

**MINUTES**

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

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

**Call to Order:** By **CHAIRMAN DAN WEINBERG**, on February 16, 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: SJ 7, 2/2/2007; SB 394, 2/2/2007;  
SB 387, 2/2/2007; SB 336, 2/2/2007  
Executive Action: SB 387; SB 155

00:00:00

**HEARING ON SJ 7**

**Opening Statement by Sponsor:**

00:01:08 SEN. GREG LIND (D), SD 50, opened the hearing on **SJ 7**,  
Study requiring background checks for direct care  
workers.

**Proponents' Testimony:**

00:02:17 Bill Woody, MHS  
00:04:03 Rose Hughes, Montana Health Care Association  
00:05:25 Debra Pate, Area Agency on Aging  
00:06:34 Betty Beverly, Montana Senior Citizens Association  
00:07:15 Claudia Clifford, AARP Montana  
00:07:56 Beth Brenneman, Montana Advocacy Program  
00:08:42 Charlie Briggs, Montana Association of Community  
Disability Services  
00:09:14 Dr. Michael Boots, STEP, Inc., Billings

**Opponents' Testimony:** None.

**Informational Testimony:**

00:10:07 Jeff Buska, Quality Assurance Division, Department of  
Public Health and Human Services (DPHHS)  
00:11:00 Jeff Sturm, DPHHS

**EXHIBIT (phs35a01)**

**Questions from Committee Members and Responses:**

**Closing by Sponsor:**

00:11:47 Sen. Lind

**HEARING ON SB 394**

**Opening Statement by Sponsor:**

00:13:44 **SEN. CAROLYN SQUIRES (D), SD 48**, opened the hearing on **SB 394**, Revise state facility fund transfers for persons with disabilities.

**Proponents' Testimony:**

00:16:15 Dustin Hankinson, Disability Advocate, Missoula

00:25:04 Travis Hoffmann, Sun Disability Center, Missoula

**EXHIBIT (phs35a02)**

00:29:57 Cheryl Petera

00:31:12 Teresa Martinowski, Missoula

00:34:12 Mark Boatman, Missoula

00:36:19 Kim Davis, Summit Independent Living, Missoula

00:40:08 Betty Beverly, Montana Senior Citizens Association

**Opponents' Testimony:** None.

**Informational Testimony:**

00:41:57 Bob Mullen, DPHHS

**Questions from Committee Members and Responses:**

00:42:39 Sen. Weinberg to Bob Mullen, DPHHS

00:43:32 Sen. Weinberg to Jeff Sturm, DPHHS

00:50:28 Sen. O'Neil to Jeff Sturm

00:53:30 Sen. Williams to Jeff Sturm

00:54:36 Sen. Cobb

00:54:55 Sen. Weinberg to Dustin Hawkinson

**Closing by Sponsor:**

01:00:03 Sen. Squires

**Opening Statement by Sponsor:**

01:03:54 **SEN. CAROLYN SQUIRES (D), SD 48**, opened the hearing on **SB 387**, Cancer screening disclosure for insurance companies.

**Proponents' Testimony:**

01:08:11 Lois Fitzpatrick, Cancer Control Coalition

01:09:10 Kristin Page Nei

[EXHIBIT \(phs35a03\)](#)

[EXHIBIT \(phs35a04\)](#)

01:13:17 Sandra Sedey, Montana City

[EXHIBIT \(phs35a05\)](#)

01:15:31 Cheryl Hackett, Oncology Nurse

01:20:34 Pat Colbeck Harper, AARP Montana

01:21:58 Tanya Ask, Blue Cross Blue Shield, and representing Susan Witte, Allegiance

01:22:27 Dr. Robert Shepard, New West Health Services

01:23:02 Pat Melby, Montana Medical Association

01:23:24 Betty Beverly, Montana Senior Citizens Association

01:24:02 Chuck Hunter, Montana Primary Care Association

01:24:40 Carrie Fairbrother, RN

01:25:43 Cory Higgins, Deputy State Auditor

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:** None.

**Closing by Sponsor:**

01:26:26 Sen. Squires

EXECUTIVE ACTION ON SB 387

01:27:21 **Motion:** SEN. COBB moved that SB 387 DO PASS.

01:27:25 **Motion:** SEN. COBB moved that SB038701.ALJ BE ADOPTED.

EXHIBIT (phs35a06)

Discussion:

01:27:44 Sen. Weinberg to Chuck Hunter

01:28:07 **Vote:** Motion carried 6-0 by voice vote.

01:28:21 **Motion/Vote:** SEN. COBB moved that SB 387 DO PASS AS AMENDED. Motion carried 6-0 by voice vote.

EXECUTIVE ACTION ON SB 155

01:29:13 **Motion:** SEN. WILLIAMS moved that SB 155 DO PASS.

01:29:24 **Motion:** SEN. COBB moved that SB015501.ALJ BE ADOPTED.

EXHIBIT (phs35a07)

Discussion:

01:30:37 Sen. Weinberg to Sen. Cobb

01:31:04 Sen. Williams

01:31:43 Sen. Cobb

01:32:00 Sen. O'Neil to Sen. Cobb

01:34:01 Sen. Williams

01:35:05 **Vote:** Motion carried 8-0 by voice vote.

01:35:29 **Motion:** SEN. WILLIAMS moved that SB 155 DO PASS AS AMENDED.

Discussion:

01:35:49 Sen. O'Neil to Sen. Williams

01:36:08 Sen. Cobb

01:36:21 Sen. O'Neil to Sen. Cobb  
01:36:51 Sen. Gillan to Sen. Williams  
01:37:55 Sen. Gillan to Sen. Cobb  
01:38:08 **Vote: Motion carried 8-0 by voice vote**  
01:39:26 Sen. Weinberg - Subcommittee on SB 312 will be Sen.  
Esp, Sen. Gillan, Sen. Weinberg

**HEARING ON SB 336**

**Opening Statement by Sponsor:**

01:40:44 **SEN. GREG LIND (D), SD 50**, opened the hearing on **SB 336**, Prohibit sale of flavored cigarettes, cigars, and smokeless tobacco.

**Proponents' Testimony:**

01:43:50 Dr. Robert Sheppard, Helena

**EXHIBIT (phs35a08)**

01:48:59 Lois Fitzpatrick

01:50:05 Tyler Steinbough, Superior High School

01:52:47 Dick Paulsen, American Lung Association of the Northern Rockies

**EXHIBIT (phs35a09)**

01:55:00 Todd Harwell, DPHHS

**EXHIBIT (phs35a10)**

**EXHIBIT (phs35a11)**

02:00:26 Linda Lang, American Cancer Society

**EXHIBIT (phs35a12)**

**EXHIBIT (phs35a13)**

02:01:34 Olivia Holter, Student, Helena Middle School

**EXHIBIT (phs35a14)**

02:03:23 Sam Grassy, Student, Helena Middle School

02:04:15 Paula Tiberi, Student, Capital High School

02:06:06 Pat Melby, Montana Medical Association

02:07:17 Cliff Christian, American Heart Association, American  
Stroke Association

**EXHIBIT (phs35a15)**

02:10:31 Chris Tweeten, Chief Civil Counsel, for Attorney  
General Mike McGrath

02:13:52 Linda Stohl, Montana Local Health Officers Group, and  
for Jani McCall, Billings Clinic

**EXHIBIT (phs35a16)**

02:15:29 Don Judge, Montana Nurses Association

**EXHIBIT (phs35a17)**

02:16:12 John Flink, Montana Hospital Association

**Opponents' Testimony:**

02:16:46 Ronna Alexander, Montana Retail Association

**EXHIBIT (phs35a18)**

02:22:55 David Keith, Great Falls convenience store owner

02:29:46 Mark Staples, Wholesalers

02:34:30 Sheldon Feist, Sheehan Majestic, Missoula

02:35:36 Mark Baker, Attorney, U.S. Smokeless Tobacco Co.

**EXHIBIT (phs35a19)**

02:39:15 Tom Ault, Highline Wholesale, Wolf Point

02:41:07 Pat Roylance, Director of Marketing, COL Co.

02:45:05 Pat Keim, Altria Corporation

**EXHIBIT (phs35a20)**

02:48:26 Jerome Anderson, Reynolds American, Inc.

**EXHIBIT (phs35a21)**

**Informational Testimony:**

02:52:13 Keith Jones, Attorney, Department of Revenue

02:55:10 Jim McKeon, Department of Revenue

**Questions from Committee Members and Responses:**

02:55:38 Sen. Cobb to Chris Tweeten, Attorney General's office

02:57:41 Sen. O'Neil to Sen. Lind

02:59:12 Sen. Cobb to Sen. Lind

03:00:08 Sen. Murphy to Sen. Lind

03:03:11 Sen. O'Neil to Sen. Lind

03:05:01 Sen. Moss to Sen. Lind

03:05:47 Chris Tweeten

03:06:19 Sen. Cobb to Sen. Lind

03:07:25 Sen. O'Neil to Pat Keim, Altria Corporation

03:08:51 Sen. Schmidt to Sen. Lind

03:10:06 Sen. Esp to Keith Jones, Department of Revenue

03:11:27 Sen. Esp to Jim McKeon, Department of Revenue

**Closing by Sponsor:**

03:12:08 Sen. Lind

**ADJOURNMENT**

Adjournment: 6:32 P.M.

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SEN. DAN WEINBERG, Chairman

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PRUDENCE GILDROY, Secretary

DW/pg

Additional Exhibits:

**EXHIBIT ([phs35aad.pdf](#))**