

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

Helena, Montana
January 24, 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. Forty-nine members present. Senator Kelker, excused. Quorum Present.

BILLS AND JOURNALS (Lang, Chair)

Correctly printed: **SB 12, SB 13, SB 19, SB 42, SB 43, SB 54, SB 68, SB 89, SB 106, SB 113, SB 119, SB 121, SB 151, SB 162, SB 166, SB 203, SR 31, SR 32, SR 33, SR 34, SR 35, SR 36, SR 37, SR 38, SR 39, SR 40, SR 41, SR 42, SR 43, SR 44, SR 45, SR 46, SJ 5, HB 44, HB 73, HB 153, HJ 1.**

Correctly engrossed: **SB 53, SB 84, SB 85, SB 115, SB 124**

Transmitted to the House: **SB 17, SB 33, SB 50, SB 64, SB 81, SB 149, SJ 8.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair) 01/23/2023
SB 8, do pass.
SB 129, do pass.
HB 61, be concurred in.

FINANCE AND CLAIMS (Esp, Chair) 01/23/2023
SB 3, do pass.
SB 21, do pass.
SB 58, do pass.

LOCAL GOVERNMENT (Friedel, Chair) 01/23/2023
SB 142, introduced bill, be amended with [SB0142.001.001](#) and, as amended, do pass.
HB 113, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (McGillvray, Chair) 01/23/2023
SB 112, do pass.

STATE ADMINISTRATION (Cuffe, Chair) 01/23/2023
SB 30, do pass.
SJ 7, do pass.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 01/23/2023

HB 74, introduced by R. Fitzgerald

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HB 75, introduced by J. Schillinger
HB 81, introduced by B. Mitchell
HB 151, introduced by M. Hopkins
HB 169, introduced by T. Brockman
HB 170, introduced by S. Gunderson
HB 178, introduced by K. Walsh
HB 183, introduced by N. Nicol
HB 205, introduced by F. Anderson

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

SJ 1, introduced by S. Fitzpatrick

FIRST READING AND COMMITMENT OF BILLS

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

SB 204, introduced by J. Trebas, K. Regier, D. Zolnikov, W. McKamey, M. Hopkins, K. Zolnikov, D. Emrich, J. Karlen, referred to Judiciary.
SB 205, introduced by J. Trebas, M. Hopkins, K. Zolnikov, C. Friedel, D. Emrich, referred to Public Health, Welfare and Safety.
SB 206, introduced by J. Trebas, K. Regier, D. Zolnikov, M. Hopkins, K. Zolnikov, G. Frazer, D. Emrich, referred to Local Government.
SB 207, introduced by B. Brown, referred to State Administration.
SB 208, introduced by J. Small, M. Cuffe, S. Fitzpatrick, T. Manzella, B. Mitchell, referred to Energy and Telecommunications.
SB 209, introduced by G. Hertz, referred to Business, Labor, and Economic Affairs.

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

SR 47, introduced by D. Salomon, referred to Education and Cultural Resources.

The following Senate bill, previously introduced, was referred to committee:

SB 141, introduced by S. Morigeau, F. Smith, J. Windy Boy, S. Webber, T. Running Wolf, M. Fox, D. Hawk, referred to Education and Cultural Resources.

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

HB 74, introduced by R. Fitzgerald (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 75, introduced by J. Schillinger (by request of the Department of Transportation), referred to Highways and Transportation.
HB 81, introduced by B. Mitchell (by request of the Department of Military Affairs), referred to State Administration.

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HB 151, introduced by M. Hopkins (by request of the Department of Administration), referred to State Administration.

HB 169, introduced by T. Brockman, referred to Judiciary.

HB 170, introduced by S. Gunderson, referred to Energy and Telecommunications.

HB 178, introduced by K. Walsh, S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

HB 183, introduced by N. Nicol, D. Hawk, R. Marshall, M. Yakawich, G. Oblander, J. Etchart, W. Rusk, referred to Judiciary.

