

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Jason Small-R, on February 24, 2023 at 8:02 AM, in 422

ROLL CALL

Members Present: Sen. Jason Small, Chair (R)
Sen. Willis Curdy, Vice Chair (D)
Sen. Mark Noland, Vice Chair (R)
Sen. Steve Fitzpatrick (R)
Sen. Bruce Gillespie (R)
Sen. Walt Sales (R)

Members Excused: Sen. Jason Ellsworth (R)
Sen. Mike Fox (D)
Sen. Christopher Pope (D)
Sen. Terry Vermeire (R)

Staff Present: Lynnette Sena, Secretary
Erin Sullivan, Attorney

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

SB 351 02/21/2023
SB 370 02/20/2023
SB 378 02/20/2023
SB 384 02/21/2023
SB 392 02/20/2023
SB 430 02/23/2023
SB 471 02/23/2023

Executive Action:

SB 276 TO TABLE
SB 370 DO PASS
SB 371 TO TABLE
SB 430 DO PASS
SB 471 DO PASS
SB 384 DO PASS AS AMENDED
SB 360 TO TABLE

SB 392 DO PASS AS AMENDED
SB 351 DO PASS AS AMENDED
SB 366 TO TABLE
SB 378 DO PASS

08:02:35 Vice Chair Curdy has left

HEARING ON SB 351 - Generally revise privacy laws related to biometric data

Opening Statement:

08:02:43 Sen. Daniel Zolnikov (R), SD 45, opened the hearing on SB 351,
Generally revise privacy laws related to biometric data.

Proponent Testimony:

08:08:44 Robin Turner, American Civil Liberties Union- Montana (ACLU-MT)

08:09:54 Richie Engelhardt, Ancestry and 23 and Me

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:12:07 Vice Chair Mark Noland

08:12:48 Sen. Daniel Zolnikov-R

08:13:00 Ritchie Engelhardt, Ancestry and 23 and Me

08:14:15 Vice Chair Mark Noland

08:15:02 Ritchie Engelhardt, Ancestry and 23 and Me

08:15:43 Sen. Bruce Gillespie

08:16:07 Sen. Daniel Zolnikov-R

08:17:19 Sen. Walt Sales

08:17:31 Sen. Daniel Zolnikov-R

08:17:56 Sen. Steve Fitzpatrick

08:18:26 Sen. Daniel Zolnikov-R

Closing Statement:

08:19:04 Sen. Daniel Zolnikov (R), SD 45, closed the hearing on SB 351.

08:20:56 Vice Chair Curdy has arrived

HEARING ON SB 378 - Revise evidence laws

Opening Statement:

08:19:49 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 378, Revise evidence laws.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

08:21:25 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 378.

HEARING ON SB 370 - Generally revise uniform commercial code

Opening Statement:

08:21:53 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 370, Generally revise uniform commercial code.

Proponent Testimony:

08:25:22 Jacqueline Lenmark, Uniform Law Commission (ULC)

[EXHIBIT\(230224BUSa1\)](#)

08:28:45 Jonathan Byington, Uniform Law Commission (ULC)

[EXHIBIT\(230224BUSa2\)](#)

08:37:14 Cary Hegreberg, Montana Bankers Association (MBA)

08:39:02 Aimee Grmoljez, Montana Credit Unions

08:39:24 Sheridan Johnson, Montana Chamber

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:40:43 Sen. Walt Sales

08:41:30 Jonathan Byington, ULC

08:43:09 Sen. Walt Sales

08:43:16 Sen. Bruce Gillespie

08:43:37 Jonathan Byington, ULC

08:44:09 Vice Chair Mark Noland

08:45:33 Jonathan Byington, ULC

08:46:57 Vice Chair Willis Curdy

08:47:45 Jacqueline Lenmark, ULC

08:48:09 Vice Chair Willis Curdy

08:49:06 Jacqueline Lenmark, ULC

Closing Statement:

08:50:37 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 370.

HEARING ON SB 384 - Generally revise consumer privacy laws

Opening Statement:

08:51:34 Sen. Daniel Zolnikov (R), SD 45, opened the hearing on SB 384,
Generally revise consumer privacy laws.

