

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

Helena, Montana
March 10, 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-eight members present. Senators Gross and Hayman, excused. Quorum Present.

BILLS AND JOURNALS (Lang, Chair)

Correctly enrolled: **SB 121, SB 124, SR 3, SR 15, SR 52.**

Examined by the sponsor and found to be correct: **SB 121, SB 124, SR 3, SR 15, SR 52.**

Signed by the Secretary of the Senate at 1:10 p.m., March 10, 2023: **SB 121, SB 124.**

Signed by the President at 1:50 p.m., March 10, 2023: **SB 121, SB 124**

Signed by the Speaker at 2:00 p.m., March 10, 2023: **SB 121, SB 124.**

Delivered to the Governor at 2:25 p.m., March 10, 2023: **SB 121, SB 124.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Small, Chair)

03/10/2023

HB 49, be concurred in.

HB 95, be amended with [HB0095.002.001](#) and, as amended, be concurred in.

HB 96, be concurred in.

HB 97, be concurred in.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SR 56, introduced by J. Small, referred to Business, Labor, and Economic Affairs.

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

HB 596, introduced by D. Loge, R. Fitzgerald, M. Malone, referred to Fish and Game.

HB 635, introduced by J. Kassmier, E. Buttrey, D. Salomon, J. Welborn, J. Cohenour, R. Lynch, D. Loge, W. Sales, D. Harvey, B. Gillespie, M. Marler, P. Flowers, G. Parry, T. Vermeire, P. Green, J. Karlen, referred to Fish and Game.

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**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:

HB 52 - Senator Zolnikov moved **HB 52** be concurred in. 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, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 47

Nays: Dunwell, Olsen, Usher.
Total 3

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 76 - Senator Dunwell moved **HB 76** be concurred in. 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, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 49

Nays: Noland.
Total 1

Voted absentee: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 320 - Senator Welborn moved **HB 320** be concurred in. Motion carried as follows:

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

Nays: Emrich, Lenz, Noland, Usher.
Total 4

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 79 - Senator Regier moved **HB 79** be concurred in. 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

HB 112 - Senator Usher moved **HB 112** be concurred in. 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,

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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 104 - Senator Fuller moved **SB 104** do pass.

SB 104 - Senator Fuller moved **SB 104**, second reading copy, be amended with [SB0104.002.002](#).
Amendment **adopted** as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Emrich, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lynch, Mandeville, Manzella, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 37

Nays: Dunwell, Ellis, Esp, Flowers, Gross, Hayman, Kelker, Lang, Lenz, McClafferty, O'Brien, Olsen, Pope.
Total 13

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 104, as amended, passed as follows:

Yeas: Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, 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 47

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Nays: Bartel, Esp, Lenz.
Total 3

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303 - Senator Hertz moved **SB 303** do pass.

SB 303 - Senator Hertz moved **SB 303**, second reading copy, be amended with [SB0303.002.001](#).
Amendment **adopted** as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Emrich, Esp, Fox, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, Regier K, Sales, Small, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 34

Nays: Curdy, Dunwell, Ellis, Fitzpatrick, Flowers, Gross, Hayman, Kelker, Lynch, McClafferty, O'Brien, Olsen, Pope, Salomon, Tempel, Webber.
Total 16

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303, as amended, passed as follows:

Yeas: Bartel, Beard, 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 48

Nays: Emrich, Trebas.
Total 2

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Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 362- Majority Leader Fitzpatrick moved consideration of **SB 362** be passed for the day. Without objection, so ordered.

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, Dunwell, Ellis, 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, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 48

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Gross, Hayman.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Fitzpatrick moved to re-refer **HB 79**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved to re-refer **HB 112**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved to re-refer **SB 104**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

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Majority Leader Fitzpatrick moved to re-refer **SB 303**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **HB 334** be taken from the Local Government Committee and re-referred to the Education and Cultural Resources Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **HB 450** be taken from the Education and Cultural Resources Committee and re-referred to the Judiciary Committee. Without objection, so ordered.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 03/13/2023, the 48th legislative day. Motion carried.

Senate adjourned at 1:51 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate