

**SENATE JOURNAL  
68TH LEGISLATURE  
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 29, 2023

Senate Chambers  
State Capitol

Senate convened at 10:00 a.m. President Ellsworth presiding. Invocation by Pastor Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Senators Cuffe, Gross and Webber, excused. Quorum present.

**MESSAGES FROM THE GOVERNOR**

April 28, 2023

The Honorable Jason Ellsworth  
President of the Senate  
State Capitol  
Helena, MT 59601

Dear President Ellsworth:

On Friday, April 28, 2023, I signed the following bill:

**Senate Bill 99** – Fuller

The bill has been delivered to the Secretary of State's Office.

Sincerely,

Greg Gianforte  
Governor

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

Senate Bill concurred in and returned to the Senate:

04/28/2023

**SB 535**, introduced by R. Lynch

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

04/28/2023

**SB 95**, introduced by B. Usher  
**SB 104**, introduced by J. Fuller  
**SB 294**, introduced by B. Usher  
**SB 296**, introduced by B. Beard  
**SB 481**, introduced by C. Glimm  
**SB 506**, introduced by G. Hertz

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**SB 507**, introduced by D. Zolnikov  
**SB 510**, introduced by S. Fitzpatrick  
**SB 516**, introduced by J. Gross  
**SB 518**, introduced by T. Manzella  
**SB 528**, introduced by G. Hertz  
**SB 529**, introduced by G. Hertz  
**SB 534**, introduced by T. McGillvray  
**SB 536**, introduced by G. Hertz

Senate Bill **not** concurred in and returned to the Senate: 04/28/2023

**SB 543**, introduced by E. Boldman

Senate amendments to House bills concurred in: 04/28/2023

**HB 101**, introduced by J. Gillette  
**HB 136**, introduced by M. Bertoglio  
**HB 241**, introduced by J. Kassmier  
**HB 358**, introduced by K. Zolnikov  
**HB 364**, introduced by C. Knudsen  
**HB 376**, introduced by J. Gillette  
**HB 412**, introduced by D. Bedey  
**HB 490**, introduced by S. Gist  
**HB 491**, introduced by S. Gunderson  
**HB 561**, introduced by M. Malone  
**HB 590**, introduced by E. Buttrey  
**HB 597**, introduced by N. Duram  
**HB 676**, introduced by K. Seekins-Crowe  
**HB 697**, introduced by B. Mercer  
**HB 754**, introduced by L. Hellegaard  
**HB 764**, introduced by D. Loge  
**HB 808**, introduced by S. Gunderson

House joint resolutions passed and transmitted to the Senate for concurrence: 04/28/2023

**HJ 17**, introduced by A. Regier  
**HJ 19**, introduced by K. Sullivan  
**HJ 21**, introduced by J. Cohenour  
**HJ 22**, introduced by S. Kerns  
**HJ 23**, introduced by B. Barker  
**HJ 24**, introduced by B. Barker  
**HJ 25**, introduced by B. Barker  
**HJ 26**, introduced by L. Brewster  
**HJ 27**, introduced by K. Sullivan  
**HJ 28**, introduced by M. Yakawich  
**HJ 29**, introduced by C. Knudsen  
**HJ 30**, introduced by C. Knudsen  
**HJ 32**, introduced by J. Dooling  
**HJ 33**, introduced by L. Sheldon-Galloway

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**HJ 34**, introduced by S. Essmann  
**HJ 35**, introduced by S. Galloway  
**HJ 36**, introduced by S. Galloway  
**HJ 37**, introduced by F. Smith  
**HJ 38**, introduced by J. Carlson  
**HJ 39**, introduced by S. Gist  
**HJ 41**, introduced by T. Smith