HB 205, introduced by F. Anderson, M. Regier, R. Fitzgerald, S. Kerns, S. Gist, N. Nicol, G. Kmetz, referred to Judiciary.

**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 Salomon in the chair.

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

SB 128 - President Ellsworth moved **SB 128** 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, Lang, Lenz, 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 47

Nays: Lynch, Molnar.

Total 2

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 16 - Senator Hertz moved **SB 16** 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, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 47

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Nays: Morigeau, Olsen.
Total 2

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 24 - Senator Hertz moved **SB 24** 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, Hayman, Hertz, Hinebauch, Lang, Lenz, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 45

Nays: Emrich, Lynch, Molnar, Olsen.
Total 4

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 37 - Senator Hertz moved **SB 37** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Emrich, Esp, Fitzpatrick, Friedel, Fuller, Gillespie, Glimm, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 37

Nays: Curdy, Dunwell, Ellis, Flowers, Fox, Gross, Hayman, Morigeau, O'Brien, Olsen, Pope, Webber.
Total 12

Voted absentee: None.
Total 0

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Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 96 - Senator Usher moved **SB 96** 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, Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Zolnikov.
Total 32

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

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 143 - Senator Esp moved **SB 143** 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, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.
Total 34

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

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

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SB 158 - President Ellsworth moved **SB 158** do pass.

SB 158 - Senator Dunwell moved **SB 158**, second reading copy, be amended with [SB0158.002.001](#).

Amendment **not adopted** as follows:

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

Total 16

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

Total 33

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

Thereupon, the Senate **reverted to the original motion** of President Ellsworth which passed 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, Regier K, Sales, Salomon, Small, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 33

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

Total 16

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

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SB 159 - Senator Beard moved **SB 159** 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, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 34

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

Total 15

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 173 - Senator Bogner moved **SB 173** 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, 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: Kelker.

Total 1

Absent or not voting: None.

Total 0

SJ 8 - President Ellsworth moved **SJ 8** 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,

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Mr. President, Noland, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 34

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

Total 15

Voted absentee: None.

Total 0

Excused: Kelker.

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.

Senator Salomon 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, Hertz, Hinebauch, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.

Total 47

Nays: Gross, Olsen.

Total 2

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Fitzpatrick moved the Senate suspend rule S40-40(2) and place **SJ 8**, heard under second reading, on third reading this date. Without objection, so ordered.

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THIRD READING OF BILLS

SB 155 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, 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: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 29 passed as follows:

Yeas: Bartel, Beard, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Gross, Hayman, Hertz, Lang, Lenz, Lynch, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, O'Brien, Olsen, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 43

Nays: Bogner, Esp, Glimm, Hinebauch, Mandeville, Noland.
Total 6

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 12 passed as follows:

Yeas: Bartel, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, Friedel, Fuller, Gillespie, Glimm, Gross, Hayman, Hertz, Hinebauch, Lang, Lenz, Lynch, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland,

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

Total 46

Nays: Beard, Mandeville, Trebas.

Total 3

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 13 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, 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: Kelker.

Total 1

Absent or not voting: None.

Total 0

SB 42 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, 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

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Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 43 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, 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: Kelker.
Total 1

Absent or not voting: None.
Total 0

SB 68 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, Lang, Lenz, Lynch, Mandeville, Manzella, McClafferty, McGillvray, McKamey, Molnar, Morigeau, Mr. President, Noland, O'Brien, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 48

Nays: Olsen.
Total 1

Voted absentee: None.
Total 0

Excused: Kelker.
Total 1

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Absent or not voting: None.
Total 0

SB 106 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, 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: Kelker.
Total 1

Absent or not voting: None.
Total 0

SJ 5 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, 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: Kelker.
Total 1

Absent or not voting: None.
Total 0

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SJ 8 passed 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, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Welborn, Zolnikov.

Total 34

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

Total 15

Voted absentee: None.

Total 0

Excused: Kelker.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Fitzpatrick moved that **SB 72** be taken from the second reading board and re-referred to the Natural Resources 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., 01/25/2023, the 18th legislative day. Motion carried.

Senate adjourned at 2:17 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate