

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

Helena, Montana
March 16, 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 303, SB 485, SB 509, SB 510, SB 511, SR 43, SR 56, SR 57, HB 109, HB 143, HB 144, HB 187, HB 199, HB 228, HB 263, HB 281.**

Correctly engrossed: **SB 458, SB 487, SR 35, HB 95, HB 155.**

Transmitted to the House: **SB 280, SB 362, HB 66, HB 79, HB 84, HB 96, HB 97, HB 112, HB 170, HB 260.**

Signed by the Secretary of the Senate at 2:15 p.m., March 9, 2023: **SR 4, SR 5, SR 49**

Signed by the Secretary of the Senate at 8:30 a.m., March 10, 2023: **SB 20, SB 91, SB 134, SB 135, SB 136.**

Signed by the Secretary of the Senate at 3:30 p.m., March 13, 2023: **SB 6.**

Signed by the President at 5:04 p.m., March 10, 2023: **SB 20, SB 91, SB 134, SB 135, SB 136.**

Signed by the President at 2:50 p.m., March 14, 2023: **SB 6, SR 4, SR 5, SR 49.**

Signed by the Speaker at 4:10 p.m., March 14, 2023: **SB 20, SB 91, SB 134, SB 135, SB 136.**

Signed by the Speaker at 9:05 a.m., March 16, 2023: **SB 6.**

Delivered to the Secretary of State at 8:54 a.m., March 16, 2023: **SR 4, SR 5, SR 49.**

Delivered to the Governor at 9:30 a.m., March 16, 2023: **SB 6, SB 20, SB 91, SB 134, SB 135, SB 136.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Small, Chair) 03/16/2023

HB 156, be concurred in.

HB 336, be concurred in.

HB 353, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair) 03/15/2023

SR 31, be adopted.

SR 32, be adopted.

SR 47, introduced resolution, be amended with [SR0047.001.001](#) and, as amended, be adopted.

SR 51, be adopted.

HB 117, be concurred in.

HB 171, be concurred in.

HB 240, be concurred in.

HB 334, be concurred in.

FINANCE AND CLAIMS (Esp, Chair) 03/16/2023

SB 11, do pass.

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SB 352, introduced bill, be amended with [SB0352.002.001](#) and, as amended, do pass.
HB 13, be concurred in.

JUDICIARY (Regier, Chair) 03/15/2023
HB 176, be amended with [HB0176.001.001](#) and, as amended, be concurred in.
HB 213, be amended with [HB0213.003.001](#) and, as amended, be concurred in.
HB 296, be amended with [HB0296.001.003](#) and, as amended, be concurred in.
HB 326, be concurred in.

NATURAL RESOURCES (Welborn, Chair) 03/13/2023
HB 347, be concurred in.

STATE ADMINISTRATION (Cuffe, Chair) 03/15/2023
HB 63, be concurred in.
HB 80, be concurred in.
HB 132, be concurred in.
HB 148, be concurred in.
HB 151, be concurred in.
HB 232, be concurred in.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate Bills concurred in and returned to the Senate: 03/15/2023

SB 111, introduced by C. Glimm
SB 120, introduced by S. Webber

House bills passed and transmitted to the Senate for concurrence: 03/15/2023

HB 225, introduced by C. Sprunger
HJ 6, introduced by K. Zolnikov

FIRST READING AND COMMITMENT OF BILLS

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

SB 512, introduced by B. Molnar, referred to Fish and Game.

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

HB 225, introduced by C. Sprunger, R. Lynch, M. Noland, J. Fuller, D. Harvey, B. Mercer, A. Buckley, Z. Wirth, referred to Taxation.

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

HJ 6, introduced by K. Zolnikov, referred to Energy and Telecommunications.

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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. Senator Noland in the chair.

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

HB 49 - Senator Gillespie moved **HB 49** 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 185 - Senator Welborn moved **HB 185** 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, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 48

Nays: Molnar, Regier K.

Total 2

Voted absentee: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 236 - Senator Gross moved **HB 236** be concurred in. Motion carried as follows:

Yeas: 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 48

Nays: Bartel, Lenz.
Total 2

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 239 - Senator Friedel moved **HB 239** 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 266 - Senator Regier moved **HB 266** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville,

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Manzella, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 40

Nays: Dunwell, Ellis, Gross, Hayman, Kelker, McClafferty, O'Brien, Olsen, Pope, Webber.

Total 10

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 53 - Senator Small moved **HB 53** 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 88 - Senator Gillespie moved **HB 88** 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

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Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 122 - Senator Morigeau moved **HB 122** 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 342 - Senator Lynch moved **HB 342** 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, Hinebauch, Kelker, Lang, Lynch, Mandeville, 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: Emrich, Hertz, Lenz, Manzella.
Total 4

Voted absentee: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 81 - Senator Fuller moved **HB 81** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, 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, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 46

Nays: Ellis, Gross, Hayman, Olsen.
Total 4

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 Noland moved the Committee of the Whole report be adopted. Report **adopted** as follows:

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

Nays: Bartel, Mr. President.
Total 2

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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THIRD READING OF BILLS

SB 485 passed as follows:

Yeas: Boldman, Brown, Cuffe, Dunwell, Emrich, Esp, Fitzpatrick, Flowers, Fox, Fuller, Gillespie, Glimm, Gross, Hertz, Kelker, Lang, Lenz, Manzella, McGillvray, McKamey, Mr. President, Noland, O'Brien, Olsen, Regier K, Salomon, Small, Tempel, Trebas, Usher, Vermeire, Webber, Welborn.
Total 33

Nays: Bartel, Beard, Bogner, Curdy, Ellis, Friedel, Hayman, Hinebauch, Lynch, Mandeville, McClafferty, Molnar, Morigeau, Pope, Sales, Vance, Zolnikov.
Total 17

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote by Senator Molnar from Yes to No, made under Order of Business 9, Motions.

SB 303 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

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 109, concurred in 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 143, concurred in 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, Mandeville, Manzella, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 46

Nays: Dunwell, Lynch, McClafferty, Olsen.
Total 4

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 199, concurred in 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,

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

Total 48

Nays: Emrich, Salomon.

Total 2

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 228, concurred in 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

MOTIONS

Majority Leader Fitzpatrick moved to re-refer **HB 81**, heard under second reading this date, to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **HB 55** be re-referred from the Highways and Transportation Committee to the Local Government Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **HB 375** be re-referred from the Fish and Game Committee to the Finance and Claims Committee. Without objection, so ordered.

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Majority Leader Fitzpatrick moved that **HB 136** be re-referred from the State Administration Committee to the Taxation Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **HB 317** be re-referred from the Judiciary Committee to the Public Health, Welfare and Safety Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **HB 573** be re-referred from the Judiciary Committee to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **SB 510** be re-referred from the Highways and Transportation Committee to the Taxation Committee. Without objection, so ordered.

Majority Leader Fitzpatrick moved that **HB 234** be re-referred from the Education and Cultural Resources Committee to the Judiciary Committee. Minority Leader Flowers objected and the Senate went to an electronic vote. The re-referral **failed** as follows:

Yeas: Bartel, Beard, Brown, Emrich, Esp, Fuller, Glimm, Hertz, Hinebauch, Lenz, Mandeville, Manzella, Noland, Regier K, Trebas, Usher, Vance, Zolnikov.

Total 18

Nays: Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Gross, Hayman, Kelker, Lang, Lynch, McClafferty, McGillvray, McKamey, Molnar, Morigeau, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Vermeire, Webber, Welborn, Mr. President.

Total 32

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senator Molnar moved to change his third reading vote on **SB 485** from Yes to No. 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., 03/17/2023, the 53rd legislative day. Motion carried.

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Senate adjourned at 1:51 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate