

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

Helena, Montana  
January 13, 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-nine members present. Senator Gross, excused. Quorum Present.

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

Correctly printed: **SB 1, SB 3, SB 4, SB 10, SB 18, SB 20, SB 23, SB 27, SB 29, SB 35, SB 40, SB 46, SB 48, SB 56, SB 62, SB 65, SB 67, SB 69, SB 70, SB 80, SB 87, SB 102, SB 111, SB 159, SB 160, SB 161, SJ 4.**

Transmitted to the House: **SB 5, SB 7, SB 45, SB 98, SB 103.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR AND ECONOMIC AFFAIRS** (Small, Chair) 01/12/2023  
**SB 71**, introduced bill, be amended with [SB0071.001.001](#) and, as amended, do pass.  
**SB 100**, do pass.  
**SB 101**, do pass.  
**SB 107**, do pass.  
**SB 108**, introduced bill, be amended with [SB0108.001.001](#) and, as amended, do pass.

**FISH AND GAME** (Hinebauch, Chair) 01/12/2023  
**SB 58**, do pass.  
**SB 76**, introduced bill, be amended with [SB0076.001.001](#) and, as amended, do pass.  
**SB 88**, do pass.

**STATE ADMINISTRATION** (Cuffe, Chair) 01/11/2023  
**SB 74**, do pass.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

House bills passed and transmitted to the Senate for concurrence: 01/12/2023

**HB 25**, introduced by T. Welch  
**HB 30**, introduced by A. Buckley  
**HB 110**, introduced by B. Mercer  
**HB 121**, introduced by R. Miner  
**HB 138**, introduced by T. Welch  
**HB 139**, introduced by T. Welch  
**HB 142**, introduced by J. Lynch  
**HB 160**, introduced by D. Harvey

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**HB 162**, introduced by B. Mitchell

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced and read first time:

**SB 166**, introduced by R. Lynch.

**SB 167**, introduced by S. Fitzpatrick.

**SB 168**, introduced by G. Hertz, R. Lynch, M. Noland.

**SB 169**, introduced by G. Hertz, J. Esp, B. Brown, B. Usher, J. Ellsworth, C. Friedel.

**SB 170**, introduced by F. Mandeville.

**SB 171**, introduced by K. Regier.

**SB 172**, introduced by C. Friedel, M. Hopkins.

**SB 173**, introduced by K. Bogner.

**SB 174**, introduced by W. McKamey, S. Fitzpatrick, K. Regier, M. Lang, D. Zolnikov, J. Ellis, D. Hayman, D. Bartel, J. Small, B. Gillespie, J. Kassmier, S. Gist, K. Seekins-Crowe.

The following Senate joint resolution was introduced and read first time:

**SJ 6**, introduced by S. Webber, F. Smith, J. Windy Boy, M. Weatherwax, T. Running Wolf, M. Fox.

The following House bills were introduced and read first time:

**HB 25**, introduced by T. Welch (by request of the Revenue Interim Committee).

**HB 30**, introduced by A. Buckley (by request of the Department of Administration).

**HB 110**, introduced by B. Mercer (by request of the Legislative Finance Committee).

**HB 121**, introduced by R. Miner (by request of the Department of Revenue).

**HB 138**, introduced by T. Welch (by request of the Department of Administration).

**HB 139**, introduced by T. Welch (by request of the Department of Administration).

**HB 142**, introduced by J. Lynch (by request of the Department of Labor and Industry).

**HB 160**, introduced by D. Harvey (by request of the Department of Revenue).

**HB 162**, introduced by B. Mitchell (by request of the Department of Fish, Wildlife, and Parks).

**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 1** - Senator Salomon moved **SB 1** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, Hertz, Hinebauch, Kelker,

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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: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 10** - Senator O'Brien moved **SB 10** do pass. Motion carried as follows:

Yeas: Bartel, 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 49

Nays: None.  
Total 0

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 20** - Majority Leader Fitzpatrick moved **SB 20** do pass. Motion carried as follows:

Yeas: Bartel, 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 49

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Nays: None.  
Total 0

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 21** - Majority Leader Fitzpatrick moved **SB 21** do pass. Motion carried as follows:

Yeas: Bartel, 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, 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: McGillvray.  
Total 1

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 34** - Senator Lynch moved **SB 34** do pass. Motion carried as follows:

Yeas: Bartel, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, Hertz, 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 47

Nays: Beard, Hinebauch.  
Total 2

Voted absentee: None.  
Total 0

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Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 62** - Senator Zolnikov moved **SB 62** do pass. Motion carried as follows:

Yeas: Bartel, 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.  
Total 48

Nays: Zolnikov.  
Total 1

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 69** - Senator O'Brien moved **SB 69** do pass. Motion carried as follows:

Yeas: Bartel, 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 49

Nays: None.  
Total 0

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

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**SB 87** - Senator McGillvray moved **SB 87** do pass. Motion carried as follows:

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

Total 37

Nays: Curdy, Dunwell, Ellis, Flowers, Fox, Hayman, Kelker, Lynch, McClafferty, Morigeau, Olsen, Webber.

Total 12

Voted absentee: None.

Total 0

Excused: Gross.

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: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, 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.

Total 1

Absent or not voting: Hertz.

Total 1

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**THIRD READING OF BILLS**

**SB 18** passed as follows:

Yeas: Bartel, 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 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**SB 35** passed as follows:

Yeas: Bartel, 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 49

Nays: None.

Total 0

Voted absentee: None.

Total 0

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**SB 40** passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, Hertz, Hinebauch, Kelker,

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Total 49

Nays: None.  
Total 0

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 80** passed as follows:

Yeas: Bartel, 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 49

Nays: None.  
Total 0

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 102** passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville, Manzella, McClafferty, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Zolnikov.  
Total 44



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Nays: Esp, Lynch, McGillvray, Olsen, Welborn.  
Total 5

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SJ 4** passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, 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, Zolnikov.  
Total 47

Nays: Glimm, Welborn.  
Total 2

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

## MOTIONS

Majority Leader Fitzpatrick moved that **SB 21**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Webber moved that **SB 120** be taken from the Highways and Transportation Committee and brought before the Committee of the Whole on Monday, January 16, 2023. Motion **carried** as follows:

Yeas: Bogner, Boldman, Curdy, Dunwell, Ellis, Esp, Flowers, Fox, Friedel, Hayman, Hertz, Kelker, Lynch, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Vermeire, Webber, Welborn, Zolnikov.  
Total 31

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Nays: Bartel, Beard, Brown, Cuffe, Emrich, Fitzpatrick, Fuller, Gillespie, Glimm, Hinebauch, Lang, Lenz, Mandeville, Manzella, Noland, Regier K, Usher, Vance.

Total 18

Voted absentee: None.  
Total 0

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

Committee meetings were announced by the committee chairs.

Senator Small thanked the Pages for their service this week.

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 01/16/2023, the 11th legislative day. Motion carried.

Senate adjourned at 1:41 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate