

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Fred Thomas, on February 20, 2015 at 3:00 PM, in Room 317  
Capitol

#### ROLL CALL

**Members Present:**

Sen. Fred Thomas, Chair (R)  
Sen. David Howard, Vice Chair (R)  
Sen. Mary Caferro (D)  
Sen. Diane Sands (D)  
Sen. Cary Smith (R)  
Sen. Nels Swandal (R)  
Sen. Jonathan Windy Boy (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Barbara Pietuch, 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 349, 2/18/2015; SB 350, 2/18/2015; SB 316, 2/17/2015; SB 336, 2/16/2015; SB 186, 2/6/2015

Executive Action: HB 100 - BE CONCURRED IN AS AMENDED; SB 350 - DO PASS;  
SB 263 - DO PASS AS AMENDED; SB 186 - DO PASS AS AMENDED;  
SB 349 - DO PASS; SB 206 - DO PASS AS AMENDED;  
SB 336 - DO PASS AS AMENDED; SB 300 - TABLED; SB 302 TABLED

00:00:01 Chairman Thomas

**EXECUTIVE ACTION ON HB 100**

00:01:26 **Motion:** Sen. Howard moved that **HB 100 BE CONCURRED IN.**

00:01:38 **Motion:** Sen. Howard moved that **HB 100 BE AMENDED.**  
**EXHIBIT(phs39a01)**

**Discussion:**

00:01:44 Alexis Sandru, staff attorney, Legislative Services Division (LSD)

00:02:20 **Vote:** Motion carried unanimously by voice vote.

00:02:43 **Motion/Vote:** Sen. Howard moved that **HB 100 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Howard will carry the bill.

**EXECUTIVE ACTION ON SB 263**

00:03:36 **Motion:** Sen. Caferro moved that **SB 263 DO PASS.**

00:03:51 **Motion:** Sen. Caferro moved that **SB 263 BE AMENDED.**  
**EXHIBIT(phs39a02)**

**Discussion:**

00:04:01 Sen. Caferro

00:04:28 **Vote:** Motion carried unanimously by voice vote.

00:04:36 **Motion/Vote:** Sen. Caferro moved that **SB 263 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 300**

00:05:19 Chairman Thomas

00:05:24 **Motion:** Sen. Swandal moved that **SB 300 DO PASS.**

00:05:54 **Motion:** Sen. Swandal moved that **SB 300 BE AMENDED.**  
**EXHIBIT(phs39a03)**

**Discussion:**

00:06:01 Sen. Swandal

00:07:13 Sen. Howard

00:08:11 Sen. Sands

00:09:10 Sen. Howard  
 00:09:40 Sen. Swandal  
 00:10:07 Sen. Sands  
 00:10:23 Sen. Howard  
 00:10:38 Sen. Sands  
 00:10:57 Sen. Howard  
 00:11:27 Sen. Sands  
 00:11:42 Sen. Howard

00:12:13 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Howard and Sen. Windy Boy voting no. (check)

00:13:21 Sen. Howard  
 00:13:29 Sen. Caferro  
 00:13:43 Sen. Smith  
 00:14:34 Sen. Sands

00:15:17 **Motion/Vote:** Swandal moved that **SB 300 DO PASS AS AMENDED**. Motion failed 2- 5 by roll call vote with Sen. Thomas and Sen. Swandal voting aye.

00:16:02 **Motion/Vote:** Sen. Swandal moved that **SB 300 BE TABLED**. Motion carried 6-1 by voice vote with Sen. Thomas voting no.

00:16:20 Sen. Windy Boy left the hearing.

**EXECUTIVE ACTION ON SB 302**

00:16:55 **Motion:** Sen. Caferro moved that **SB 302 DO PASS**.

**Discussion:**

00:17:09 Sen. Caferro  
 00:18:44 Sen. Sands  
 00:19:22 Sen. Howard  
 00:19:37 Sen. Swandal  
 00:20:19 Sen. Caferro

00:21:15 **Vote:** Motion failed 3-4 by voice vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting aye. Sen. Windy Boy voted by proxy.

00:22:05 **Motion/Vote:** Sen. Howard moved that **SB 302 BE TABLED**. Motion carried 4-3 by voice vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting no. Sen. Windy Boy voted by proxy.

00:22:20 Recess

00:34:05 Reconvene

**HEARING ON SB 336**

**Opening Statement by Sponsor:**

00:34:31 Sen. Bob Keenan (R), SD 5, opened the hearing on SB 336, Generally revise the Montana administrative procedure act.

**Proponents' Testimony:**

00:48:42 Brad Griffin, president, Montana Retail Association

00:51:02 Jeff Folsom, chief of operations, A.W.A.R.E., Inc.

**EXHIBIT(phs39a04)**

00:54:05 Chairman Thomas turned chair over to Vice Chair Howard.

00:54:25 Chairman Thomas left the hearing.

00:55:03 Kate McGrath Ellis, attorney, A.W.A.R.E., Inc.

00:59:10 Shaun Gillis, M.D., Montana Medical Association

01:01:36 Rose Hughes, executive director, Montana Health Care Association

01:04:29 John FitzGerald, chief executive officer, Intermountain

01:08:29 Jani McCall, Legacy Provider Group and Montana Children's Initiative

01:10:42 Chairman Thomas entered the hearing.

01:11:04 Jon Metropoulos, attorney, A.W.A.R.E., Inc.

01:11:46 Vice Chair Howard turned the chair back over to Chairman Thomas.

**Opponents' Testimony:** None

**Informational Testimony:**

01:11:58 Shannon McDonald, Department of Public Health and Human Services (DPHHS)

01:12:39 Mark Cadwallader, staff attorney, Department of Labor and Industry

**Questions from Committee Members and Responses:**

01:13:54 Chairman Thomas

01:14:00 Ms. McDonald, DPHHS

**Closing by Sponsor:**

01:15:59 Sen. Keenan

**HEARING ON SB 186**

**Opening Statement by Sponsor:**

01:16:38 Sen. Roger Webb (R), SD 23, opened the hearing on SB 186, Revising laws relating to executing a power of attorney for a minor.

**Proponents' Testimony:**

01:18:46 Andrew Brown, Foundation for Government Accountability (FGA)

**Opponents' Testimony:** None

**Informational Testimony:**

01:28:45 Sarah Corbally, administrator, Child and Family Services Division, Department of Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

01:29:33 Sen. Sands  
01:30:10 Ms. Corbally, DPHHS  
01:31:49 Sen. Sands  
01:32:00 Ms. Corbally  
01:32:37 Sen. Sands  
01:32:58 Ms. Corbally  
01:33:17 Chairman Thomas  
01:33:29 Sen. Swandal  
01:34:01 Sen. Webb  
01:34:07 Sen. Swandal  
01:34:14 Sen. Webb  
01:34:20 Mr. Brown, FGA

**Closing by Sponsor:**

01:36:22 Sen. Webb

**HEARING ON SB 316**

**Opening Statement by Sponsor:**

01:38:08 Sen. Roger Webb (R), SD 23, opened the hearing on SB 316, Generally revise laws re when certain individuals may be transferred to DOC.

01:38:19 Chairman Thomas turned the chair over to Vice Chair Howard.

01:38:42 Chairman Thomas left the hearing.

**Proponents' Testimony:**

01:41:41 Beth Brenneman, staff attorney, Disability Rights Montana  
01:44:35 Niki Zupanic, public policy director, ACLU Montana  
01:48:19 Matt Kuntz, executive director, National Alliance for the Mentally III (NAMI-Montana)  
01:50:30 Dr. Gary Mihelish, D.M.D., advocate, National Alliance for the Mentally III (NAMI-Montana)  
01:52:39 John Wilkinson, representing himself  
  
01:55:18 Chairman Thomas entered the hearing.  
  
01:55:41 Patti Jacques, representing herself

**Opponents' Testimony:**

01:56:45 Paulette Kohman, staff attorney, Department of Public Health and Human Services

**Informational Testimony:**

02:05:34 Colleen Ambrose, administrator, Department of Corrections

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

**Closing by Sponsor:**

02:06:10 Sen. Webb

**HEARING ON SB 349**

**Opening Statement by Sponsor:**

02:06:56 Sen. Cary Smith (R), SD 27, opened the hearing on SB 349, Allow for options in health insurance coverage of abortion services.  
  
02:07:56 Vice Chair Howard turned the chair back over to Chairman Thomas.

**Proponents' Testimony:**

02:08:20 Greg Trude, Right to Life Montana  
02:09:57 Matt Brower, Montana Catholic Conference  
02:11:00 Garrett Bacon, representing himself

**Opponents' Testimony:**

02:11:35 Maggie Moran, executive director, Naral Pro-Choice Montana  
  
02:12:31 Chairman Thomas left the hearing.

02:13:06 Vice Chair Howard took over the chair.

02:14:43 Robin Turner, public policy and legal director, Montana Coalition Against Domestic and Sexual Violence

02:17:04 Jesse Laslovich, deputy commissioner, Office of the Commissioner of Securities and Insurance, Montana State Auditor

02:18:19 Bill Lombardi, vice president of governmental affairs, Blue Cross and Blue Shield of Montana (BCBSMT)

02:19:03 Martha Stahl, president, Montana Planned Parenthood

02:20:38 Kim Abbot, Montana Human Rights Network

02:20:45 Niki Zupanic, public policy director, ACLU Montana

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:21:03 Sen. Sands

02:21:37 Mr. Lombardi, BCBSMT

02:21:54 Lisa Kelly, legal council, Blue Cross and Blue Shield of Montana (BCBSMT)

02:22:11 Sen. Sands

02:22:22 Mr. Lombardi

02:22:48 Sen. Sands

02:22:57 Mr. Lombardi

**Closing by Sponsor:**

02:23:26 Sen. Smith

**HEARING ON SB 350**

**Opening Statement by Sponsor:**

02:25:58 Sen. Cary Smith (R), SD 27, opened the hearing on SB 350, Revise laws related to health insurance navigators.

02:28:09 Chairman Thomas entered the hearing and took back the chair from Vice Chair Howard.

**Proponents' Testimony:**

02:28:19 Bill Warden, National Association of Insurance and Financial Advisors

**Opponents' Testimony:** None

**Informational Testimony:**

02:29:15 Jeannie Keller, bureau chief, Office of the Commissioner of Securities and Insurance, Montana State Auditor

**EXHIBIT(phs39a05)**

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

**Closing by Sponsor:**

02:30:59 Sen. Smith

**EXECUTIVE ACTION ON SB 186**

02:33:40 **Motion:** Sen. Howard moved that **SB 186 DO PASS.**

02:34:17 **Motion:** Sen. Swandal moved that **SB 186 BE AMENDED.**  
**EXHIBIT(phs39a06)**

**Discussion:**

02:34:28 Sen. Swandal

02:34:42 **Vote:** Motion carried 6-0 by voice vote. Sen. Windy Boy was excused.

02:34:55 Sen. Sands

02:35:55 **Motion/Vote:** Sen. Swandal moved that **SB 186 DO PASS AS AMENDED.**  
Motion carried 5-2 by roll call vote with Sen. Sands and Sen. Windy Boy voting no. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SB 349**

02:37:02 **Motion:** Sen. C. Smith moved that **SB 349 DO PASS.**

**Discussion:**

02:37:41 Sen. Swandal

02:38:06 Sen. Howard

02:38:23 Sen. Caferro

02:38:50 Sen. Sands

02:39:39 **Vote:** Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting no. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SB 350**

02:40:39 **Motion/Vote:** Sen. C. Smith moved that **SB 350 DO PASS.** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SB 206**

02:41:11 **Motion:** Sen. Howard moved that **SB 206 DO PASS.**



**Discussion:**

02:41:26 Chairman Thomas

02:44:04 Alexis Sandru, staff attorney, Legislative Services Division (LSD)

02:45:22 **Motion:** Sen. Thomas moved that **SB 206 BE AMENDED.**  
**EXHIBIT**(phs39a07)

**Discussion:**

02:45:31 Sen. Sands

02:45:52 Chairman Thomas

02:46:14 Sen. Sands

02:46:26 Chairman Thomas

02:46:53 Sen. Sands

02:47:02 Chairman Thomas

02:47:31 Sen. Sands

02:47:38 Chairman Thomas

02:47:59 Sen. Swandal

02:48:13 Sen. Smith

02:49:04 Sen. Caferro

02:49:26 Sen. Sands

02:49:57 Sen. Smith

02:51:02 **Vote:** Motion carried 4-3 by voice vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting no. Sen. Windy Boy voted by proxy.

**Discussion:**

02:52:26 Chairman Thomas

02:53:21 Sen. Caferro

02:53:56 Chairman Thomas

02:54:08 Sen. Caferro

02:54:17 Chairman Thomas

02:54:30 Sen. Sands

02:55:28 Sen. Howard

02:56:27 **Motion/Vote:** Sen. Howard moved that **SB 206 DO PASS AS AMENDED.**  
Motion carried 4-3 by roll call vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting no.

**Committee Business:**

02:56:42 Chairman Thomas adjourned the hearing.

03:00:48 Chairman Thomas restarted the hearing.

**EXECUTIVE ACTION ON SB 336**

**Discussion:**

03:00:49 Sen. Sands  
03:01:58 Jon Metropoulos, attorney, A.W.A.R.E., Inc.  
03:02:17 Sen. Sands

03:02:53 **Motion:** Sen. Sands moved that **SB 336 DO PASS.**

03:03:05 **Motion/Vote:** Sen. Sands moved that **SB 336 BE AMENDED.** Motion carried unanimously by 7-0 voice vote. Sen. Windy Boy voted by proxy.

**EXHIBIT(phs39a08)**

03:03:48 **Motion/Vote:** Sen. Sands moved that **SB 336 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

**EXHIBIT(phs39a09)**

**Discussion:**

03:04:33 Sen. Smith  
03:04:54 Sen. Sands  
03:05:34 Chairman Thomas  
03:05:44 Sen. Sands

03:05:50 **Motion/Vote:** Sen. Sands moved that **SB 336 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

**ADJOURNMENT**

Adjournment: 5:37 PM

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Barbara Pietuch, Secretary

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Additional Documents:

**EXHIBIT([phs39aad.pdf](#))**