

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON HUMAN SERVICES

**Call to Order:** Chair David Howard, on February 15, 2013 at 3:00 PM, in Room 152  
Capitol

#### ROLL CALL

**Members Present:**

Rep. David Howard, Chair (R)  
Rep. Carolyn Pease-Lopez, Vice Chair (D)  
Rep. Cary Smith, Vice Chair (R)  
Rep. Kelly Flynn (R)  
Rep. Jenifer Gursky (D)  
Rep. Bill Harris (R)  
Rep. Dennis R. Lenz (R)  
Rep. Gordon Pierson Jr (D)  
Rep. Alan Redfield (R)  
Rep. Scott Reichner (R)  
Rep. Kirk Wagoner (R)

**Members Excused:** Rep. Amanda Curtis (D)  
Rep. Ellie Boldman Hill (D)  
Rep. Pat Ingraham (R)  
Rep. Tom Jacobson (D)  
Rep. Gordon Vance (R)

**Members Absent:** None

**Staff Present:** Sara Andersen, Committee Secretary  
Sue O'Connell, 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 43, 2/15/2013  
Executive Action: HB 101, HB 306, HB 309, HB 319, HB 340, HB 341, HB 342,  
HB 343

00:21:30 Chairman Howard

**Executive Action HB 101**

00:22:28 **Motion/Vote:** Rep. C. Smith moved that **HB 101 DO BE PRESENTED** before the Joint Sub Committee on Health and Human Services. Motion carried unanimously by voice vote. Rep. Gursky, Rep. Harris, Rep. Jacobson, Rep. Reichner, Rep. Vance voted by proxy.

**Executive Action HB 306**

00:23:03 Chairman Howard

00:24:41 **Motion:** Rep. C. Smith moved that **HB 306 DO PASS.**

00:24:50 **Motion:** Rep. Redfield moved that **HB 306 BE TABLED.**

**Discussion:**

00:25:40 Rep. Wagoner  
00:25:49 Sue O'Connell, Legislative Branch (LEG)  
00:26:35 Rep. Gursky entered the meeting.  
00:26:43 Rep. Redfield  
00:26:54 Chairman Howard  
00:27:10 Rep. Curtis  
00:27:20 Chairman Howard  
00:27:47 Ms. O'Connell, LEG  
00:27:54 Rep. Curtis  
00:28:06 Ms. O'Connell, LEG  
00:28:45 Rep. Curtis  
00:29:03 Rep. Hill  
00:29:07 Chairman Howard  
00:29:44 Rep. Gursky

00:29:48 **Vote:** Motion carried 10-6 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez and Rep. Pierson voting no. Rep. Harris, Rep. Jacobson, Rep. Reichner and Rep. Vance voted by proxy.

00:31:27 Rep. Gursky  
00:31:59 Chairman Howard

**Executive Action HB 309**

00:32:10 **Motion:** Rep. C. Smith moved that **HB 309 DO PASS.**

00:32:30 Chairman Howard

**Discussion:**

00:32:35 Rep. Ingraham  
00:33:24 Chairman Howard  
00:33:30 Rep. Jacobson arrived

00:33:32 **Vote:** Motion failed 6-10 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez and Rep. Pierson voting aye. Rep. Harris, Rep. Reichner and Rep. Vance voted by proxy.

00:34:55 Chairman Howard

00:35:50 **Motion/Vote:** Rep. Flynn moved that **HB 309 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote of those present and voting.

### **Executive Action HB 319**

00:36:17 **Motion:** Rep. C. Smith moved that **HB 319 DO PASS.**

00:36:38 **Motion:** Rep. Pease-Lopez moved that **HB 319 BE AMENDED.**

[EXHIBIT\(huh34a01\)](#)

[EXHIBIT\(huh34a02\)](#)

#### **Discussion:**

00:37:37 Ms. O'Connell, LEG

00:39:32 Rep. Pease-Lopez

00:41:09 Chairman Howard

00:41:13 **Vote:** Motion carried unanimously by voice vote. Rep. Harris, Rep. Reichner and Rep. Vance voted by proxy.

00:41:50 Chairman Howard

#### **Discussion:**

00:41:54 Rep. Hill

00:45:07 Rep. Ingraham

00:46:23 Rep. Pease-Lopez

00:48:00 Rep. Jacobson

00:50:29 Chairman Howard

00:50:36 Rep. C. Smith

00:51:44 Chairman Howard

00:51:50 **Motion/Vote:** Rep. Pease-Lopez moved that **HB 319 DO PASS AS AMENDED.** Motion failed 8-8 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez, Rep. Pierson, Rep. Redfield and Rep. Smith voting aye. Rep. Harris, Rep. Reichner and Rep. Vance voted by proxy.

00:54:31 Chairman Howard

00:54:46 **Motion:** Rep. Ingraham moved that **HB 319 BE TABLED.**

**Discussion:**

00:54:57 Chairman Howard  
 00:55:20 Ms. O'Connell, LEG

00:55:48 **Vote:** Motion carried 9-4 by roll call vote with Rep. Gursky, Rep. Hill, Rep. Jacobson and Rep. Pease-Lopez voting no. Rep. Vance, Rep. Reichner, and Rep. Harris voted by proxy.

**Executive Action HB 340**

00:57:11 Chairman Howard

**Discussion:**

00:57:52 Rep. Pease-Lopez  
 00:57:53 Chairman Howard  
 00:58:43 Rep. Ingraham  
 00:58:58 Chairman Howard  
 00:59:07 Rep. Gursky  
 00:59:30 Rep. C. Smith  
 00:59:39 Chairman Howard  
 00:59:56 Rep. C. Smith  
 01:00:15 Ms. O'Connell, Legislative Branch

**EXHIBIT(huh34a03)**

01:00:48 Rep. C. Smith  
 01:02:26 Chairman Howard  
 01:02:34 Rep. Curtis  
 01:06:24 Rep. Gursky  
 01:09:05 Chairman Howard  
 01:09:09 Rep. Hill  
 01:11:42 Chairman Howard  
 01:15:36 Rep. C. Smith  
 01:15:45 Rep. Gursky  
 01:16:16 Chairman Howard  
 01:16:29 Rep. C. Smith  
 01:19:26 Chairman Howard  
 01:19:30 Rep. Flynn exited the meeting.  
 01:19:35 Rep. Pease-Lopez exited the meeting.

01:19:44 **Motion/Vote:** Rep. C. Smith moved that **HB 340 DO PASS**. Motion failed 3-13 by roll call vote with Rep. Curtis, Rep. Hill and Rep. Pease-Lopez voting aye. Rep. Flynn, Rep. Harris, Rep. Pease-Lopez, Rep. Reichner and Rep. Vance voted by proxy.

01:21:40 **Motion/Vote:** Rep. Wagoner moved that **HB 340 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote by those present and voting.

**Executive Action HB 341**

01:22:23 **Motion/Vote:** Rep. C. Smith moved that **HB 341 DO PASS**. Motion failed 4-12 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill and Rep. Pease-Lopez voting aye. Rep. Flynn, Rep. Harris, Rep. Pease-Lopez, Rep. Reichner and Rep. Vance voted by proxy.

01:23:58 **Motion/Vote:** Rep. Wagoner moved that **HB 341 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote of those present and voting.

**Executive Action HB 342**

01:24:25 **Motion:** Rep. C. Smith moved that **HB 342 DO PASS**.

**Discussion:**

01:24:58 Rep. Hill

01:26:37 **Vote:** Motion failed 4-12 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill and Rep. Pease-Lopez voting aye. Rep. Flynn, Rep. Harris, Rep. Ingraham, Rep. Pease-Lopez, Rep. Reichner and Rep. Vance voted by proxy.

01:27:51 **Motion/Vote:** Rep. Pierson moved that **HB 342 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote of those present and voting.

**Executive Action HB 343**

01:28:10 **Motion/Vote:** Rep. C. Smith moved that **HB 343 DO PASS**. Motion failed 4-12 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill and Rep. Pease-Lopez voting aye. Rep. Flynn, Rep. Harris, Rep. Pease-Lopez, Rep. Reichner and Rep. Vance voted by proxy.

01:29:36 **Motion/Vote:** Rep. Redfield moved that **HB 343 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

01:29:49 Chairman Howard

01:30:18 Rep. Hill

01:30:30 Chairman Howard

01:31:22 Recessed

01:44:22 Reconvened

**HEARING ON SB 43****Opening Statement by Sponsor:**

01:44:48 Sen. Art Wittich (R), SD 35, opened the hearing on SB 43, Revise laws relating to reports of alleged abuse at MT Development Center.

**EXHIBIT(huh34a04)**

**Proponents' Testimony:**

01:50:00 Beth Brenneman, Disability Rights Montana

[EXHIBIT\(huh34a05\)](#)[EXHIBIT\(huh34a06\)](#)

01:50:29 Chairman Howard

01:55:11 Joel Peden, Montana Centers for Independent Living

01:56:41 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

01:57:09 Jon Bennion, Department of Justice (DOJ)

**Opponents' Testimony:** None**Informational Testimony:**

01:58:11 Roy Kemp, Interim Administrator, Quality Assurance Division, Department of Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

01:58:55 Rep. Ingraham

01:59:27 Ms. Brenneman, Disability Rights Montana

02:00:01 Rep. Wagoner

02:00:33 Ms. Brenneman, Disability Rights Montana

02:00:41 Rep. Wagoner

02:01:03 Ms. Brenneman, Disability Rights Montana

02:01:16 Rep. Wagoner

02:02:04 Rep. Wittich

02:02:43 Rep. Pierson

02:03:03 Mr. Bennion, DOJ

02:03:23 Chairman Howard

**Closing by Sponsor:**

02:03:33 Rep. Wittich

02:04:05 Rep. Hill

02:04:16 Rep. Wagoner

02:04:20 Chairman Howard

**Executive Action 101**02:05:12 **Motion:** Rep. C. Smith moved that **HB 101 DO BE PRESENTED** to the House Appropriations Committee.

02:05:32 Chairman Howard

02:05:47 **Vote:** Motion carried unanimously by voice vote. Rep. Flynn, Rep. Harris, Rep. Pease-Lopez, Rep. Reichner and Rep. Vance voted by proxy.

**ADJOURNMENT**

Adjournment: 02:06:08

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Sara Andersen, Secretary

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Additional Documents:

**EXHIBIT([huh34aad.pdf](#))**