Governor's amendments to House bills concurred: 04/28/2023

**HB 458** introduced by F. Anderson  
**HB 596**, introduced by D. Loge

Conference Committee Report 001 adopted on third reading: 04/28/2023

**HB 185**, introduced by R. Fitzgerald

Free Conference Committee Report 001 adopted on third reading: 04/28/2023

**HB 260**, introduced by M. Regier

**FIRST READING AND COMMITMENT OF BILLS**

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

**HJ 17**, introduced by A. Regier, B. Ler, K. Regier, B. Usher, referred to Judiciary.  
**HJ 19**, introduced by K. Sullivan, referred to Energy and Telecommunications.  
**HJ 21**, introduced by J. Cohenour, referred to Local Government.  
**HJ 22**, introduced by S. Kerns, F. Anderson, B. Barker, D. Bedey, J. Bergstrom, M. Bertoglio, M. Binkley, K. Bogner, E. Boldman, L. Brewster, B. Brown, A. Buckley, E. Buttrey, B. Carter, J. Cohenour, L. Deming, J. Dooling, M. Dunwell, N. Duram, D. Emrich, D. Fern, P. Fielder, J. Fitzpatrick, G. Frazer, S. Galloway, S. Gist, P. Green, J. Gross, S. Gunderson, J. Hamilton, D. Harvey, L. Hellegaard, M. Hopkins, S. Howell, J. Karlen, G. Kmetz, J. Lynch, M. Malone, F. Mandeville, R. Marshall, B. Mercer, R. Miner, B. Mitchell, T. Moore, S. Morigeau, G. Nikolakakos, G. Oblander, G. Parry, B. Phalen, J. Read, K. Regier, M. Romano, J. Schillinger, L. Sheldon-Galloway, K. Sullivan, P. Tuss, T. Vermeire, T. Welch, Z. Wirth, M. Yakawich, D. Zolnikov, K. Zolnikov, referred to Local Government.  
**HJ 23**, introduced by B. Barker, T. Brockman, referred to State Administration.  
**HJ 24**, introduced by B. Barker, T. Brockman, referred to Judiciary.  
**HJ 25**, introduced by B. Barker, T. Brockman, referred to Education and Cultural Resources.  
**HJ 26**, introduced by L. Brewster, F. Anderson, E. Buttrey, S. Gist, referred to Judiciary.  
**HJ 27**, introduced by K. Sullivan, J. Bergstrom, P. Green, R. Miner, referred to Agriculture, Livestock and Irrigation.  
**HJ 28**, introduced by M. Yakawich, K. Abbott, B. Barker, D. Bedey, J. Bergstrom, M. Bertoglio, L. Brewster, T. Brockman, A. Buckley, B. Carter, J. Dooling, N. Duram, P. Fielder, R. Fitzgerald, S. Gist, J. Hamilton, J. Karlen, C. Keogh, S. Kerns, C. Knudsen, R. Lynch, R. Marshall, B. Mercer, R. Miner, G. Nikolakakos, G. Oblander, G. Parry, J. Read, T. Running Wolf, T. Smith, L. Smith,

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C. Sprunger, M. Thane, P. Tuss, B. Usher, S. Vinton, M. Weatherwax, T. Welch, referred to Public Health, Welfare and Safety.

**HJ 29**, introduced by C. Knudsen, J. Bergstrom, E. Butcher, J. Dooling, R. Knudsen, B. Ler, M. Yakawich, referred to Agriculture, Livestock and Irrigation.

**HJ 30**, introduced by C. Knudsen, J. Bergstrom, A. Regier, M. Yakawich, referred to Judiciary.

**HJ 32**, introduced by J. Dooling, D. Bartel, J. Cohenour, P. Tuss, referred to Natural Resources.

**HJ 33**, introduced by L. Sheldon-Galloway, S. Galloway, referred to Public Health, Welfare and Safety.

**HJ 34**, introduced by S. Essmann, M. Bertoglio, L. Brewster, J. Cohenour, S. Kerns, K. Kortum, L. Reksten, C. Sprunger, M. Thane, referred to Local Government.

**HJ 35**, introduced by S. Galloway, J. Bergstrom, L. Brewster, E. Buttrey, L. Deming, N. Duram, S. Gist, P. Green, G. Hertz, J. Hinkle, J. Karlen, G. Kmetz, D. Loge, R. Marshall, R. Miner, B. Molnar, G. Oblander, G. Parry, A. Regier, J. Schillinger, L. Sheldon-Galloway, K. Zolnikov, referred to Local Government.

**HJ 36**, introduced by S. Galloway, referred to Energy and Telecommunications.

**HJ 37**, introduced by F. Smith, referred to State Administration.

**HJ 38**, introduced by J. Carlson, referred to Public Health, Welfare and Safety.

**HJ 39**, introduced by S. Gist, S. Gunderson, S. Hinebauch, referred to State Administration.

**HJ 41**, introduced by T. Smith, referred to Business, Labor, and Economic Affairs.

### **SPECIAL ORDERS OF THE DAY**

Senator Hinebauch, serving his final term in the Senate, made his farewell remarks to the Senate.

### **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.

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

**SB 530** - Majority Leader Fitzpatrick moved consideration of **SB 530** be passed for the day. Without objection, so ordered.

**SB 550** – Majority Leader Fitzpatrick moved consideration of **SB 550** be passed for the day. Without objection, so ordered.

**SR 72** - Senator Sales moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 72**. 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, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr.

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

Total 47

Nays: Lenz, Molnar, Noland.

Total 3

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SR 74** - Senator Manzella moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 74**. 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

**SR 73** - Senator Regier moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 73**. 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 185 - Conference Committee Report 001** - Senator Welborn moved the Conference Committee report to **HB 185** be adopted. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, 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 46

Nays: Emrich, Fuller, Molnar, Regier K.  
Total 4

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 576 - Free Conference Committee Report 001** - Senator Usher moved the Conference Committee report to **HB 576** be adopted. 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

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Absent or not voting: None.  
Total 0

**SB 285 - House Amendments** - Senator Glimm moved do concur in House amendments to **SB 285**. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Brown, Cuffe, Dunwell, 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 35

Nays: Boldman, Curdy, Ellis, Flowers, Fox, Gross, Hayman, Kelker, Lynch, McClafferty, Morigeau, O'Brien, Olsen, Pope, Webber.  
Total 15

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 522 - House Amendments** - Senator Zolnikov moved do concur in House amendments to **SB 522**. 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, 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, Welborn, Zolnikov.  
Total 48

Nays: Lenz, Tempel.  
Total 2

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 334 - House Amendments** - Senator Esp moved do concur in House amendments to **SB 334**. 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

**SB 442 - House Amendments** - Senator Lang moved do concur in House amendments to **SB 442**. 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, Kelker, 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 48

Nays: Esp, Molnar.  
Total 2

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 561 - House Amendments** - Senator Hinebauch moved do concur in House amendments to **SB 561**. 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

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, 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: None.  
Total 0

Voted absentee: None.  
Total 0

Excused: Cuffe, Gross.  
Total 2

Absent or not voting: None.  
Total 0

**MOTIONS**

Majority Leader Fitzpatrick moved the Senate reconsider its action on **HB 8**, and place **HB 8** on third reading on the next legislative day. Motion carried as follows:

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

Total 27

Nays: Bartel, Boldman, Curdy, Dunwell, Ellis, Esp, Flowers, Fox, Glimm, Hayman, Kelker, Lenz, Lynch, McClafferty, Molnar, Morigeau, Noland, O'Brien, Olsen, Pope, Webber.

Total 21

Voted absentee: None.

Total 0

Excused: Cuffe, Gross.

Total 2

Absent or not voting: None.

Total 0

Majority Leader Fitzpatrick moved the Senate **accede to the request of the House** and authorize the President to appoint a Conference Committee to confer on Senate amendments to **HB 941**. Without objection, so ordered. President Ellsworth appointed Senator McGillvray, chair, and Senators Usher and Fox.

Majority Leader Fitzpatrick moved the Senate **accede to the request of the House** and authorize the President to dissolve the conference committee on **HB 229**, and appoint a Free Conference Committee to confer on Senate amendments to **HB 229**. Without objection, so ordered. President Ellsworth appointed President Ellsworth as chair, and Senators Friedel and Pope.

Majority Leader Fitzpatrick moved the Senate **suspend joint rule 40-200** for the purpose of accepting the late transmittal of **SB 534** from the House. The motion requires two-thirds of members present and voting. Motion **failed** as follows:

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

Total 31

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

Total 17

Voted absentee: None.

Total 0

Excused: Cuffe, Gross.

Total 2

Absent or not voting: None.

Total 0

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**ANNOUNCEMENT OF COMMITTEE MEETINGS**

Committee meetings were announced by the committee chairs.

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 05/01/2023, the 86th legislative day. Motion carried.

Senate adjourned at 10:25 a.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate