

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN DAN WEINBERG**, on February 21, 2007 at 3:00 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Dan Weinberg, Chairman (D)
Sen. Lynda Moss, Vice Chairman (D)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Kim Gillan (D)
Sen. Terry Murphy (R)
Sen. Jerry O'Neil (R)
Sen. Trudi Schmidt (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Prudence Gildroy, Committee Secretary
Lisa Mecklenberg Jackson, Legislative Branch

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 518, 2/19/2007; SB 265,
2/15/2007; SB 505, 2/19/2007; SB
498, 2/15/2007; SB 499, 2/15/2007;
SB 504, 2/19/2007; SB 478,
2/15/2007; SB 531, 2/19/2007; SB
510, 2/19/2007 SB 521, 2/19/2007;
Executive Action: SB 265; SB 326; SB 505; SB 504; SB
478; SB 499; SB 531; SB 510; SB 521

00:00:00

HEARING ON SB 518

Opening Statement by Sponsor:

00:01:51 **SEN. GARY PERRY (R), SD 35**, opened the hearing on **SB 518**, Vital statistics for stillbirth.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

00:10:44 Laurie Lamson, DPHHS

Questions from Committee Members and Responses:

00:13:04 Sen. Weinberg to Lori Lamson

00:14:10 Sen. Weinberg to Sen. Perry

00:15:48 Sen. Cobb

Closing by Sponsor:

00:16:17 Sen. Perry

HEARING ON SB 265

Opening Statement by Sponsor:

00:16:58 **SEN. SAM KITZENBERG (D), SD 18**, opened the hearing on **SB 265**, Revising premium provisions of the comprehensive health association plan.

Proponents' Testimony:

00:18:58 Erin McGowan Fincham, Office of the Insurance Commissioner

00:21:42 Frank Cote for Tanya Ask, Montana Comprehensive Association

00:22:42 Claudia Clifford, AARP Montana

00:23:24 Angela Huschka, New West Health Services

Opponents' Testimony:

00:23:56 Beth Sirr, Nurse Practitioner

Informational Testimony: None.

Questions from Committee Members and Responses:

00:25:15 Sen. Williams to Erin McGowan Fincham

Closing by Sponsor:

00:25:55 Sen. Kitzenburg

EXECUTIVE ACTION ON SB 265

00:27:55 **Motion:** SEN. COBB moved that SB 265 DO PASS.

00:28:00 **Motion:** SEN. COBB moved that AMENDMENT SB026501.ALJ BE ADOPTED.

EXHIBIT (phs39b01)

00:28:09 **Vote:** Motion carried unanimously by voice vote.

00:28:25 **Motion/Vote:** SEN. COBB moved that SB 265 DO PASS AS AMENDED. Motion carried 5-2 with SEN. ESP and SEN. O'NEIL voting no.

HEARING ON SB 505

Opening Statement by Sponsor:

00:29:04 SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on SB 505, Fund and renew cervical cancer task force.

Proponents' Testimony:

00:34:57 Kathy McGowan, American Cancer Society

EXHIBIT (phs39b02)

00:35:46 Lois Fitzpatrick, Montana Cancer Control Coalition

Opponents' Testimony: None.

Informational Testimony:

00:36:13 Sue Miller, DPHHS

EXHIBIT (phs39b03)

Questions from Committee Members and Responses:

00:37:01 Sen. Gillan to Sen. Squires

Closing by Sponsor:

00:37:41 Sen. Squires

HEARING ON SB 498

Opening Statement by Sponsor:

00:38:50 **SEN. CHRISTINE KAUFMANN (D), SD 41**, opened the hearing on **SB 498**, Plan for universal health care system for all Montanans.

Proponents' Testimony:

00:40:56 C. Rocky White, Physician, Colorado

00:44:21 Annie Glover, MEA-MFT, and for Jason Miller, AFL-CIO

00:45:08 Olivia Riutta, WEEL

EXHIBIT (phs39b04)

00:48:49 Jennifer Hill-Hart, Montana Coalition Against Domestic and Sexual Violence

EXHIBIT (phs39b05)

00:50:55 Jennifer Brunston, Physician, Helena

00:54:16 Claudia Clifford, AARP, Montana

EXHIBIT (phs39b06)

00:54:56 Kim Abbott, Montana Human Rights Network

EXHIBIT (phs39b07)

00:56:06 Tara Veazey, Montana Legal Services Association

EXHIBIT (phs39b08)

00:57:48 Beth Sirr, Nurse Practitioner
00:58:11 Anita Rossman, Montana Advocacy Program
00:58:16 Terry Kendrick, Policy Institute
00:58:27 Jani McCall, Billings Clinic, Montana Children's
Initiative
00:59:13 Betty Beverly, Montana Senior Citizen's Association
00:59:29 Steve Yeakel, Montana Council for Maternal and Child
Health
00:59:40 John Flink, Montana Hospital Association

Opponents' Testimony: None.

Informational Testimony:

00:59:59 Frank Cote, Americas Health Insurance Plan and for
Tanya Ask, Blue Cross Blue Shield of Montana; Angela
Hruska, New West Health Services; and Don Allen,
Montana Association of Insurance and Financial Advisors
01:01:20 Gayle Zimmer, DPHHS

Questions from Committee Members and Responses:

01:02:43 Sen. O'Neil to Olivia Riutta, WEEL
01:04:00 Sen. Weinberg to C. Rocky White

Closing by Sponsor:

01:06:04 Sen. Kaufmann

EXHIBIT (phs39b09)

HEARING ON SB 499

01:08:38 Sen. Kaufmann

HEARING ON SB 504

Opening Statement by Sponsor:

01:09:34 **SEN. CHRISTINE KAUFMANN (D), SD 41**, opened the hearing on **SB 504**, Support foster care families.

Proponents' Testimony:

01:13:07 Jani McCall, Montana Children's Initiative Provider Association, and Billings Clinic

Opponents' Testimony: None.

Informational Testimony:

01:16:41 Shirley Brown, Child and Family Services, DPHHS

Questions from Committee Members and Responses:

01:17:14 Sen. Gillan to Shirley Brown

01:19:17 Sen. Esp to Shirley Brown

01:19:50 Sen. Esp to Sen. Kaufmann

01:20:24 Sen. Esp to Jani McCall

01:21:16 Sen. O'Neil to Shirley Brown

01:22:28 Sen. Esp to Shirley Brown

01:23:17 Sen. Weinberg to Shirley Brown

Closing by Sponsor:

01:25:03 Sen. Kaufmann

HEARING ON SB 478

Opening Statement by Sponsor:

01:27:47 **SEN. DAN WEINBERG (D), SD 2**, opened the hearing on **SB 478**, Implement suicide prevention program.

Proponents' Testimony:

01:31:06 Judy Griffith, American Foundation for Suicide Prevention

01:33:09 Jackie Fitzgerald, Voices of Hope

01:34:50 Kristin Best, Helena Suicide Prevention Coalition

EXHIBIT (phs39b10)

01:37:36 Marti Wongen, Montana Psychological Association

EXHIBIT (phs39b11)

01:37:58 Anita Rossman, Montana Advocacy Program

01:38:07 Bob Runkle, Office of Public Instruction

01:38:15 Joyce DeCunzo, Addictive and Mental Disorders, DPHHS

01:38:34 Denver Henderson, Associated Students University of
Montana, self

01:38:47 Kurt Chisholm, National Association of Mental Illness
(NAMI) Montana

01:39:12 Tracy Velazquez, Montana Advocacy Program

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:39:45 Sen. Gillan to Sen. Weinberg

Closing by Sponsor:

01:42:08 Sen. Weinberg

HEARING ON SB 531

Opening Statement by Sponsor:

01:43:11 **SEN. DAN WEINBERG (D), SD 2**, opened the hearing on **SB 531**, Procedure for nonprofit hospital conversion to other status.

Proponents' Testimony:

01:45:43 John Flink, Montana Hospital Association

01:47:05 Mark Taylor, General Counsel, Montana Hospital
Association

01:47:48 Chris Tweeten, Chief Civil Counsel, Office of the
Attorney General

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:51:31 Sen. Gillan to John Flink

01:54:05 Sen. Gillan to Chris Tweeten

01:56:07 Sen. Schmidt to Chris Tweeten

Closing by Sponsor:

01:57:20 Sen. Weinberg

HEARING ON SB 510

Opening Statement by Sponsor:

02:00:04 **SEN. GREG LIND (D), SD 50**, opened the hearing on **SB 510**, Health care trust or account in prevailing wage for construction workers.

EXHIBIT (phs39b12)

Proponents' Testimony:

02:02:59 Todd Lovshin, Allegiance

02:03:54 Tanya Ask, Blue Cross Blue Shield of Montana

Opponents' Testimony:

02:05:09 Keith Allen, International Brotherhood of Electrical Workers

02:09:24 Carl Schweitzer, Montana Subcontractors Association

02:11:17 Margaret Morgan, Greater Montana Independent Electrical Contractors

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

02:14:33 Sen. Lind

HEARING ON SB 521

Opening Statement by Sponsor:

02:18:40 **SEN. JOHN ESP (R), SD 31**, opened the hearing on **SB 521**,
Revise pharmacy laws to prohibit substitution of anti-
epileptic drugs.

Proponents' Testimony:

02:19:42 Anita Rossman, Montana Advocacy Program

02:20:21 Blair Williams, patient advocate

Opponents' Testimony:

02:22:54 Tanya Ask, Blue Cross Blue Shield of Montana

Informational Testimony:

02:23:49 Mary Anne Guggenheim, physician

EXHIBIT (phs39b13)

02:25:54 Duane Pressinger, DPHHS

02:26:16 Jim Smith, Montana Pharmacy Association

Questions from Committee Members and Responses:

02:27:27 Sen. Schmidt to Mary Anne Guggenheim

02:29:16 Sen. Gillan to Mary Anne Guggenheim

02:31:50 Sen. Weinberg

Closing by Sponsor:

02:32:06 Sen. Esp

02:32:56 Recess

03:33:33 Reconvene

EXECUTIVE ACTION ON SB 326

03:35:18 **Motion:** SEN. SCHMIDT moved that SB 326 DO PASS.

03:35:50 **Motion:** SEN. SCHMIDT moved that AMENDMENT SB032601.ASB
BE ADOPTED.

EXHIBIT (phs39b14)

Discussion:

00:35:53 Sen. Schmidt

03:41:45 Sen. O'Neil to Sen. Schmidt

03:42:48 **Vote:** Motion carried unanimously by voice vote with
SEN. GILLAN, SEN. MURPHY, and SEN. WILLIAMS voting aye
by proxy.

03:43:19 **Motion:** SEN. SCHMIDT moved that SB 326 DO PASS AS
AMENDED.

Discussion:

03:43:33 Sen. Schmidt

03:43:49 **Vote:** Motion carried unanimously by voice vote with
SEN. GILLAN, SEN. MURPHY, and SEN. WILLIAMS voting aye
by proxy.

EXECUTIVE ACTION ON SB 505

03:45:01 **Motion:** SEN. ESP moved that SB 505 DO PASS.

Discussion:

03:45:16 Sen. O'Neil

03:46:47 Sen. Esp

03:47:15 Sen. Moss

03:47:45 Sen. O'Neil

03:48:18 **Vote:** Motion carried 8-1 by voice vote with SEN.
O'NEIL voting no. SEN. GILLAN and SEN. WILLIAMS voted
aye by proxy.

EXECUTIVE ACTION ON SB 504

03:50:15 **Motion:** SEN. ESP moved that SB 504 DO PASS.

03:50:21 **Motion:** SEN. ESP moved A CONCEPTUAL AMENDMENT ON PAGE 3, LINE 3 TO DELETE "12" AND INSERT "6" AND THAT AFTER "DAYS" INSERT "PER YEAR"; ON LINE 6 CHANGE "4" TO "3".

Discussion:

03:52:38 Sen. Schmidt to Sen. Esp

03:53:44 Sen. O'Neil

03:54:40 **Vote:** Motion carried unanimously by voice vote with SEN. WILLIAMS voting aye by proxy.

03:55:12 **Motion:** SEN. SCHMIDT moved that SB 504 DO PASS AS AMENDED.

Discussion:

03:55:15 Sen. Schmidt

03:55:52 Sen. Williams to Sen. Schmidt

03:56:29 Sen. Esp

03:57:23 Sen. Weinberg

03:58:17 Sen. O'Neil

03:58:35 Sen. Weinberg to Sen. Cobb

03:59:47 **Motion:** SEN. O'NEIL moved A CONCEPTUAL AMENDMENT ON PAGE 2, LINE 19 TO "AT LEAST ONE TIME PER YEAR" AND ON PAGE 2, LINE 20 INSERT "." AFTER RESPITE CARE AND DELETE LINE 21.

