

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Joe Balyeat, on March 21, 2011 at 9:00 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Carmine Mowbray (R)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)
Sen. Gene Vuckovich (D)

Members Excused: Sen. Verdell Jackson, Vice Chairman (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Bruce Tutvedt (R)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, 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: HB 408, 3/9/2011; HB 464, 3/9/2011; HB 275, 3/9/2011

Executive Action: HB 179, Do Concur.

HEARING ON HB 408

Opening Statement by Sponsor:

00:01:06 Rep. Cary Smith (R), HD 55, opened the hearing on HB 408, Provide for timely filing and resolution of claims in medical liability cases.

00:04:51 Chairman Balyeat
EXHIBIT(bus63a01)

Proponents' Testimony:

00:05:00 John Flink, Montana Hospital Association (MHA)
EXHIBIT(bus63a02)

00:07:12 Dr. Shaun Gillis, OB-GYN, Bozeman; Montana Medical Association (MMA)

00:09:06 Dr. Mark Rumans, Physician, Billings Clinic

00:10:34 Dr. Dennis Salisbury, Butte, St. James Health Care; Montana Academy of Family Physicians (MAFP)

00:12:04 Dr. John Joyce, OB-GYN, Billings; MMA

00:13:30 Dr. Paul Cook, Rocky Mountain Health Network (RMHN)

00:14:52 Mike Foster, Catholic Hospitals in Montana

00:15:09 Dick Brown, Montana Hospital Association (MHA), Yellowstone Insurance Exchange (YIE)
also speaking for Mona Jamison, The Doctors Company

EXHIBIT(bus63a03)

00:16:24 Mark Taylor, Benefis Health System (BHS), Great Falls

00:18:36 Jon Bennion, Montana Chamber of Commerce

Opponents' Testimony:

00:19:02 Craig Daue, lawyer, Missoula; Montana Trial Lawyers Association (MTLA)

00:29.50 Chairman Balyeat left the room, Vice Chair Jackson took over as Chair.

00:32:32 John Amsden, lawyer, Bozeman; MTLA

00:33:50 Sen. Balyeat returned and resumed the Chairman position.

00:35:16 Al Smith, MTLA

EXHIBIT(bus63a04)

Note: Exhibit 4 pertains to all Mr. Smith's exhibits for bills presented today.

00:42:32 Beth Brenneman, lawyer, Disability Rights Montana

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:17 Sen. Mowbray
 00:46:05 Dr. Shaun Gillis, OB-GYN
 00:46:28 Sen. Facey
 00:46:36 Dr. Gillis, redirect, without objection
 00:47:04 Kathleen Stepp, Assistant Director, Montana Medical Legal Panel (MMLP)

EXHIBIT(bus63a05)

00:49:07 Sen. Facey
 00:49:25 Mr. Daue, lawyer
 00:50:27 Chairman Balyeat
 00:51:48 Mr. Daue
 00:51:58 Sen. Facey
 00:52:02 Mr. Taylor, BHS
 00:54:16 Sen. Tropila
 00:54:40 Rep. Smith
 00:55:42 Chairman Balyeat
 00:55:59 Sen. Tropila
 00:58:31 Rep. Smith, redirect, without objection
 00:58:47 Sen. Tropila
 00:59:00 Mr. Taylor

Closing by Sponsor:

00:59:48 Rep. Smith

HEARING ON HB 464

Opening Statement by Sponsor:

01:01:11 Rep. Mark Blasdel (R), HD 10, opened the hearing on HB 464. Provide medical liability protection for hard-to-recruit sub-specialists.

Proponents' Testimony:

01:02:09 Mike Foster, Catholic Hospitals in Montana
 01:05:09 Michael Brown, Pathologist, Montana Medical Association (MMA)
 01:06:57 Dr. Dennis Salisbury, Montana Academy of Family Physicians (MAFP)
 01:08:52 Dr. Mark Rumans. Billings Clinic
 01:11:14 Mark Taylor, Attorney, Montana Hospital Association (MHA)
 01:12:01 Dr. Paul Cook, Rocky Mountain Health Network (RMHN), Billings
 01:12:44 Dick Brown, MHA, Yellowstone Insurance Exchange (YIE)
 01:13:29 Ms. Murdo, LSD

EXHIBIT(bus63a06)

01:13:44 Chairman Balyeat (See Exhibit 1)

Opponents' Testimony:

01:14:00 Craig Daue, Lawyer, Missoula
 01:17:46 Al Smith, Montana Trial Lawyers Association (MTLA) (Also see Exhibit 4)

Note: Exhibit 4 pertains to all Mr. Smith's exhibits for bills presented today.

01:22:47 Chairman Balyeat

01:22:53 Beth Brenneman, lawyer, Disability Rights Montana

Informational Testimony: None

Questions from Committee Members and Responses:

01:23:55 Sen. Moore

01:24:37 Mr. Smith, MTLA, redirect, without objection

01:25:08 Mr. Daue, lawyer

01:27:09 Sen. Facey

01:28:01 Mike Foster, Catholic Hospitals: redirect, without objection

01:28:31 Sen. Facey

01:28:38 Dr. Cook

01:29:34 Sen. Facey

01:31:33 Mr. Brown, MHA

01:32:11 Sen. Vuckovich

01:32:48 Mr. Foster

01:33:48 Sen. Tropila

01:37:05 Mr. Salisbury, MAFP

01:37:40 Chairman Balyeat

01:37:42 Sen. Tropila

01:38:05 Mr. Foster

01:38:39 Sen. Vuckovich

01:41:11 Mr. Smith

01:41:51 Sen. Vuckovich

01:43:54 Rep. Blasdel

Closing by Sponsor:

01:44:16 Rep. Blasdel

01:46:44 Recess

01:52:31 Resume

HEARING ON HB 275

Opening Statement by Sponsor:

01:52:49 Rep. Scott Reichner (R), HD 9, opened the hearing on HB 275. Provide offset of personal consumption expenses in survival actions.

Proponents' Testimony:

01:54:32 Aimee Grmoljez, Attorney, Billings Clinic

01:58:08 Dr. Mike Priddy, Family Physician, Missoula; Utah Medical Insurance Association (UMIA)

EXHIBIT(bus63a07)

02:10:42 Dr. Michael Brown, Pathologist, Billings; Rocky Mountain Health Network (RMHN)
 02:12:35 Dr. Mark Rumans, Billings Clinic
 02:15:08 Dr. John Joyce, OB-GYN Associates, Billings; Montana Medical Association (MMA)

EXHIBIT(bus63a08)

02:17:09 Dick Brown, Montana Hospital Association (MHA); Yellowstone Insurance Exchange (YIE)
 02:18:00 Mark Taylor, Attorney, Benefis Health System
 02:20:05 Dr. Paul Cook, RMHN, Billings
 02:20:22 Mike Foster, Catholic Hospitals in Montana
 02:20:38 Jon Bennion, Montana Chamber of Commerce

Opponents' Testimony:

02:20:54 Jon Amsden, Attorney, Bozeman; Montana Trial Lawyers Association (MTLA)
 02:26:41 Al Smith, MTLA (See Exhibit 4)

Note: Exhibit 4 pertains to all Mr. Smith's exhibits for bills presented today.

Informational Testimony: None

Questions from Committee Members and Responses:

02:34:11 Chairman Balyeat
 02:35:46 Rep. Reichner, defer, without objection
 02:36:17 Mr. Taylor, BHS
 02:36:39 Chairman Balyeat
 02:37:16 Mr. Taylor
 02:38:27 Chairman Balyeat
 02:38:32 Ms. Grmoljez, Billings Clinic
 02:40:13 Chairman Balyeat
 02:40:17 Sen. Facey
 02:43:25 Mr. Amsden, MTLA
 02:44:33 Chairman Balyeat
 02:44:54 Mr. Amsden
 02:45:53 Sen. Moore
 02:46:36 Mr. Amsden
 02:47:09 Chairman Balyeat
 02:47:23 Mr. Amsden
 02:48:09 Sen. Facey
 02:48:49 Sen. Tropila
 02:49:42 Mr. Amsden
 02:49:52 Sen. Moore
 02:50:30 Mr. Amsden
 02:52:04 Sen. Facey
 02:52:18 Mr. Smith
 02:52:30 Sen. Tropila
 02:53:32 Dr. Priddy, Missoula Physician

Closing by Sponsor:

02:53:40 Rep. Reichner

02:55:31 Chairman Balyeat

EXECUTIVE ACTION ON HB 179

02:56:56 Chairman Balyeat

02:57:19 Ms. Murdo

02:58:17 **Motion:** Sen. Jackson moved that **HB 179 BE CONCURRED IN.**

02:58:34 Chairman Balyeat

02:58:54 Ms. Murdo

02:59:34 Sen. Jackson

03:01:13 Ms. Murdo

03:01:17 **Motion:** Sen. Vuckovich moved that **HB 179 BE AMENDED.**

EXHIBIT(bus63a09)

Discussion:

03:01:48 Sen. Facey, redirect, without objection

03:02:19 Roy Mulvaney, Administrator, Unemployment Insurance Program, DOLI

03:02:58 Chairman Balyeat

03:03:22 Mr. Mulvaney

03:03:31 Ms. Murdo

03:04:01 Sen. Moore

03:04:54 Ms. Murdo

03:05:25 Sen. Facey

03:05:30 Mr. Mulvaney

03:05:49 Chairman Balyeat

03:05:58 Mr. Mulvaney

03:06:04 Sen. Tropila

03:07:00 Ms. Murdo

03:07:24 Chairman Balyeat

03:07:32 **Vote:** Motion carried 8-3 by voice vote with Sen. Stewart-Peregoy, Sen. Tropila and Sen. Windy Boy voting no. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.

03:07:56 **Motion:** Sen. Facey moved that **HB 179 BE CONCURRED IN AS AMENDED.**

03:08:27 Sen. Tropila

03:09:17 Sen. Vuckovich

03:09:58 **Substitute Motion:** Sen. Tropila made a substitute motion that **HB 179 BE TABLED.**

- 03:10:08 **Vote:** Motion failed 5-6 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting aye. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy.
- 03:10:45 Sen. Facey
- 03:10:55 Ms. Murdo
- 03:11:35 Chairman Balyeat
- 03:11:34 **Vote:** Motion carried 6-5 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Stewart-Peregoy, Sen. Tutvedt and Sen. Windy Boy voted by proxy. Sen. Jackson will carry the bill.
- 03:13:48 Chairman Balyeat

ADJOURNMENT

Adjournment: 12:15 P.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus63aad.pdf](#))