

**SENATE JOURNAL  
68TH LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
January 31, 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)

Correctly printed: **SB 49, SB 60, SB 61, SB 66, SB 86, SB 123, SB 133, SB 136, SB 138, SB 163, SB 168, SB 170, SB 177, SB 181, SB 231, SB 232, SB 233, SB 234, SB 235, SB 236, SR 34, SR 36, SR 37, SR 39, SR 41, SR 42, HB 31, HB 41, HB 48, HB 69, HB 142.**

Correctly engrossed: **SB 51, SB 73, SB 77, SB 195, SB 207.**

Transmitted to the House: **SB 58, SB 105, SB 129, SB 135, SB 167, SB 179.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair) 01/30/2023  
**SJ 6**, introduced bill, be amended with [SJ0006.001.001](#) and, as amended, do pass.  
**HB 21**, be amended with [HB0021.001.002](#) and, as amended, be concurred in.

**LOCAL GOVERNMENT** (Friedel, Chair) 01/30/2023  
**SB 199**, introduced bill, be amended with [SB0199.001.001](#) and, as amended, do pass.

**NATURAL RESOURCES** (Welborn, Chair) 01/27/2023  
**SB 55**, do pass.

**STATE ADMINISTRATION** (Cuffe, Chair) 01/30/2023  
**SB 164**, do pass.

Without objection, the committee reports were adopted.

**MESSAGES FROM THE GOVERNOR**

January 2, 2023

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

By Hand and Electronic Delivery

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 board appointments for confirmation.

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**Board of Dentistry**

MCA § 2-15-1732

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:

- **Robert Beitman**, 1052 Twin Lakes Ave., Bozeman, MT 59718, is appointed to serve a term starting July 21, 2021, and through March 31, 2026. Mr. Beitman fulfills the qualifications of being a Public Member. I support the confirmation of Mr. Beitman.
- **Allen Casteel**, 215 Smelter Ave NE, Ste. #3, Great Falls MT 59404, is reappointed to serve a term starting April 1, 2022, and through April 1, 2027. Allen Casteel fulfills the qualifications of being a Denturist. I support the confirmation of Mr. Casteel.
- **Jim Corson**, 410 15th Street West #8, Billings MT 59102, is reappointed to serve a term starting April 1, 2022, and through April 1, 2027. Jim Corson fulfills the qualifications of being a Public Member. I support the confirmation of Mr. Corson.
- **Jill Frazier**, 1001 SW Higgins, Suite 103, Missoula MT 59803, is appointed to serve a term starting April 1, 2022, and through April 1, 2027. Jill Frazier fulfills the qualifications of being a Dentist. I support the confirmation of Ms. Frazier.
- **Renee Parsley Mulcahy**, 1805 Joslyn St 221, Helena MT 59601, is appointed to serve a term starting April 1, 2022, and through April 1, 2027. Renee Parsley Mulcahy fulfills the qualifications of being a Dental Hygenist. I support the confirmation of Ms. Parsley Mulcahy.
- **Kyle Wassmer**, 2700 Grand Ave., Billings, MT 59102, is appointed to serve a term starting July 21, 2021, and through March 31, 2026. Mr. Wassmer fulfills the qualifications of being a Licensed Dentist. I support the confirmation of Mr. Wassmer.

I have included the appointees' resumes, biographies, 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).

Thank you for your consideration and service.

Sincerely,



Greg Gianforte  
GOVERNOR

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January 9, 2023

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

By Hand and Electronic Delivery

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 board appointments for confirmation.

**District Court Judgeship – District 10**  
MCA § 3-1-906

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following person who was appointed during the recess of the legislature:

- **Heather Perry**, 6726 Ackley Lake Rd., Hobson, MT 59452, who was appointed on July 2, 2022. I support the confirmation of Ms. Perry.

I have included the appointees' resumes, biographies, 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).

Thank you for your consideration and service.

Sincerely,



Greg Gianforte  
GOVERNOR

January 9, 2023

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

By Hand and Electronic Delivery

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 board appointments for confirmation.

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**District Court Judgeship – District 20**

MCA § 3-1-906

As required by MCA § 5-5-302, I am submitting to the Senate for confirmation the following person who was appointed during the recess of the legislature:

- **Molly Owen**, 118 Orchard Park Lane, Polson, MT 59860, who was appointed on June 1, 2022. I support the confirmation of Ms. Owen.

I have included the appointees' resumes, biographies, 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).

Thank you for your consideration and service.

