

**SENATE JOURNAL  
68TH LEGISLATURE  
SIXTH LEGISLATIVE DAY**

Helena, Montana  
January 09, 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. All members present. Quorum present.

**BILLS AND JOURNALS** (Lang, Chair)

01/09/2023

Correctly printed: **SB 132, SB 133.**

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Regier, Chair)

01/06/2023

**SB 6**, do pass.

**SB 7**, do pass.

**SB 91**, do pass.

Without objection, the committee reports were adopted.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

House bills passed and transmitted to the Senate for concurrence:

01/06/2023

**HB 39**, introduced by A. Regier

**HB 53**, introduced by G. Parry

**HB 73**, introduced by D. Loge

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 134**, introduced by S. Fitzpatrick, referred to Judiciary.

**SB 135**, introduced by S. Fitzpatrick, referred to Judiciary.

**SB 136**, introduced by S. Fitzpatrick, referred to Judiciary.

**SB 137**, introduced by S. Fitzpatrick, referred to Highways and Transportation.

**SB 138**, introduced by S. Fitzpatrick, referred to Natural Resources.

**SB 139**, introduced by T. McGillvray, B. Brown, J. Hinkle, P. Fielder, referred to Fish and Game.

**SB 140**, introduced by K. Regier, referred to Business, Labor, and Economic Affairs.

**SB 142**, introduced by K. Regier, referred to Local Government.

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The following Senate bill was introduced and read first time:

**SB 141**, introduced by S. Morigeau, F. Smith, J. Windy Boy, S. Webber, T. Running Wolf, M. Fox, D. Hawk.

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

**HB 39**, introduced by A. Regier (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

**HB 53**, introduced by G. Parry (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 73**, introduced by D. Loge (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

**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:

**SJ 1** - Majority Leader Fitzpatrick moved **SJ 1** do pass.

**SJ 1** - Senator Molnar moved **SJ 1**, second reading copy, be amended with [SJ0001.002.002](#).

Amendment **not adopted** as follows:

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

Total 18

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

Total 32

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SJ 1** - Senator Dunwell moved **SJ 1**, second reading copy, be amended with [SJ0001.002.003](#).

Amendment **not adopted** as follows:

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

Total 17

Nays: 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

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJ 1** - Senator Molnar moved **SJ 1**, second reading copy, be amended with [SJ0001.002.004](#).

Amendment **not adopted** as follows:

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

Total 20

Nays: Bartel, Beard, Bogner, Brown, Cuffe, 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.

Total 30

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Thereupon, the Senate reverted to the original motion of Majority Leader Fitzpatrick which passed as follows:

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

Total 45

Nays: Dunwell, Gross, McClafferty, Olsen, Webber.

Total 5

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, 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: Dunwell.

Total 1

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

Committee meetings were announced by the committee chairs.

Senator Small introduced the Pages for the coming week:

Faith Osmundson from Buffalo, sponsored by Senator Vance

Abigail Sewell from Lewistown, sponsored by Senator Vance

President Ellsworth announced the creation of a special select committee on elections and appointed Senator Glimm, chair, and Senators Manzella and Morigeau as members. The committee will meet Thursday at 4:30 p.m.

President Ellsworth also announced the creation of a special select committee on redistricting and appointed Senator Cuffe, chair, and Senators Bartel and Lynch as members.

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 01/10/2023, the 7th legislative day. Motion carried.

Senate adjourned at 1:41 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate