

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

Helena, Montana
January 12, 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 Gross, excused. Quorum Present.

BILLS AND JOURNALS (Lang, Chair)

01/12/2023

Correctly printed: **SB 5, SB 18, SB 35, SB 40, SB 45, SB 80, SB 98, SB 102, SB 103, SB 146, SB 147, SB 148, SB 149, SB 150, SB 151, SB 152, SB 153, SB 154, SB 155, SB 156, SB 157, SB 158, SJ 4.**

Correctly engrossed: **SB 21, SB 59, SB 63, SB 75.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair)

01/11/2023

SB 1, do pass.

SB 10, do pass.

SB 69, do pass.

SB 70, do pass.

HIGHWAYS AND TRANSPORTATION (Manzella, Chair)

01/10/2023

SB 111, do pass.

NATURAL RESOURCES (Welborn, Chair)

01/11/2023

SB 48, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (McGillvray, Chair)

01/09/2023

SB 87, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (McGillvray, Chair)

01/11/2023

SB 4, do pass.

SB 67, do pass.

STATE ADMINISTRATION (Cuffe, Chair)

01/11/2023

SB 29, do pass.

SB 56, do pass.

TAXATION (Hertz, Chair)

01/11/2023

SB 3, do pass.

SB 20, do pass.

SB 23, do pass.

SB 27, do pass.

SB 46, do pass.

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SB 62, do pass.

SB 65, do pass.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 01/11/2023

HB 18, introduced by T. Running Wolf

HB 58, introduced by M. Yakawich

HB 63, introduced by S. Kerns

HB 71, introduced by D. Loge

HB 77, introduced by S. Galloway

HB 78, introduced by S. Galloway

HB 124, introduced by J. Bergstrom

HB 148, introduced by M. Binkley

House joint resolution passed and transmitted to the Senate for concurrence: 01/11/2023

HJ 1, introduced by L. Sheldon-Galloway

FIRST READING AND COMMITMENT OF BILLS

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

SB 159, introduced by B. Beard, K. Regier, D. Lenz, F. Mandeville, S. Gunderson, M. Regier, D. Loge, R. Fitzgerald, D. Bartel, B. Usher, T. Welch, M. Hopkins, J. Fuller, Knudsen, J. Dooling, B. Mercer, T. Moore, B. Phalen, F. Nave, J. Carlson, L. Brewster, K. Zolnikov, A. Regier, J. Schillinger, S. Essmann, R. Miner, G. Parry, T. Falk, J. Etchart, L. Hellegaard, referred to Judiciary.

SB 160, introduced by B. Molnar, K. Regier, J. Small, L. Deming, referred to Judiciary.

SB 161, introduced by B. Molnar, K. Regier, L. Deming, referred to Business, Labor, and Economic Affairs.

SB 162, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

SB 163, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

SB 164, introduced by B. Usher, referred to State Administration.

SB 165, introduced by B. Usher, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution, previously introduced, was referred to committee

SJ 2, introduced by T. McGillvray, referred to Business, Labor, and Economic Affairs.

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

HB 18, introduced by T. Running Wolf (by request of the State-Tribal Relations Committee), referred to Judiciary.

HB 58, introduced by M. Yakawich (by request of the Department of Revenue), referred to Taxation.

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HB 63, introduced by S. Kerns (by request of the Department of Military Affairs), referred to State Administration.

HB 71, introduced by D. Loge (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.

HB 77, introduced by S. Galloway (by request of the Public Safety Officer Standards and Training Council), referred to Judiciary.

HB 78, introduced by S. Galloway (by request of the Public Safety Officer Standards and Training Council), referred to Judiciary.

HB 124, introduced by J. Bergstrom (by request of the Department of Revenue), referred to Taxation.

HB 148, introduced by M. Binkley (by request of the Department of Administration), referred to State Administration.

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

HJ 1, introduced by L. Sheldon-Galloway (by request of the State-Tribal Relations Committee), 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. President Ellsworth in the chair.

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

SB 18 - Senator Cuffe moved **SB 18** 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 35 - Senator Salomon moved **SB 35** 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 40 - Senator Cuffe moved **SB 40** 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 80 - Senator Fox moved **SB 80** 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,

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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 - Senator Cuffe moved **SB 102** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, Emrich, Esp, Fitzpatrick, Flowers, Fox, 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 47

Nays: Friedel, McGillvray.

Total 2

Voted absentee: None.

Total 0

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

SJ 4 - Senator McKamey moved **SJ 4** do pass. Motion carried 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, Welborn, Zolnikov.

Total 48

Nays: Glimm.

Total 1

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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, 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

THIRD READING OF BILLS

SB 5 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, Pope, Regier K, Sales, Salomon, Small, Tempel, Trebas, Usher, Vance, Vermeire, Webber, Welborn, Zolnikov.
Total 48

Nays: Olsen.
Total 1

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Voted absentee: None.
Total 0

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SB 7 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 45 passed as follows:

Yeas: Bartel, Beard, Bogner, Boldman, Brown, Cuffe, Curdy, Dunwell, Ellis, 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: Emrich, Hinebauch.
Total 2

Voted absentee: None.
Total 0

Excused: Gross.
Total 1

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Absent or not voting: None.
Total 0

SB 98 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 103 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, 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: Gross.
Total 1

Absent or not voting: None.
Total 0

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UNFINISHED BUSINESS

Senator Beard moved the following name be ADDED as sponsor to **SB 132**: A. Olsen.
Without objection, so ordered.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Committee meetings were announced by the committee chairs.

Senator Fuller offered the following: "On this date January 12, in 1947, a native son of Montana was posthumously awarded the Medal of Honor for extraordinary valor that sacrificed his life on February 19, 1945 on Iwo Jima. Born and raised in Columbus, MT, Donald Jack Ruhl exemplified the patriotism and willingness to defend freedom of all Montanans. He is, indeed, forever young."

Majority Leader Fitzpatrick moved the Senate adjourn until 1:00 p.m., 01/13/2023, the 10th legislative day. Motion carried.

Senate adjourned at 1:35 p.m.

MARILYN MILLER
Secretary of the Senate

JASON ELLSWORTH
President of the Senate