

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

Helena, Montana  
January 17, 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 4, SB 23, SB 29, SB 46, SB 63, SB 65, SB 75, SB 78, SB 114, SB 116, SB 120, SB 175, SB 176, SJ 7, SJ 8, HB 1, HB 39.**

Correctly engrossed: **SB 36, SJ 3.**

Correctly enrolled: **SR 1.**

Examined by the sponsor and found to be correct: **SR 1.**

Transmitted to the House: **SB 1, SB 10, SB 20, SB 34, SB 62, SB 69, SB 87, HB 1.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Small, Chair) 01/17/2023  
**SB 133**, do pass.  
**SB 155**, do pass.

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair) 01/16/2023  
**SB 132**, do pass.

**FINANCE AND CLAIMS** (Esp, Chair) 01/16/2023  
**HB 1**, be concurred in.

**JUDICIARY** (Regier, Chair) 01/12/2023  
**SB 13**, introduced bill, be amended with [SB0013.001.003](#) and, as amended, do pass.  
**SB 95**, introduced bill, be amended with [SB0095.001.001](#) and, as amended, do pass.  
**SB 96**, do pass.

**LOCAL GOVERNMENT** (Friedel, Chair) 01/13/2023  
**SB 130**, introduced bill, be amended with [SB0130.001.001](#) and, as amended, do pass.  
**SB 131**, do pass.  
**SB 158**, introduced bill, be amended with [SB0158.001.001](#) and, as amended, do pass.

**LOCAL GOVERNMENT** (Friedel, Chair) 01/16/2023  
**SB 152**, introduced bill, be amended with [SB0152.001.001](#) and, as amended, do pass.

**NATURAL RESOURCES** (Welborn, Chair) 01/16/2023  
**SB 32**, do pass.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

House bills passed and transmitted to the Senate for concurrence:

01/16/2023

**HB 85**, introduced by M. Malone  
**HB 99**, introduced by C. Knudsen

Senator Cuffe absent at this time.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 177**, introduced by D. Zolnikov, referred to Business, Labor, and Economic Affairs.  
**SB 178**, introduced by D. Zolnikov, referred to Business, Labor, and Economic Affairs.

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

**HB 85**, introduced by M. Malone (requested by the Department of Natural Resources and Conservation), referred to Agriculture, Livestock, and Irrigation.  
**HB 99**, introduced by C. Knudsen (requested by the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

**MOTIONS**

Majority Leader Fitzpatrick moved the Senate suspend rules to allow **HB 1** to be placed on second reading and third reading this date. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, 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: None.  
Total 0

Absent or not voting: Cuffe.  
Total 1

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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 Emrich in the chair.

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

**SB 48** - Senator Pope moved **SB 48** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, 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: Mandeville.

Total 1

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Cuffe.

Total 1

**SB 56** - Senator McClafferty moved **SB 56** do pass. Motion carried as follows:

Yeas: Boldman, Curdy, Dunwell, Ellis, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Gross, Hayman, Kelker, Lang, Lynch, McClafferty, McKamey, Morigeau, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Vance, Webber.

Total 27

Nays: Bartel, Beard, Bogner, Brown, Emrich, Esp, Fuller, Glimm, Hertz, Hinebauch, Lenz, Mandeville, Manzella, McGillvray, Molnar, Mr. President, Noland, Regier K, Usher, Vermeire, Welborn, Zolnikov.

Total 22

Voted absentee: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: Cuffe.

Total 1

**SB 58** - Senator Hinebauch moved **SB 58** do pass. Motion carried as follows:

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

Total 45

Nays: Lenz, McKamey, Tempel, Zolnikov.

Total 4

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Cuffe.

Total 1

Senator Cuffe present at this time.

**SB 67** - Senator McGillvray moved **SB 67** 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, 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

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**SB 70** - Senator O'Brien moved **SB 70** do pass. 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, 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: Esp, Lenz.  
Total 2

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 71** - Senator Salomon moved **SB 71** 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, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, 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.  
Total 47

Nays: Lynch, Manzella, Zolnikov.  
Total 3

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 1** - Senator Esp moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Bartel, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Mandeville,

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Manzella, McClafferty, McGillvray, McKamey, Mr. President, Noland, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.  
Total 42

Nays: Beard, Emrich, Flowers, Lynch, Molnar, Morigeau, O'Brien, Webber.  
Total 8

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 Emrich 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, 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

### THIRD READING OF BILLS

**SB 4** passed 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,

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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 23** passed 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 46** passed 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

**SB 63** passed as follows:

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

Nays: Esp, Glimm, Manzella, McGillvray, Noland, Salomon.  
Total 6

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 65** passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Hayman, Hertz, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Pope, Sales, Small, Tempel, Trebas, Vance, Vermeire, Webber, Welborn, Zolnikov.  
Total 39

Nays: Emrich, Flowers, Glimm, Gross, Hinebauch, Manzella, Molnar, Olsen, Regier K, Salomon, Usher.  
Total 11

Voted absentee: None.  
Total 0

Excused: None.  
Total 0



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Absent or not voting: None.  
Total 0

**SB 75** passed 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

**SB 120** passed as follows:

Yeas: Bogner, Boldman, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gillespie, Gross, Hayman, Hertz, Kelker, Lang, Lenz, Lynch, Mandeville, McClafferty, McKamey, Molnar, Morigeau, Mr. President, O'Brien, Olsen, Pope, Sales, Salomon, Small, Trebas, Vance, Vermeire, Webber, Welborn, Zolnikov.  
Total 38

Nays: Bartel, Beard, Brown, Fuller, Glimm, Hinebauch, Manzella, McGillvray, Noland, Regier K, Tempel, Usher.  
Total 12

Voted absentee: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 1**, concurred in as follows:

Yeas: Bartel, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 45

Nays: Beard, Emrich, Flowers, Molnar, O'Brien.

Total 5

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Majority Leader Fitzpatrick moved **SB 58** and **SB 70**, heard during second reading this date, be re-referred to the Finance and Claims Committee. 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., 01/18/2023, the 13th legislative day. Motion carried.

Senate adjourned at 1:55 p.m.

MARILYN MILLER  
Secretary of the Senate

JASON ELLSWORTH  
President of the Senate