

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: Chair Jason Priest, on April 2, 2013 at 10:00 A.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Jason Priest, Chair (R)
Sen. Terry Murphy, Vice Chair (R)
Sen. Mary Caferro (D)
Sen. Greg Jergeson (D)
Sen. Fred Thomas (R)
Sen. David E. Wanzenried (D)
Sen. Art Wittich (R)

Members Excused: None

Members Absent: None

Staff Present: Julie Emge, Committee Secretary
Alexis Sandru, 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:

Executive Action on: HB 48 - Be Concurred In (carried by Sen. Wanzenried)
HB 61 - Be Concurred In As Amended (carried by Sen. Jergeson)
HB 100 - Be Concurred In As Amended (carried by Sen. Priest)
HB 171 - Be Concurred In As Amended (carried by Sen. Wittich)
HB 239 - Be Concurred In As Amended (carried by Sen. Murphy)
HB 281 - Be Concurred In (carried by Sen. Thomas)
HB 310 - Be Concurred In As Amended (carried by Sen. Wittich)
HB 450 - Be Concurred In As Amended (carried by Sen. Wittich)
HB 473 - Tabled
HB 544 - Tabled

EXECUTIVE ACTION ON HB 48

00:35:15 **Motion/Vote:** Sen. Murphy moved that **HB 48 BE CONCURRED IN**. Motion carried 7-0 by voice vote. Sen. Wanzenried will carry the bill.

EXECUTIVE ACTION ON HB 61

00:36:40 **Motion:** Sen. Jergeson moved that **HB 61 BE CONCURRED IN**.

00:37:06 **Motion:** Sen. Priest moved that **HB 61 BE AMENDED**.
[EXHIBIT\(phs68a01\)](#)

00:38:07 **Vote:** Motion carried 6-1 by voice vote with Sen. Wanzenried voting no.

00:38:23 **Motion/Vote:** Sen. Jergeson moved that **HB 61 BE CONCURRED IN AS AMENDED**. Motion carried 7-0 by voice vote. Sen. Jergeson will carry the bill.

EXECUTIVE ACTION ON HB 100

00:38:49 **Motion:** Sen. Murphy moved that **HB 100 BE CONCURRED IN**.

00:39:08 **Motion:** Sen. Murphy moved that **HB 100 BE AMENDED**.
[EXHIBIT\(phs68a02\)](#)

Discussion:

00:39:20 Chairman Priest
00:44:17 Sen. Wanzenried
00:44:35 Chairman Priest
00:48:21 Sen. Jergeson
00:48:27 Chairman Priest
00:54:31 Sen. Caferro
00:57:45 Sen. Thomas
00:57:47 Chairman Priest
00:57:54 Sen. Thomas
00:57:57 Chairman Priest
00:58:02 Sen. Caferro
00:58:07 Chairman Priest

00:58:11 **Substitute Motion:** Sen. Thomas made a substitute motion **TO SEGREGATE ITEM 10 AND 11 FROM AMENDMENT hb010001.aas and to amend conceptually by striking the word "president" in item 10 and inserting "committee on committees" and adding, in item 10 and 11, "with no more than two members representing the same political party."**

Discussion:

00:58:28 Chairman Priest
00:58:36 Sen. Thomas

- 00:59:22 Sen. Caferro
00:59:43 Chairman Priest
00:59:58 Sen. Thomas
01:00:03 Sen. Caferro
01:00:06 Chairman Priest
01:00:12 Sen. Caferro
01:00:58 Sen. Thomas
01:01:01 Sen. Caferro
01:01:11 Chairman Priest
01:02:23 Sen. Caferro
01:02:58 Sen. Wittich
01:03:18 Sen. Thomas
01:03:33 Sen. Wittich
01:04:07 Chairman Priest
01:04:22 Sen. Wittich
01:04:25 Chairman Priest
01:04:30 Sen. Wanzenried
01:04:52 Chairman Priest
01:05:36 Sen. Wittich
01:05:39 Sen. Thomas
01:05:40 Chairman Priest
- 01:05:58 **Vote:** Substitute motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no.
- 01:06:22 **Motion:** Sen. Priest moved **TO AMEND HB 100 with sections 1-9 and 12-19 of amendment hb010001.aas.**
- 01:06:37 **Motion:** Sen. Caferro moved to divide section 14 from amendment hb010001.aas and **AMEND HB 100 with section 14.**
- Discussion:**
- 01:06:49 Sen. Jergeson
01:07:28 Sen. Caferro
01:07:38 Sen. Thomas
01:07:53 Sen. Wittich
01:07:58 Chairman Priest
01:08:04 Sen. Jergeson
01:08:22 Chairman Priest
01:08:40 Sen. Caferro
01:09:12 Sen. Wittich
01:10:03 Sen. Caferro
01:10:30 Sen. Thomas
01:11:01 Sen. Caferro
01:11:32 Sen. Jergeson
01:11:59 Chairman Priest
- 01:12:30 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. (Sen. Caferro's motion)

01:12:54 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. (Sen. Priest's motion)

01:13:40 **Motion/Vote:** Sen. Thomas moved that **HB 100 BE CONCURRED IN AS AMENDED**. Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Priest will carry the bill.