Discussion:

04:01:11 Sen. Schmidt to Sen. O'Neil

04:01:55 **Vote:** Motion carried 6-3 by voice vote with SEN. COBB, SEN. SCHMIDT, and SEN. WILLIAMS voting no.

04:02:15 Sen. Moss moved as amended

Discussion:

04:02:35 Sen. Moss
04:03:04 Sen. Schmidt
04:03:36 Sen. Cobb
04:04:30 Sen. O'Neil
04:04:42 Sen. Esp
04:04:59 Sen. Cobb
04:05:29 Sen. Schmidt
04:05:59 Sen. Gillan
04:06:40 **Vote:** Motion carried 5-4 by voice vote with SEN. ESP,
SEN. MURPHY, SEN. O'NEIL, and SEN. SCHMIDT voting no.
04:07:14 Sen. Schmidt

EXECUTIVE ACTION ON SB 478

04:08:15 **Motion:** SEN. SCHMIDT moved that SB 478 DO PASS.
04:08:27 **Motion:** SEN. O'NEIL moved to amend SB 478 with A
CONCEPTUAL AMENDMENT FOR A FOUR-YEAR SUNSET.

Discussion:

04:08:54 Sen. Weinberg
04:09:22 Sen. O'Neil
04:09:42 Sen. Weinberg
04:10:04 Sen. Williams
04:10:40 **Vote:** Motion failed 2-7 by voice vote with SEN.
MURPHY and SEN. O'NEIL voting aye.
04:11:08 Sen. Schmidt
04:11:26 Sen. O'Neil to Sen. Weinberg
04:12:32 Sen. Gillan to Sen. Weinberg
04:14:06 Sen. Cobb

04:14:49 Sen. Weinberg
04:15:40 Sen. Esp
04:16:24 Sen. O'Neil to Sen. Weinberg
04:17:36 **Vote: Motion that SB 478 DO PASS carried unanimously by voice vote.**

EXECUTIVE ACTION ON SB 499

04:18:13 **Motion/Vote: SEN. ESP moved that SB 499 BE TABLED. Motion carried unanimously by voice vote.**

EXECUTIVE ACTION ON SB 531

04:18:55 **Motion: SEN. ESP moved that SB 531 DO PASS.**
04:19:02 **Motion: SEN. WEINBERG moved that AMENDMENT SB053101.ASB BE ADOPTED.**

EXHIBIT (phs39b15)

Discussion:

04:19:17 Sen. Weinberg
04:20:13 **Vote: Motion carried unanimously by voice vote.**
04:20:25 Sen. Weinberg
04:20:52 **Motion: SEN. ESP moved that ATTORNEY GENERAL'S AMENDMENT DO PASS.**

EXHIBIT (phs39b16)

04:22:13 Sen. Weinberg to John Flink
04:23:53 Sen. Esp withdrew amendment
04:24:16 **Vote: Motion that SB 531 DO PASS AS AMENDED carried unanimously by voice vote.**

EXECUTIVE ACTION ON SB 510

04:24:56 **Motion/Vote:** SEN. COBB moved that SB 510 BE TABLED.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 521

04:25:43 **Motion:** SEN. ESP moved that SB 521 DO PASS.

04:25:47 **Motion:** SEN. ESP moved that AMENDMENT SB0521.ASB BE
ADOPTED.

EXHIBIT (phs39b17)

Discussion:

04:26:00 Sen. Weinberg to Sen. Esp

04:26:37 **Vote:** Motion carried unanimously by voice vote.

04:26:45 **Motion:** SEN. ESP moved that SB 521 DO PASS AS AMENDED.

Discussion:

04:26:58 Sen. Esp

04:27:18 Sen. Gillan

04:27:53 Sen. O'Neil to Sen. Gillan

04:30:21 Sen. Schmidt

04:30:56 **Motion/Vote:** SEN. ESP moved FOR AN EFFECTIVE DATE OF
JULY 1, 2007. Motion carried unanimously.

04:31:41 **Motion/Vote:** SEN. ESP moved that SB 521 DO PASS AS
AMENDED. Motion carried unanimously by voice vote.

04:32:47 Sen. Weinberg

04:32:54 Sen. Esp

ADJOURNMENT

Adjournment: 8:00 P.M.

SEN. DAN WEINBERG, Chairman

PRUDENCE GILDROY, Secretary

DW/pg

Additional Exhibits:

EXHIBIT ([phs39bad.pdf](#))