

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN JERRY O'NEIL**, on January 29, 2003 at 3:10 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Jerry O'Neil, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Brent R. Cromley (D)
Sen. John Esp (R)
Sen. Trudi Schmidt (D)
Sen. Emily Stonington (D)

Members Excused: Sen. John C. Bohlinger (R)
Sen. Bob DePratu (R)
Sen. Dan Harrington (D)

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Branch
Andrea Gustafson, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: SB 148
Discussion only: SB 72

EXECUTIVE ACTION ON SB 148

Motion/Vote: **SEN. DUANE GRIMES** moved that **SB 148 BE INDEFINITELY POSTPONED**. Motion passed 5-1 with **SEN. BRENT CROMLEY** voting nay. **SEN. JOHN BOHLINGER** and **SEN. ROBERT DEPRATU** voted by proxy.

SEN. GRIMES asked if action could be taken on SB 72. He wondered if there was any reason there should not be.

SEN. JERRY O'NEIL asked **SEN. EMILY STONINGTON** what she thought.

SEN. STONINGTON said she could paint the context. She is sitting on the subcommittee on Appropriations and the committee has spent extensive time on the area in the last few days. The money the fee would raise, approximately \$750,000 a year, is critical to the department. They will not function without it. Whether it comes in the fee, or whether they are forced to take it out of general funds and do cuts elsewhere, it has to be found.

SEN. O'NEIL asked if there were any objections to taking executive action on SB 72.

SEN. STONINGTON asked to hold off taking executive action on SB 72 because she has asked the department to come up with a different fee structure. The way the fee structure was currently set up, it was \$7 per check, despite how often a month a person was paid. \$28 being the maximum amount taken out. She asked for a different fee structure that would cap the number of times a person would be charged that, such as one or two times.

SEN. GRIMES asked if it would help to pass the bill out in its current form, which would bring it to the attention of the floor.

SEN. TOM ZOOK would take it back to Finance. This way the bill would have a positive vote out of the committee and then he could hold it in his committee.

SEN. STONINGTON said that would not hurt. The restructure of the fee has to be part of the discussion.

SEN. O'NEIL said if SB 72 was voted out of the committee for Public Health, **SEN. STONINGTON** would not have any leverage to bargain with the department.

SEN. STONINGTON said that was not true. She said the department was aware the bill has a rough road to hoe.

SEN. O'NEIL asked if she wanted to wait taking executive action.

SEN. STONINGTON said she would go with **SEN. GRIMES**. If moved out of the committee, at least the bill could be considered as part of the mix being referred to the Finance committee for further consideration as the whole mix comes together.

SEN. GRIMES said there was a down side to that. It would put people on the floor having to vote on it, who may otherwise not want to vote on it.

SEN. STONINGTON asked to hold off for a little longer. Her subcommittee was meeting the next day. She wanted to bring it up to them to see what they thought might work best, whether it was to move it out, debate it on the floor, re referring it to finance, or sit on it.

SEN. GRIMES asked if there was any reason action should not be taken on SB 190.

SEN. O'NEILL said **SEN. BOHLINGER** was working with the dentists and hygienists, who thought they could get to an agreement.

SEN. TRUDI SCHMIDT thought action should wait also.

SEN. GRIMES said he would defer to **SEN. O'NEIL's** judgment if he has talked to **SEN. BOHLINGER**.

SEN. O'NEIL said the committee could wait on it.

ADJOURNMENT

Adjournment: 3:20 P.M.

SEN. JERRY O'NEIL, Chairman

ANDREA GUSTAFSON, Secretary

JO/AG

EXHIBIT (phs19aad)