without objection, so ordered.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

Committee meetings were announced by the committee chairs.

Senator Small expressed the thanks of the Senate to Faith Osmundson, who worked as a Page for the past two weeks; the second week as the only Page.

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 01/23/2023, the 16th legislative day. Motion carried.

Senate adjourned at 1:53 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate