

## 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 5:40 PM, in Room 317 Capitol

#### ROLL CALL

**Members Present:**

Sen. Jason Priest, Chair (R)  
Sen. Greg Jergeson (D)  
Sen. Fred Thomas (R)  
Sen. David E. Wanzonried (D)

**Members Excused:** Sen. Terry Murphy, Vice Chair (R)  
Sen. Mary Caferro (D)  
Sen. Art Wittich (R)

**Members Absent:** None

**Staff Present:** Nadine Spencer, 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:**

Hearing & Date Posted: SB 407, 4/2/2013; SB 408, 4/2/2013

Executive Action: SB 407 - Do Pass As Amended  
SB 408 - Do Pass  
HB 473 - Be Concurred In As Amended  
HB 544 - Be Concurred In As Amended

**HEARING ON SB 408**

**Opening Statement by Sponsor:**

00:09:21 Sen. Alan Olson (R), SD 23, opened the hearing on SB 408, Referendum to provide top two primary in certain elections.

Chairman Priest left the hearing and Sen. Thomas took over as chair.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:11:26 Linda McCulloch, Montana Secretary of State, SOS  
[EXHIBIT\(phs68b01\)](#)

00:13:00 Sen. Caferro entered the hearing.

00:17:34 Terry Minow, MEA-MFT

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:18:59 Sen. Jergeson

00:19:19 Sen. Olson

**Closing by Sponsor:**

00:19:40 Sen. Olson

00:23:54 recess

00:28:44 reconvened

Sen. Wittich called the hearing back to order. Sen. Jergeson, Sen. Caferro, Sen. Thomas, and Sen. Wanzonried were present.

**HEARING ON SB 407**

**Opening Statement by Sponsor:**

00:28:56 Sen. Fred Thomas (R), SD 45, opened the hearing on SB 407, Prohibit contingency fees for attorneys certain injuries.

Chairman Priest took over as Chair.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:33:55 Jim Hunt, self

[EXHIBIT\(phs68b02\)](#)

00:44:02 Mike Lamb, self

00:58:00 Al Smith, Montana Trial Lawyers Association (MTLA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:59:37 Chairman Priest

01:01:59 Sen. Thomas

**Closing by Sponsor:**

01:02:08 Sen. Thomas

**EXECUTIVE ACTION ON SB 407**

01:04:22 **Motion:** Sen. Thomas moved that **SB 407 DO PASS.**

01:04:47 **Motion:** Sen. Wittich moved that **SB 407 BE AMENDED CONCEPTUALLY.**

**Discussion:**

01:04:59 Sen. Wittich

01:06:27 Alexis Sandru, Legislative Services Division (LSD)

01:07:01 Sen. Wittich

01:07:28 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Murphy voted by proxy.

01:08:05 **Motion:** Sen. Thomas moved that **SB 407 DO PASS AS AMENDED.**

**Discussion:**

01:08:11 Sen. Jergeson

01:09:42 Sen. Caferro

01:10:03 Sen. Wittich

01:10:44 Sen. Thomas

01:11:20 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Murphy voted by proxy.

**EXECUTIVE ACTION ON SB 408**

01:11:52 **Motion:** Sen. Thomas moved that **SB 408 DO PASS.**

**Discussion:**

01:11:59 Sen. Thomas

01:12:40 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Murphy voted by proxy.

**Committee Business:**

01:13:03 **Motion:** Sen Jergeson moved to adjourn the meeting.

**Discussion:**

01:13:15 Chairman Priest

01:13:36 Sen. Jergeson

01:13:42 Chairman Priest

01:14:28 Sen. Jergeson withdrew the motion to adjourn.

**EXECUTIVE ACTION ON HB 473**

01:15:03 **Motion:** Sen. Wittich moved that **HB 473 BE REMOVED FROM TABLED.**

**Discussion:**

01:15:17 Chairman Priest

01:15:35 Sen. Jergeson

01:15:48 Sen. Wittich

01:15:56 Chairman Priest

01:16:10 Sen. Wittich

01:16:34 Sen. Caferro

01:16:58 recess

01:17:10 reconvene

01:17:12 Sen. Murphy entered the hearing.

**Discussion:**

01:17:28 Chairman Priest

01:17:46 Sen. Wittich

01:18:09 Chairman Priest

01:18:56 Sen. Caferro

01:19:58 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no.

01:20:18 **Motion:** Sen. Wittich moved that **HB 473 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:20:36 Sen. Caferro  
01:21:04 Sen. Wanzenried  
01:21:38 Chairman Priest  
01:21:53 Sen. Wanzenried  
01:22:22 Sen. Wittich

01:23:07 **Vote:** Motion carried 5-2 by roll call vote with Sen. Jergeson and Sen. Wanzenried voting no. Sen. Thomas will carry the bill.

**EXECUTIVE ACTION ON HB 544**

01:23:35 **Motion/Vote:** Sen. Wittich moved that **HB 544 BE REMOVED FROM TABLED.** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no.

**Discussion:**

01:24:25 Alexis Sandru, LSD

01:24:33 **Motion:** Sen. Wittich moved that **HB 544 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:24:40 Chairman Priest  
01:26:20 Sen. Caferro

01:26:29 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Jergeson and Sen. Wanzenried voting no. Sen. Thomas will carry the bill.

**ADJOURNMENT**

Adjournment: 7:00 P.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT([phs68bad.pdf](#))**