Proponent Testimony:

09:04:58 Robin Turner, American Civil Liberties Union- Montana (ACLU-MT)

09:05:53 Bridger Mahlum, Charter Communications

09:08:41 Andrew Kingman, State Privacy and Security Coalition

09:11:08 Ryan Harkins, Microsoft

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:18:53 Chair Jason Small

09:19:11 Ryan Harkins, Microsoft

09:20:01 Chair Jason Small

09:20:18 Sen. Daniel Zolnikov-R

09:21:17 Vice Chair Willis Curdy

09:22:18 Bridger Mahlum, Charter Communications

09:23:08 Vice Chair Willis Curdy

09:26:34 Ryan Harkins, Microsoft

09:28:27 Vice Chair Willis Curdy

09:29:02 Sen. Daniel Zolnikov-R

09:31:10 Sen. Walt Sales

09:32:12 Sen. Daniel Zolnikov-R

Closing Statement:

09:33:32 Sen. Daniel Zolnikov (R), SD 45, closed the hearing on SB 384.

HEARING ON SB 392 - Revise determination of court costs for coal mining

Opening Statement:

09:34:45 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 392, Revise determination of court costs for coal mining.

Proponent Testimony:

09:37:07 Jon Metropoulos, Westmorland Mining

09:39:10 George Harris, Montana Coal Council

Opponent Testimony:

09:42:14 Derf Johnson, Montana Environmental Information Center (MEIC)

[EXHIBIT\(230224BUSa3\)](#)

[EXHIBIT\(230224BUSa4\)](#)

09:49:10 Ressa Charter, self

09:53:38 Tom Baratta, self

Informational Witness Testimony:

09:57:18 Angie Colamaria, Department of Environmental Quality (DEQ)

Questions from Committee:

09:57:53 Sen. Bruce Gillespie

09:58:21 Sen. Steve Fitzpatrick-R

10:00:55 Vice Chair Willis Curdy

10:01:26 Sen. Steve Fitzpatrick-R

10:02:23 Vice Chair Willis Curdy

10:02:38 Derf Johnson, MEIC

10:04:15 Chair Jason Small
10:07:29 Jon Metropoulos, Westmorland
10:07:36 Sen. Walt Sales
10:09:43 Jon Metropoulos, Westmorland
10:10:46 Sen. Walt Sales
10:12:14 Angie Colamaria, DEQ
10:12:44 Vice Chair Mark Noland
10:13:45 Derf Johnson, MEIC

Closing Statement:

10:14:01 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 392.

HEARING ON SB 430 - Revise financial institution laws relating to bank boards

Opening Statement:

10:15:36 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 430, Revise financial institution laws relating to bank boards.

Proponent Testimony:

10:17:03 Melanie Hall, Montana Division of Banking and Financial Institutions
10:18:15 Cary Hegreberg, Montana Bankers Association (MBA)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:19:42 Vice Chair Willis Curdy
10:20:35 Cary Hegreberg, MBA

Closing Statement:

10:21:23 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 430.

10:25:25 Sen. Fitzpatrick has left

HEARING ON SB 471 - Generally revise alcohol, tobacco, and marijuana laws relating to children

Opening Statement:

10:21:51 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 471, Generally revise alcohol, tobacco, and marijuana laws relating to children.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

10:24:47 Chair Jason Small

10:25:01 Sen. Walt Sales

10:26:11 Sen. Jeremy Trebas-R

10:26:22 Sen. Walt Sales

10:29:35 Erin Sullivan

10:29:41 Sen. Jeremy Trebas-R

10:30:04 Vice Chair Mark Noland

10:30:24 Sen. Jeremy Trebas-R

10:30:52 Sen. Bruce Gillespie

10:31:08 Sen. Jeremy Trebas-R

Closing Statement:

10:31:40 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 471.

10:39:54 **Recessed**

11:00:02 **Reconvened**

EXECUTIVE ACTION ON SB 276 - Revise laws related to prevailing wage

11:01:56 **Motion:** Vice Chair Mark Noland moved that **SB 276 DO PASS.**

10:38:14 **Vote:** Motion failed 6 - 4 by roll call vote with Sen. Ellsworth, Sen. Fitzpatrick, Sen. Gillespie, Sen. Noland, voting yes.
Sen. Ellsworth, By Proxy

11:03:20 **Motion:** Vice Chair Mark Noland moved that **SB 276 TO TABLE.**

10:38:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 370 - Generally revise uniform commercial code

11:12:10 **Motion:** Vice Chair Mark Noland moved that **SB 370 DO PASS.**

Discussion:

10:32:39 Committee is at ease.

10:39:04 Discussion of upcoming Executive Action and amendments.

11:12:25 Chair Jason Small

10:38:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 371 - Generally revising the Montana Clean Indoor Air Act

11:13:07 **Motion:** Sen. Bruce Gillespie moved that **SB 371 DO PASS.**

10:38:14 **Vote:** Motion failed unanimously by voice vote.

11:44:50 **Motion:** Vice Chair Willis Curdy moved that **SB 371 TO TABLE.**

10:38:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 430 - Revise financial institution laws relating to bank boards

11:15:25 **Motion:** Sen. Bruce Gillespie moved that **SB 430 DO PASS.**

10:38:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 471 - Generally revise alcohol, tobacco, and marijuana laws relating to children

11:16:04 **Motion:** Sen. Bruce Gillespie moved that **SB 471 DO PASS.**

Discussion:

11:16:26 Vice Chair Willis Curdy

11:16:29 Sen. Walt Sales

11:16:45 Chair Jason Small

10:38:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 384 - Generally revise consumer privacy laws

11:17:20 **Motion:** Vice Chair Willis Curdy moved that **SB 384 DO PASS.**

11:17:28 **Motion:** Vice Chair Mark Noland moved that **SB 384 BE AMENDED.**

10:38:14 **Vote:** Motion carried unanimously by voice vote.

11:18:08 **Motion:** Vice Chair Mark Noland moved that **SB 384 DO PASS AS AMENDED.**

10:38:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 360 - Revise laws related to alcohol content in beer

11:25:06 **Motion:** Vice Chair Mark Noland moved that **SB 360 DO PASS.**

10:38:14 **Vote:** Motion failed 7 - 3 by voice vote with Sen. Ellsworth, Sen. Sales, Sen. Vermeire, voting yes.
Sen. Ellsworth, Sen. Vermeire, By Proxy

11:25:54 **Motion:** Vice Chair Mark Noland moved that **SB 360 TO TABLE.**

10:38:14 **Vote:** Motion carried 9 - 1 by voice vote with Sen. Vermeire, voting no.
Sen. Vermeire, By Proxy

EXECUTIVE ACTION ON SB 392 - Revise determination of court costs for coal mining

11:26:28 **Motion:** Vice Chair Mark Noland moved that **SB 392 DO PASS.**

11:26:35 **Motion:** Vice Chair Mark Noland moved that **SB 392 BE AMENDED.**

10:38:14 **Vote:** Motion carried unanimously by voice vote.

- 11:26:47 **Motion:** Vice Chair Mark Noland moved that **SB 392 DO PASS AS AMENDED.**
- 10:38:14 **Vote:** Motion carried 6 - 4 by voice vote with Sen. Curdy, Sen. Fox, Sen. Pope, Sen. Sales, voting no.
Sen. Fox, Sen. Pope, By Proxy

EXECUTIVE ACTION ON SB 351 - Generally revise privacy laws related to biometric data

- 11:40:41 **Motion:** Vice Chair Willis Curdy moved that **SB 351 DO PASS.**
- 11:40:50 **Motion:** Vice Chair Willis Curdy moved that **SB 351 BE AMENDED.**
- 10:38:14 **Vote:** Motion carried unanimously by voice vote.
- 11:40:53 **Motion:** Vice Chair Willis Curdy moved that **SB 351 DO PASS AS AMENDED.**
- 10:38:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 366 - Revise laws related to drinking age

- 11:41:51 **Motion:** Vice Chair Willis Curdy moved that **SB 366 DO PASS.**
- 10:38:14 **Vote:** Motion failed unanimously by voice vote.
- 11:42:51 **Motion:** Vice Chair Willis Curdy moved that **SB 366 TO TABLE.**
- 10:38:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 378 - Revise evidence laws

- 11:45:24 **Motion:** Vice Chair Willis Curdy moved that **SB 378 DO PASS.**
- 10:38:14 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 11:19:20

Lynnette Sena, Secretary

Additional Documents: [EXHIBIT\(230224BUSaad\)](#)