EXECUTIVE ACTION ON HB 171

01:15:23 **Motion:** Sen. Thomas moved that **HB 171 BE CONCURRED IN**.

Discussion:

01:15:28 Chairman Priest

01:15:58 **Motion:** Sen. Wittich moved that **HB 171 BE AMENDED**.
EXHIBIT(phs68a03)

Discussion:

01:16:10 Sen. Jergeson
01:17:00 Sen. Wittich
01:17:55 Sen. Murphy
01:18:30 Sen. Thomas
01:18:41 Chairman Priest
01:18:59 Sen. Murphy
01:19:27 Sen. Thomas
01:19:30 Chairman Priest
01:19:34 Sen. Thomas
01:19:38 Sen. Murphy
01:19:49 Sen. Thomas
01:20:03 Chairman Priest
01:20:12 Sen. Murphy
01:20:29 Sen. Jergeson
01:21:24 Sen. Wittich
01:22:29 Sen. Thomas

01:23:04 **Substitute Motion/Vote:** Sen. Murphy made a substitute motion that **HB 171 BE AMENDED AND TO CHANGE THE EFFECTIVE DATE TO JULY 1, 2012**. Substitute Motion carried 6-1 by roll call vote with Sen. Wanzenried voting no.

01:24:00 **Motion:** Sen. Wittich moved that **HB 171 BE CONCURRED IN AS AMENDED**.

Discussion:

01:24:06 Sen. Jergeson
01:27:56 Sen. Wittich
01:29:35 Sen. Caferro
01:33:33 Sen. Thomas
01:33:44 Sen. Caferro

01:33:51 Chairman Priest

01:34:52 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Wittich will carry the bill.

01:35:30 Brief recess

01:46:45 Reconvened

EXECUTIVE ACTION ON HB 239

01:46:55 **Motion:** Sen. Murphy moved that **HB 239 BE CONCURRED IN.**

01:47:07 **Motion:** Sen. Murphy moved that **HB 239 BE AMENDED.**

Discussion:

01:48:50 Sen. Wittich

01:49:00 **Vote:** Motion carried 5-2 by voice vote with Sen. Caferro and Sen. Wanzenried voting no.

01:49:12 **Motion:** Sen. Murphy moved that **HB 239 BE CONCURRED IN AS AMENDED.**

Discussion:

01:49:29 Sen. Caferro

01:50:50 Sen. Wanzenried

01:53:25 Sen. Murphy

01:55:10 Sen. Jergeson

01:56:33 Sen. Wittich

01:58:28 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Murphy will carry the bill.

EXECUTIVE ACTION ON HB 281

01:59:34 **Motion/Vote:** Sen. Thomas moved that **HB 281 BE CONCURRED IN.** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Thomas will carry the bill.

EXECUTIVE ACTION ON HB 310

02:00:56 **Motion:** Sen. Wittich moved that **HB 310 BE CONCURRED IN.**

02:01:40 **Motion:** Sen. Wittich moved that **HB 310 BE AMENDED.**

EXHIBIT(phs68a04)

02:02:55 Chairman Priest left the hearing and Vice Chair Murphy took over as Chair.

02:04:01 Chairman Priest entered the hearing and resumed role as Chair.

Discussion:

02:04:03 **Vote:** Motion carried 6-1 by roll call vote with Sen. Wanzenried voting no.

02:04:26 **Motion/Vote:** Sen. Wittich moved that **HB 310 BE CONCURRED IN AS AMENDED**. Motion carried 6-1 by roll call vote with Sen. Wanzenried voting no. Sen. Wittich will carry the bill.

EXECUTIVE ACTION ON HB 450

02:05:28 **Motion:** Sen. Wittich moved that **HB 450 BE CONCURRED IN**.

02:05:36 **Motion:** Sen. Wittich moved that **HB 450 BE AMENDED**.
[EXHIBIT\(phs68a05\)](#)

Discussion:

02:09:36 Sen. Thomas

02:10:10 Sen. Wittich

02:11:24 Sen. Murphy

02:12:35 Mark Taylor, Montana Hospital Association (MHA)

02:13:50 Sen. Thomas

02:14:04 Sen. Wittich

02:16:00 **Vote:** Motion carried 6-1 by roll call vote with Sen. Wanzenried voting no.

02:16:42 **Motion:** Sen. Murphy moved that **HB 450 BE AMENDED**.
[EXHIBIT\(phs68a06\)](#)

Discussion:

02:17:18 Alexis Sandru, Legislative Services Division (LSD)

02:20:07 Sen. Jergeson

02:20:40 Sen. Caferro

02:20:47 Chairman Priest

02:21:32 **Vote:** Motion carried 5-2 by roll call vote with Sen. Caferro and Sen. Wanzenried voting no.

02:21:58 **Motion:** Sen. Murphy moved that **HB 450 BE AMENDED**.
[EXHIBIT\(phs68a07\)](#)

Discussion:

02:22:10 Ms. Sandru, LSD

02:22:50 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no.

Discussion:

02:24:02 Chairman Priest
02:24:54 Sen. Wittich
02:25:36 Ms. Sandru

02:25:51 **Motion:** Sen. Wittich moved that **HB 450 BE CONCURRED IN AS AMENDED.**

Discussion:

02:25:51 Sen. Murphy
02:26:20 Sen. Wittich

02:28:08 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Wittich will carry the bill.

EXECUTIVE ACTION ON HB 473

02:29:25 **Motion:** Sen. Wittich moved that **HB 473 BE CONCURRED IN.**

02:30:01 **Motion:** Sen. Murphy moved that **HB 473 BE AMENDED.**
EXHIBIT(phs68a08)

Discussion:

02:30:30 Ms. Sandru
02:33:18 Sen. Thomas
02:36:13 Jacqueline Lenmark, American Insurance Association (AIA)
02:37:34 Sen. Jergeson
02:39:02 Chairman Priest

02:39:04 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no.

02:39:42 **Motion:** Sen. Priest moved that **HB 473 BE AMENDED.**
EXHIBIT(phs68a09)

Discussion:

02:41:12 Sen. Wittich

02:42:17 **Vote:** Motion carried 6-1 by roll call vote with Sen. Wanzenried voting no.

02:42:45 **Motion:** Sen. Wittich moved that **HB 473 BE CONCURRED IN AS AMENDED.**

02:42:48 **Substitute Motion/Vote:** Sen. Wanzenried made a substitute motion that **HB 473 BE TABLED.** Substitute Motion carried 6-1 by roll call vote with Sen. Priest voting no.

EXECUTIVE ACTION ON HB 544

Discussion:

02:43:56 Ms. Sandru
02:44:51 Chairman Priest

02:44:57 **Motion:** Sen. Wittich moved that **HB 544 BE CONCURRED IN.**

02:45:03 **Motion:** Sen. Thomas moved that **HB 544 BE AMENDED.**

EXHIBIT(phs68a10)

Discussion:

02:45:20 Ms. Sandru
02:45:47 Sen. Murphy
02:46:00 Chairman Priest
02:46:16 Sen. Wanzenried
02:46:55 Ms. Sandru
02:47:25 Sen. Wittich
02:47:50 Sen. Caferro
02:47:56 Chairman Priest
02:48:26 Sen. Wittich
02:48:29 Chairman Priest
02:48:31 Sen. Wittich
02:48:33 Sen. Caferro
02:48:38 Chairman Priest
02:48:46 Sen. Murphy
02:49:33 Ms. Sandru
02:50:35 Sen. Murphy
02:53:10 Kiely Keane, Montana Medical Association (MMA)
02:53:15 Sen. Wittich
02:54:10 Ms. Keane, MMA

02:55:22 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Thomas and Sen. Wanzenried voting no.

02:55:47 **Motion:** Sen. Wittich moved that **HB 544 BE CONCURRED IN AS AMENDED.**

02:55:55 **Substitute Motion/Vote:** Sen. Wanzenried made a substitute motion that **HB 544 BE TABLED.** Substitute Motion failed 3-4 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting aye.

Discussion:

02:56:20 Chairman Priest
02:58:11 Sen. Caferro
02:58:39 Sen. Thomas
02:58:51 Sen. Caferro
03:00:11 Chairman Priest

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03:01:32 Sen. Caferro
03:02:15 Chairman Priest
03:03:20 Sen. Wittich
03:03:43 Chairman Priest
03:04:03 Adam Schafer, Office of the Commissioner of Securities and Insurance, State Auditor (CSI)
03:05:14 Sen. Wittich
03:05:42 Chairman Priest

03:08:10 **Vote:** Motion failed 3-4 by roll call vote with Sen. Murphy, Sen. Priest and Sen. Thomas voting aye.

03:08:38 Without objection from the committee, Sen. Wanzenried requested the vote be reversed and the bill **TABLED**.

Committee Business:

03:08:51 Chairman Priest
03:10:07 Sen. Wanzenried
03:10:33 Chairman Priest
03:12:35 Sen. Murphy
03:12:37 Chairman Priest

ADJOURNMENT

Adjournment: 1:00 pm

Julie Emge, Secretary

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Additional Documents:

EXHIBIT([phs68aad.pdf](#))