Sincerely,



Greg Gianforte  
GOVERNOR

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

Senate joint resolutions concurred in and returned to the Senate: 01/30/2023

**SJ 8**, introduced by J. Ellsworth

House bills passed and transmitted to the Senate for concurrence: 01/30/2023

**HB 115**, introduced by B. Mercer

**HB 135**, introduced by M. Bertoglio

**HB 181**, introduced by L. Reksten

**HB 217**, introduced by G. Parry

**HB 274**, introduced by S. Kerns

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 237**, introduced by S. Vance, J. Welborn, S. Gunderson, referred to Natural Resources.

**SB 238**, introduced by K. Regier, referred to Public Health, Welfare and Safety.

**SB 239**, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

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**SB 240**, introduced by J. Small, S. Fitzpatrick, referred to Local Government.

**SB 241**, introduced by J. Small, referred to Public Health, Welfare and Safety.

**SB 242**, introduced by J. Small, referred to Energy and Telecommunications.

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

**SB 234**, introduced by B. Usher, referred to Highways and Transportation.

**SB 235**, introduced by D. Emrich, T. McGillvray, S. Hinebauch, referred to Education and Cultural Resources.

The following House bills were introduced and read first time:

**HB 115**, introduced by B. Mercer (by request of the Department of Labor and Industry).

**HB 135**, introduced by M. Bertoglio (by request of the Teachers' Retirement Board).

**HB 181**, introduced by L. Reksten.

**HB 217**, introduced by G. Parry, J. Read, J. Schillinger, G. Kmetz.

**HB 274**, introduced by S. Kerns, E. Buttrey, E. Butcher, B. Brown, J. Hinkle, W. McKamey, S. Gunderson, R. Fitzgerald, F. Anderson, L. Sheldon-Galloway, M. Hopkins, B. Ler, M. Malone, C. Hinkle, R. Marshall, S. Essmann, T. Smith, L. Deming, G. Nikolakakos, J. Bergstrom, J. Karlen.

**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. President Ellsworth in the chair.

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

**SB 171** – Majority Leader Fitzpatrick moved consideration of **SB 171** be passed for the day. Without objection, so ordered.

**SB 57** - Senator Manzella moved **SB 57** 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

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 160** - Senator Molnar moved **SB 160** do pass. Motion carried as follows:

Yeas: Bartel, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, 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, Vance, Vermeire, Webber, Welborn, Zolnikov.  
Total 44

Nays: Beard, Emrich, Flowers, Kelker, Trebas, Usher.  
Total 6

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 183** - Senator Lenz moved **SB 183** do pass. Motion carried as follows:

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

Nays: Curdy, Dunwell, Ellis, Flowers, Gross, Hayman, Kelker, 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

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**SB 184** - Senator Lenz moved **SB 184** do pass. Motion carried 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 191** - Majority Leader Fitzpatrick moved **SB 191** do pass. Motion carried as follows:

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

Total 33

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

Total 17

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJ 2** - Senator McGillvray moved **SJ 2** do pass. Motion carried as follows:

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

Total 26

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Nays: Beard, Brown, Cuffe, Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Kelker, Mandeville, Manzella, McClafferty, Morigeau, O'Brien, Olsen, Pope, Sales, Tempel, Trebas, Usher, Vance, Webber.

Total 24

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.

Majority Leader Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 42

Nays: Dunwell, Flowers, Gross, Hayman, McClafferty, Olsen, Pope, Webber.

Total 8

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 160** and **SB 183**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **HB 79** be taken from the Education and Cultural Resources Committee and re-referred to the Judiciary Committee. Without objection, so ordered.



**THIRD READING OF BILLS**

**SB 59** 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 61** passed as follows:

Yeas: Boldman, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gross, Hayman, Kelker, Lynch, McClafferty, McKamey, Molnar, Morigeau, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Vance, Vermeire, Webber, Welborn.

Total 29

Nays: Bartel, Beard, Bogner, Brown, Emrich, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, Mr. President, Noland, Regier K, Usher, Zolnikov.

Total 21

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 66** 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,

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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 123** 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 133** 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

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Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 138** 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 170** 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, Kelker, Lang, Lenz, Mandeville, Manzella, 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: Hayman, Lynch, McClafferty.  
Total 3

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 181** passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, 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, Welborn, Zolnikov.  
Total 46

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

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Senator Molnar moved to change his third-reading vote on **SB 105**, made the previous legislative day, from No to Yes. Without objection, so ordered.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

Committee meetings were announced by the committee chairs.

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 02/01/2023, the 23rd legislative day. Motion carried.

Senate adjourned at 3:13 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate