

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

Helena, Montana
January 18, 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)

Correctly printed: **SB 32, SB 48, SB 56, SB 58, SB 67, SB 70, SB 71, SB 96, SB 131, SB 133, SB 155, SB 177, SB 178.**

Correctly engrossed: **SB 13, SB 95, SB 130, SB 132, SB 152, SB 158.**

Transmitted to the House: **SB 4, SB 23, SB 46, SB 63, SB 65, SB 75, SB 120.**

Signed by the Secretary of the Senate at 12:20 p.m., 1/17/2023: **SR 1.**

Signed by the President of the Senate at 05:13 p.m., 1/17/2023: **SR 1.**

Delivered to the Secretary of State at 11:17 a.m., 1/18/2023: **SR 1.**

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Manzella, Chair) 01/17/2023
SB 33, do pass.

JUDICIARY (Regier, Chair) 01/17/2023
SB 149, do pass.

NATURAL RESOURCES (Welborn, Chair) 01/13/2023
SB 17, do pass.

STATE ADMINISTRATION (Cuffe, Chair) 01/13/2023
SB 50, introduced bill, be amended with [SB0050.001.001](#) and, as amended, do pass.

TAXATION (Hertz, Chair) 01/17/2023
SB 16, do pass.
SB 24, introduced bill, be amended with [SB0024.001.001](#) and, as amended, do pass.
SB 54, introduced bill, be amended with [SB0054.001.001](#) and, as amended, do pass.
SB 64, do pass.
SB 81, 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: 01/17/2023

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

HB 35, introduced by L. Brewster
HB 48, introduced by T. Brockman
HB 54, introduced by J. Read
HB 70, introduced by T. Falk
HB 83, introduced by A. Regier
HB 111, introduced by J. Etchart
HB 122, introduced by K. Walsh
HB 123, introduced by J. Bergstrom
HB 132, introduced by T. Moore
HB 133, introduced by R. Miner
HB 145, introduced by P. Green
HB 149, introduced by M. Binkley
HB 157, introduced by W. Rusk
HB 166, introduced by D. Harvey

FIRST READING AND COMMITMENT OF BILLS

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

SB 179, introduced by J. Small, referred to Business, Labor, and Economic Affairs.
SB 180, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
SB 181, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
SB 182, introduced by D. Lenz, referred to Judiciary.
SB 183, introduced by D. Lenz, referred to Judiciary.
SB 184, introduced by D. Lenz, referred to Judiciary.
SB 185, introduced by D. Lenz, referred to State Administration.
SB 186, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
SB 187, introduced by C. Friedel, referred to Judiciary.
SB 188, introduced by C. Friedel, referred to Public Health, Welfare and Safety.
SB 189, introduced by T. Manzella, referred to State Administration.

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

HB 35, introduced by L. Brewster (by request of the Local Government Interim Committee), referred to Local Government.
HB 48, introduced by T. Brockman (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 54, introduced by J. Read (by request of the Department of Environmental Quality), referred to Natural Resources.
HB 70, introduced by T. Falk (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 83, introduced by A. Regier (by request of the Department of Public Health and Human Services), referred to Judiciary.
HB 111, introduced by J. Etchart (by request of the State Public Defender), referred to Judiciary.
HB 122, introduced by K. Walsh (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 123, introduced by J. Bergstrom (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

HB 132, introduced by T. Moore (by request of the Legislative Audit Committee), referred to State Administration.

HB 133, introduced by R. Miner (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

HB 145, introduced by P. Green (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

HB 149, introduced by M. Binkley (by request of the Department of Administration), referred to Judiciary.

HB 157, introduced by W. Rusk (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

HB 166, introduced by D. Harvey, E. Matthews (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

**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 Trebas in the chair.

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

SB 3 - Senator Cuffe moved **SB 3** 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

SB 36 - Senator Lenz moved **SB 36** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Emrich, Esp, Fitzpatrick, Fox, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Kelker, Lang, Lenz, Lynch, Mandeville,

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

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

Nays: Dunwell, Ellis, Flowers, Gross, Hayman, Morigeau, O'Brien, Olsen.
Total 8

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 74 - Senator McKamey moved **SB 74** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, 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: Glimm.
Total 1

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 76 - Senator McClafferty moved **SB 76** 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

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 88 - Senator Curdy moved **SB 88** 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, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vermeire, Webber, Welborn, Zolnikov.
Total 48

Nays: McGillvray, Vance.
Total 2

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 100 - Senator Hertz moved **SB 100** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hertz, Hinebauch, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 44

Nays: Emrich, Hayman, Kelker, Lang, Regier K, Webber.
Total 6

Voted absentee: None.
Total 0

Excused: None.
Total 0

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

Absent or not voting: None.
Total 0

SB 101 - Senator Hertz moved **SB 101** 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, Hertz, Hinebauch, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Olsen, Pope, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 46

Nays: Hayman, Kelker, Lang, Regier K.
Total 4

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 107 - Majority Leader Fitzpatrick moved **SB 107** do pass. 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, Molnar, Mr. President, Noland, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 33

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

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 - Senator Usher moved **SB 108** do pass.

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

SB 108 - Senator Usher moved **SB 108**, second reading copy, be amended with [SB0108.002.001](#).

Amendment **adopted** as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, 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: Hayman.
Total 1

Voted absentee: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108, as amended, passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, 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: Dunwell, Hayman.
Total 2

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 Trebas moved the Committee of the Whole report be adopted. Report adopted as follows:

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

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

Total 46

Nays: Gross, Morigeau, Olsen, Trebas.

Total 4

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

SB 48 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 56 passed as follows:

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

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, Sales, Salomon, Small, Tempel, Trebas, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 46

Nays: Esp, Lenz, Regier K, Usher.

Total 4

Voted absentee: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Vote totals reflect a change of vote from No to Yes made by Senator Manzella under Motions on the next legislative day.

SB 67 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 71 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,

SENATE JOURNAL
THIRTEENTH LEGISLATIVE DAY - January 18, 2023

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

MOTIONS

Majority Leader Fitzpatrick moved to re-refer **SB 3** and **SB 108**, heard during second reading this date, 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., 01/19/2023, the 14th legislative day. Motion carried.

Senate adjourned at 2:06 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate