

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

Helena, Montana
April 12, 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 Bartel and Zolnikov, excused. Quorum present.

BILLS AND JOURNALS (Lang, Chair)

Correctly printed: **HB 16, HB 110, HB 135, HB 189, HB 190, HB 214, HB 225, HB 244, HB 282, HB 348, HB 362, HB 366, HB 438, HB 440, HB 443, HB 446, HB 447, HB 470, HB 491, HB 496, HB 543, HB 566, HB 575, HB 625, HB 659, HB 660, HB 706, HB 709, HB 715, HB 722, HB 754, HB 790, HB 791, HJ 6.**

Correctly engrossed: **HB 423, HB 583.**

Transmitted to the House: **HB 36, HB 140, HB 147, HB 255, HB 257, HB 270, HB 327, HB 331, HB 365, HB 493, HB 535, HB 556, HB 573, HB 636, HB 682, HB 689, HB 739, HB 751.**

Signed by the Secretary of the Senate at 3:15 p.m., April 7, 2023: **SR 59, SR 65.**

Signed by the President at 10:40 a.m., April 12, 2023: **SR 59, SR 65.**

Delivered to the Secretary of State at 12:15 p.m., April 12, 2023: **SR 59, SR 65.**

Delivered to the Secretary of State at 4:35 p.m., April 12, 2023: **SJ 7.**

Signed by the Speaker at 2:00 p.m., April 07, 2023: **SB 13, SB 21, SB 36, SB 43, SB 67, SB 98, SB 111, SB 120.**

Signed by the Speaker at 10:00 a.m., April 12, 2023: **SB 1, SB 5, SB 39, SB 48, SB 57, SB 69.**

Delivered to the Governor at 11:25 a.m., April 12, 2023: **SB 1, SB 5, SB 13, SB 21, SB 36, SB 39, SB 43, SB 48, SB 57, SB 67, SB 69, SB 98, SB 111, SB 120.**

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Esp, Chair)

04/12/2023

HB 9, be concurred in.

HB 11, be concurred in.

HB 12, be concurred in.

HB 114, be concurred in.

HB 408, be concurred in.

HB 922, be concurred in.

JUDICIARY (Regier, Chair)

04/11/2023

HB 322, be amended with [HB0322.002.001](#) and, as amended, be concurred in.

HB 452, be amended with [HB0452.001.001](#) and, as amended, be concurred in.

HB 697, be amended with [HB0697.002.002](#) and, as amended, be concurred in.

HB 743, be concurred in.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - April 12, 2023

Voted absentee: None.
Total 0

Excused: Bartel, Zolnikov.
Total 2

Absent or not voting: None.
Total 0

HJ 6, concurred in 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, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Trebas, Usher, Vance, Vermeire, Webber.
Total 46

Nays: Tempel, Welborn.
Total 2

Voted absentee: None.
Total 0

Excused: Bartel, Zolnikov.
Total 2

Absent or not voting: None.
Total 0

**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 McGillvray in the chair.

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

HB 541 – Majority Leader Fitzpatrick moved consideration of **HB 541** be passed for the day. Without objection, so ordered.

HB 101 – Majority Leader Fitzpatrick moved consideration of **HB 101** be passed for the day. Without objection, so ordered.

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - April 12, 2023

Excused: Bartel, Zolnikov.
Total 2

Absent or not voting: None.
Total 0

HB 519 - Thereupon, the Senate reverted to the original motion of Senator Bogner which passed as follows:

Yeas: Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Kelker, Lang, Mandeville, Manzella, McGillvray, McKamey, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Zolnikov.
Total 35

Nays: Dunwell, Ellis, Emrich, Flowers, Fox, Hayman, Lenz, Lynch, McClafferty, Molnar, Morigeau, Olsen, Webber, Welborn.
Total 14

Voted absentee: None.
Total 0

Excused: Bartel.
Total 1

Absent or not voting: None.
Total 0

President Ellsworth assumed the chair.

HB 461 - Senator Manzella moved **HB 461** be concurred in. Motion carried as follows:

Yeas: Beard, Bogner, Boldman, Brown, Cuffe, Emrich, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lenz, Mandeville, Manzella, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 32

Nays: Curdy, Dunwell, Ellis, Esp, Flowers, Fox, Gross, Hayman, Kelker, Lang, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.
Total 17

Voted absentee: None.
Total 0

Excused: Bartel.
Total 1

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - April 12, 2023

Absent or not voting: None.
Total 0

HB 500 - Senator Friedel moved **HB 500** be concurred in. Motion carried as follows:

Yeas: 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, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 48

Nays: Fuller.
Total 1

Voted absentee: None.
Total 0

Excused: Bartel.
Total 1

Absent or not voting: None.
Total 0

HB 545 - Senator Brown moved **HB 545** 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, 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: Gross.
Total 1

Voted absentee: None.
Total 0

Excused: Bartel.
Total 1

Absent or not voting: None.
Total 0

HB 603 - Senator Webber moved **HB 603** be concurred in. Motion carried as follows:

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - April 12, 2023

Excused: Bartel.
Total 1

Absent or not voting: None.
Total 0

SB 247 - House Amendments - Majority Leader Fitzpatrick moved **do not concur** in House amendments to **SB 247**. 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, 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: Bartel.
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.

Majority Leader Fitzpatrick 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, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn.
Total 48

Nays: None.
Total 0

Voted absentee: None.
Total 0

Excused: Bartel, Zolnikov.
Total 2

SENATE JOURNAL
SEVENTY-SECOND LEGISLATIVE DAY - April 12, 2023

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Fitzpatrick moved the President be authorized to appoint a Conference Committee, and request the House appoint a like committee, to confer on Governor's amendments to **SB 6**. Motion carried.

President Ellsworth appointed Majority Leader Fitzpatrick, chair, and Senators Esp and Gross.

Majority Leader Fitzpatrick moved the President be authorized to appoint a Conference Committee, and request the House appoint a like committee, to confer on House amendments to **SB 247**. Motion carried.

President Ellsworth appointed Majority Leader Fitzpatrick, chair, and Senators Boldman and Hertz.

Senator Friedel moved that **HB 486** be taken from the Highways and Transportation Committee and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Bogner, Boldman, Curdy, Dunwell, Ellis, Flowers, Fox, Friedel, Gross, Hayman, Kelker, McClafferty, McKamey, Molnar, Morigeau, O'Brien, Olsen, Pope, Salomon, Small, Trebas, Vermeire, Webber, Mr. President.

Total 24

Nays: Beard, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McGillvray, Noland, Regier K, Sales, Tempel, Usher, Vance, Welborn.

Total 24

Voted absentee: None.

Excused: Bartel, Zolnikov.

Total 2

Absent or not voting: None.

Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Committee meetings were announced by the committee chairs.

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 04/13/2023, the 73rd legislative day. Motion carried.