

**MINUTES**

**MONTANA SENATE  
59th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

**Call to Order:** By **CHAIRMAN BRENT R. CROMLEY**, on March 21, 2005  
at 4:10 P.M., in Room 335 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Brent R. Cromley, Chairman (D)  
Sen. John Esp (R)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R)  
Sen. Trudi Schmidt (D)  
Sen. Dan Weinberg (D)  
Sen. Carol Williams (D)  
Sen. John Cobb (R)

**Members Excused:** Sen. Duane Grimes (R)

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Branch  
Rita Tenneson, Committee Secretary

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

**Committee Business Summary:**

Hearing & Date Posted: None.  
Executive Action: SJ 30; HB 581

**EXECUTIVE ACTION ON SJ 30**

**Motion:** SEN. WEINBERG moved that SJ 30 DO PASS.

**Discussion:** SEN. WEINBERG told the Committee they reorganized the original version of the resolution, which had the financial justifications taking prominence over the human justifications, by reversing them and cleaning up the statistics. He presented amendment SJ000030.als.

**EXHIBIT** (phs62a01)

**Motion/Vote:** SEN. WEINBERG moved that AMENDMENT SJ000030.als BE ADOPTED. Motion carried 7-1 by voice vote with SEN. ESP voting no.

**Motion:** SEN. WEINBERG moved SJ 30 AS AMENDED.

**Discussion:** SEN. O'NEIL was voting against it because he thought it should include something saying we want the feds to figure out some way to get off federal aid. The more medicaid and federal programs, the bigger the federal government is, with prices getting higher and services getting less. He said we should probably repeal the 17th amendment so we can tell them what to do instead of urging them.

**Motion/Vote:** SEN. WEINBERG moved that SJ 30 DO PASS AS AMENDED. Motion carried 7-2 by voice vote with SEN. O'NEIL and SEN. ESP voting no. SEN. GRIMES voted aye by proxy.

**EXECUTIVE ACTION ON HB 581**

SEN. WEINBERG had voted aye on an amendment to HB 581 and wanted to change his vote. He now understood that, by voting aye, it sends the bill back to the House, where it faces an uncertain future.

**Motion:** SEN. WEINBERG moved to RECONSIDER THE MOTION on HB 581.

**Discussion:** SEN. O'NEIL asked what the amendment was. SEN. CROMLEY said it was on page 8, line 26, following "may" insert "for a good cause".

**Vote:** Motion carried 6-3 by voice vote with SEN. ESP, SEN. GRIMES and SEN. O'NEIL voting no. SEN. GRIMES voted no by proxy.

**Motion:** SEN. WEINBERG moved to RECONSIDER THE MOTION on AMENDMENT HB058101.adn and remove it from HB 581.

**Discussion:** SEN. ESP didn't understand the politics in the House, but he thought there needs to be some qualification on which they can extend the process by 15 days. He said it is not unheard of that we direct an agency to be reasonable and do it for good cause.

SEN. CROMLEY voted against the amendment because he thought there was a foundation in the bill where it said, it shall provide by rule the basis upon which the department may extend by 15 days, so they have to come with a rule for a basis.

SEN. MOSS said it was brought to her attention the clause is already in the bill on page 6, line 17. It already says, the department may, for good cause shown, waive or shorten the time required for filing the appropriate applications. She didn't think the amendment was necessary.

SEN. ESP thought there could be conflicting statements within that section. He said reasonable, or some other word meaning reasonable, would clarify intent.

**Vote:** Motion carried 7-2 by voice vote with SEN. ESP and SEN. GRIMES voting no. SEN. GRIMES voted no by proxy.

SEN. CROMLEY said this returns the bill to its original form that it came to the Committee from the House.

**Motion/Vote:** SEN. WILLIAMS moved that HB 581 BE CONCURRED IN. Motion carried 6-3 by voice vote with SEN. ESP, SEN. GRIMES and SEN. O'NEIL voting no. SEN. GRIMES voted no by proxy.

SEN. WEINBERG asked if the bill would be going back to the House.

David Niss reminded the Committee that, at the last moment in SEN. ESP'S motion, he included a clerical error in the citation to subsection 13. This had also passed. That made two parts to that amendment. To return the bill to its original form, that amendment must also be removed.

SEN. WILLIAMS had talked to the sponsor about this and she had talked to Greg Petesch, who said the Committee doesn't have to do that. They will clean that up in drafting.

Mr. Niss said it was included in SEN. ESP'S motion. If the consensus of the Committee is to keep the bill from going back to

the House, then we'll have to take off both parts of **SEN. ESP's** amendment.

**Motion/Vote:** **SEN. WEINBERG** moved to RECONSIDER THE MOTION THAT HB 581 BE CONCURRED IN. Motion carried 6-3 by voice vote with **SEN. ESP**, **SEN. GRIMES** and **SEN. O'NEIL** voting no. **SEN. GRIMES** voted no by proxy.

**Motion/Vote:** **SEN. ESP** moved to STRIKE AMENDMENT page 7, line 11. Motion carried 5-4 by voice vote with **SEN. ESP**, **SEN. COBB**, **SEN. GRIMES** and **SEN. O'NEIL** voting no. **SEN. GRIMES** voted no by proxy.

**Motion:** **SEN. ESP** moved that HB 581 BE AMENDED BY REINSERTING "REASONABLE" ON PAGE 8, LINE 26.

**Discussion:** **SEN. ESP** said it should be on the record that we want some reasonable basis for extending this, not just because we overslept the day before.

**SEN. WILLIAMS** said both of his amendments are making assumptions the department won't do that. We expect the department to make reasonable assumptions, to do things with due cause. She said that is part of what we are doing here and she didn't think the amendments were needed. Even if it was a good idea, she would vote no on it.

**SEN. ESP** was hoping the same thing as **SEN. WILLIAMS**. He said most of the Committee was hoping the same thing. If the reason we're not amending this is we think the House is up to no good, he could understand this, and he hoped the department would read the record on his decision.

**SEN. WILLIAMS** asked that **SEN. ESP'S** concerns got into the minutes.

**SEN. ESP** withdrew his motion.

**Motion/Vote:** **SEN. WEINBERG** moved that HB 581 BE CONCURRED IN. Motion carried 5-4 by voice vote with **SEN. ESP**, **SEN. COBB**, **SEN. GRIMES** and **SEN. O'NEIL** voting no. **SEN. GRIMES** voted no by proxy.

**SEN. MOSS** will carry the bill on the Senate Floor.

**ADJOURNMENT**

Adjournment: 4:30 P.M.

---

SEN. BRENT R. CROMLEY, Chairman

---

RITA TENNESON, Secretary

BC/rt

Additional Exhibits:

**EXHIBIT ([phs62aad0.PDF](#))**