

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By Chairman Ron Stoker, on February 23, 2007 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Arlene Becker, Vice Chairman (D)
Rep. Tom McGillvray, Vice Chairman (R)
Rep. Mary Caferro (D)
Rep. Ernie Dutton (R)
Rep. Julie French (D)
Rep. Pat Ingraham (R)
Rep. William J. Jones (R)
Rep. Krayton Kerns (R)
Rep. Mike Milburn (R)
Rep. Ken Peterson (R)
Rep. Michele Reinhart (D)
Rep. Diane Sands (D)

Members Excused: None.

Members Absent: Rep. Dave McAlpin (D)

Staff Present: Debbie Carlson, 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: HB 782, 2/8/2007; HJR 44, 2/8/2007;
HB 429, 2/8/2007; HB 118, 2/8/2007
Executive Action: HJR 33, HB 577, HB 782, HB 617, HB
622, HB 734, HB 92, HB 359

HEARING ON HB 118

Opening Statement by Sponsor:

00:00:11 Rep. Teresa Henry (D), HD 96, opened the hearing on HB 118, Revise law on dispensing contraceptives.

Proponents' Testimony:

00:06:29 JoAnn Dotson, Bureau Chief, Family and Community Health Bureau, Department of Public Health and Human Services (DPHHS).

[EXHIBIT \(huh41a01\)](#)

[EXHIBIT \(huh41a02\)](#)

00:09:07 Don Judge, Montana Nurses' Association

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:10:26 Rep. McGillvray

00:10:45 Rep. Henry

00:11:12 Rep. Stoker

00:11:51 Rep. Henry

00:12:18 Rep. Stoker

Closing by Sponsor:

00:13:44 Rep. Henry

HEARING ON HB 429

Opening Statement by Sponsor:

00:14:58 Rep. Jon Sesso (D), HD 76, opened the hearing on HB 429, Revise medicaid funding principles.

Proponents' Testimony: None.

Opponents' Testimony:

00:19:02 John Chappius, DPHHS

Informational Testimony: None.

Questions from Committee Members and Responses:

00:25:22 Rep. Becker
00:26:19 Mr. Chappius
00:27:24 Dan Peterson, Chief, Acute Services Bureau, DPHHS
00:28:04 Rep. McAlpin
00:28:25 Mr. Peterson
00:29:00 Rep. French
00:29:37 Mr. Peterson
00:29:53 Duane Pressinger, DPHHS
00:30:16 Rep. French
00:30:40 Mr. Pressinger
00:00:34 Rep. McAlpin
00:00:58 Rep. Sesso
00:02:20 Mr. Chappius
00:03:27 Rep. Stoker
00:03:31 Rep. Sesso

Closing by Sponsor:

00:03:43 Rep. Sesso

HEARING ON HB 782

Opening Statement by Sponsor:

00:06:18 Rep. Mary Caferro (D), HD 80, opened the hearing on HB 782, Revise law on over-payment of food stamps.

Proponents' Testimony:

00:07:37 Mike Kakuck, Attorney, Helena, MT
00:09:20 Hank Hudson, DPHHS
00:10:53 Don Judge
00:11:46 Olivia Ruitta, Working for Equity and Economic Liberation (WEEL)

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:12:28 Rep. McGillvray
00:12:44 Mr. Hudson
00:13:27 Rep. Dutton
00:13:40 Mr. Hudson
00:14:25 Rep. Dutton
00:14:29 Mr. Hudson

00:14:50 Rep. Ingraham
00:15:14 Rep. Caferro
00:15:56 Rep. Ingraham
00:16:25 Mr. Kakuck
00:17:09 Rep. Becker
00:17:36 Rep. Caferro
00:17:48 Rep. Becker
00:17:51 Sue O'Connell
00:18:00 Rep Becker
00:18:16 Mr. Hudson
00:18:46 Rep. Stoker
00:19:12 Mr. Hudson

Closing by Sponsor:

00:20:52 Rep. Caferro

00:24:27 BREAK

HEARING ON HJR 44

Opening Statement by Sponsor:

00:35:42 Rep. Dave Gallik (D), HD 79, opened the hearing on HJR 44, Revise CHIP laws.

Proponents' Testimony:

00:37:10 Olivia Ruitta, WEEL

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:38:42 Rep. Dutton

00:38:58 Rep. Gallik

Closing by Sponsor:

00:39:39 Rep. Gallik

EXECUTIVE ACTION ON HJR 44

00:42:19 **Motion/Vote:** Rep. McGillvray moved that HJR 44 **BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 621

00:52:01 **Motion:** Rep. McGillvray moved that HB 621 **DO PASS**.

00:53:37 **Motion:** Rep. McGillvray moved that HB 621 **AMENDMENT BE ADOPTED**.
EXHIBIT (huh41a03)

Discussion:

00:54:38 Ms. O'Connell

00:57:10 Rep. McGillvray

00:59:25 **Vote:** Motion on amendment carried unanimously by voice vote. Rep. Sands voted by proxy.

00:59:53 **Motion:** Rep. McGillvray moved HB 621 **DO PASS AS AMENDED**.

Discussion:

01:01:19 Rep. Jones

01:01:31 Rep. Dutton

01:02:42 Rep. Reinhart

01:04:06 Rep. Stoker

01:04:35 Rep. McGillvray

01:05:07 Rep. Dutton

01:05:35 Rep. McGillvray

01:06:08 Rep. Caferro

01:07:02 Rep. Ingraham

01:08:07 Rep. McAlpin

01:08:25 Rep. Peterson

01:09:27 Rep. Becker

01:09:48 Rep. McGillvray

01:10:02 Rep. Stoker

01:10:30 Rep. Becker

01:10:36 Rep. Stoker

01:10:44 Rep. McGillvray

01:11:10 Rep. Becker

01:11:33 Rep. McGillvray

01:11:44 **Vote:** Motion HB 621 **DO PASS AS AMENDED** failed 7-7 by roll call vote. Reps. McGillvray, Peterson, Dutton, Jones, Milburn, Kerns and Stoker voted aye. Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HB 622

01:12:49 **Motion:** Rep. McGillvray moved that HB 622 **DO PASS**.

01:13:50 Rep. Jones

01:14:12 **Motion:** Rep. McGillvray moved that HB 622 **BE AMENDED. EXHIBIT (huh41a04)**

Discussion:

01:16:40 Rep. Dutton

01:17:09 Rep. McGillvray

01:17:28 **Vote:** Motion passed unanimously by voice vote. Rep. Sands voted by proxy.

01:17:38 **Motion:** Rep. McGillvray moved that HB 622 **DO PASS AS AMENDED.**

Discussion:

01:17:56 Rep. Milburn

01:18:38 Rep. French

01:19:08 Rep. Stoker

01:19:13 Rep. French

01:19:30 Rep. McGillvray

01:19:58 Rep. French

01:20:31 Rep. Peterson

01:21:01 Rep. Becker

01:21:33 Rep. Reinhart

01:22:21 Rep. McGillvray

01:22:51 Rep. Peterson

01:23:48 **Vote:** Motion carried 8-6 by roll call vote with Reps. Becker, French, Sands, Caferro, Reinhart and McAlpin voting no. Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HB 118

01:24:33 **Motion:** Rep. McGillvray moved HB 118 **DO PASS.**

Discussion:

01:25:02 Rep. McGillvray

01:25:22 Rep. McAlpin

01:25:48 Rep. Stoker

01:26:19 **Motion:** Rep. McGillvray moved **CONCEPTUAL AMENDMENT** on HB 118, Line 25, wherever oral contraceptive is used, dispensing of factory packaged oral contraceptives excepting RU 486.

Discussion:

01:27:01 Rep. Sands

01:27:14 Ms. O'Connell

01:27:30 Rep. Sands
01:27:48 Rep. McAlpin
01:27:57 Rep. McGillvray **withdrew** his conceptual amendment.
01:28:16 Rep. Peterson
01:28:22 Rep. Stoker

01:28:56 **Vote:** Motion failed 6-8 by roll call vote with Reps. Becker, French, Sands, Caferro, Reinhart and McAlpin voting aye.

01:29:45 **Motion/Vote:** Rep. McGillvray moved to **REVERSE THE VOTE AND TABLE** the bill. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 429

01:30:00 **Motion:** Rep. McGillvray moved HB 429 **DO PASS**.

Discussion:

01:30:35 Rep. French
01:30:53 Rep. Sands
01:31:38 Rep. Jones

01:31:55 **Motion/Vote:** Rep. McGillvray moved that HB 429 **BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 782

01:32:18 **Motion:** Rep. McGillvray moved HB 782 **DO PASS**.

01:32:25 Ms. O'Connell
01:32:47 Rep. McGillvray

01:33:09 **Vote:** Motion carried by voice vote 13-1. Rep. Peterson voted no. Rep. French voted aye by proxy.

EXECUTIVE ACTION ON HB 92

01:33:44 **Motion:** Rep. McGillvray moved HB 92 **DO PASS**.

01:34:06 Rep. Peterson

01:35:19 **Motion/Vote:** Rep. Peterson moved **TO AMEND** HB 92. Motion carried unanimously by voice vote. Rep. French voted by proxy.

EXHIBIT (huh41a05)

01:36:33 **Motion:** Rep. Peterson moved **TO FURTHER AMEND** HB 92.
EXHIBIT (huh41a06)

01:36:44 Rep. Reinhart

01:38:36 **Vote:** Motion carried 8-6 by roll call vote with Reps. Becker, French, Sands, Caferro, Reinhart and McAlpin voting no. Rep. French voted by proxy.

01:39:38 **Motion:** Rep. Peterson moved **TO FURTHER AMEND HB 92. EXHIBIT (huh41a07)**

Discussion:

01:40:32 Rep. Reinhart

01:41:00 Rep. Peterson

01:42:01 Rep. Becker

01:42:37 **Vote:** Motion failed 7-7 by roll call vote.

01:43:38 **Motion:** Rep. McGillvray moved HB 92 **DO PASS AS AMENDED.**

Discussion:

01:45:13 Rep. Jones

01:48:08 Rep. Reinhart

01:48:37 Rep. Kerns

01:49:14 Rep. Peterson

01:49:36 Rep. McGillvray

01:50:25 Rep. Stoker

01:51:20 **Vote:** Motion carried 12-2 by roll call vote with Rep. Milburn and Rep. Stoker voting no. Rep. French voted by proxy.

01:55:15 Rep. McGillvray

EXECUTIVE ACTION ON HB 577

01:56:27 **Motion:** Rep. McGillvray moved HB 577 **DO PASS.**

Discussion:

01:56:57 Rep. Caferro

01:57:38 Rep. McGillvray

01:57:50 Rep. Caferro

01:58:38 Rep. Milburn

01:59:00 Rep. Caferro

02:00:10 Rep. Milburn

02:00:23 Rep. Caferro

02:02:36 Rep. Ingraham

02:02:58 Rep. Caferro

02:03:46 Rep. Jones

02:04:21 Rep. Caferro

02:04:34 Rep. McGillvray
02:05:08 Rep. Dutton
02:05:18 Rep. Caferro
02:07:11 Rep. Reinhart
02:07:39 Rep. Stoker
02:08:08 Rep. Caferro

02:09:23 **Vote:** Motion carried 9-5 by roll call vote with Rep. McGillvray, Peterson, Milburn, Kerns and Stoker voting no.

EXECUTIVE ACTION ON HB 612

02:10:26 **Motion:** Rep. McGillvray moved HB 612 **DO PASS.**

Discussion:

02:10:50 Rep. Peterson

02:11:05 **Motion/Vote:** Rep. Milburn moved **TO TABLE** HB 612. Motion carried by voice vote 8-5 with Rep. Reinhart abstaining. Rep. Becker, Rep. French, Rep. Sands, Rep. Caferro and Rep. McAlpin voted no. Rep. Sands voted no by proxy.

02:12:47 Rep. Reinhart

02:12:12 Rep. Peterson

EXECUTIVE ACTION ON HB 617

02:13:00 **Motion:** Rep. McGillvray moved HB 617 **DO PASS.**

02:13:49 Rep. Peterson moved **TO AMEND** HB 617.

EXHIBIT (huh41a08)

Discussion:

02:14:45 Rep. Caferro

02:15:02 Rep. Peterson

02:16:08 Rep. Caferro

02:16:27 Rep. Peterson

02:17:03 Ms. O'Connell

02:19:36 Rep. Stoker

02:19:50 Rep. Peterson

02:19:54 Rep. French

02:20:35 Rep. Peterson

02:20:56 **Vote:** Motion carried unanimously by voice vote.

02:21:07 **Motion/Vote:** Rep. McGillvray moved 617 **DO PASS AS AMENDED**. Motion carried unanimously by roll call vote. Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HB 734

02:22:19 Rep. McAlpin moved HB 734 **DO PASS**.

[EXHIBIT \(huh41a09\)](#)

[EXHIBIT \(huh41a10\)](#)

Discussion:

02:24:35 Rep. Milburn

02:24:41 Rep. McAlpin

02:24:54 Ms. O'Connell

02:25:16 Rep. Milburn

02:25:34 Rep. McAlpin

02:25:43 **Motion/Vote:** Rep. McGillvray moved **TO AMEND** HB 734. Motion carried unanimously by voice vote. Rep. Sands voted by proxy.

02:26:01 **Motion:** Rep. McGillvray moved that HB 734 **DO PASS AS AMENDED**.

Discussion:

02:26:12 Rep. McAlpin

02:26:59 Rep. McGillvray

02:27:50 Rep. McAlpin

02:27:57 Rep. Becker

02:29:12 Rep. Reinhart

02:29:24 Rep. McGillvray

02:29:49 Rep. Becker

02:30:30 Rep. McGillvray

02:30:45 Rep. Reinhart

02:32:08 Rep. French

02:32:47 **Vote:** Motion carried unanimously by roll call vote. Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HB 743

02:33:53 **Motion:** Rep. McGillvray moved HB 743 **DO PASS**.

02:34:06 Rep. Becker

02:34:45 **Vote:** Motion carried unanimously by voice vote. Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HJR 33

02:35:09 **Motion/Vote:** Rep. McGillvray moved HJR 33 **BE ADOPTED**.
Motion carried 11-3 by roll call vote with Rep.
McGillvray, Rep. Dutton and Rep. Peterson voting no.
Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HJR 37

02:37:07 **Motion:** Rep. McGillvray moved HJR 37 **BE ADOPTED**.

Discussion:

02:37:16 Rep. Kern
02:37:34 Rep. Peterson
02:37:50 Rep. Becker
02:38:04 Rep. Reinhart
02:39:35 Rep. Jones
02:40:18 Rep. Milburn

02:41:12 **Vote:** Motion failed 7-7 by roll call vote with Reps.
Becker, French, Sands, Caferro, Jones, Reinhart and
McAlpin voting aye.

02:42:21 Rep. Stoker

EXECUTIVE ACTION ON HB 359

02:42:38 **Motion:** Rep. Dutton moved HB 359 **DO PASS**.

Discussion:

02:43:07 Ms. O'Connell
02:43:13 Rep. Dutton
02:43:25 Ms. O'Connell

EXHIBIT (huh41a11)

Discussion:

02:45:17 Rep. Dutton
02:49:50 Rep. McGillvray
02:50:46 Rep. French
02:51:27 Rep. McGillvray
02:51:45 Ms. O'Connell
02:52:19 Rep. McGillvray
02:52:45 Rep. Stoker
02:53:15 Rep. Dutton
02:53:52 Rep. Becker
02:54:05 Rep. Dutton

02:55:32 **Vote:** Motion carried 11-3 by roll call vote with Reps. Milburn, Kerns and Stoker voting no. Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HJR 30

02:56:00 Rep. McAlpin moved to take HJR 30 **OFF THE TABLE**. Motion failed 6-7 by voice vote with Reps. Becker, French, Caferro, Jones, Reinhart and McAlpin voting aye.

EXECUTIVE ACTION ON HB 118

02:58:03 Rep. Reinhart moved **TO RECONSIDER** HB 118. Motion failed 5-8 by roll call vote with Reps. Becker, French, Caferro, McAlpin and Reinhart voting aye.

Discussion:

03:00:15 Rep. Milburn

03:00:21 Rep. French

03:00:52 Rep. Stoker

ADJOURNMENT

Adjournment: 8:00 P.M.

REP. RON STOKER, Chairman

DEBBIE CARLSON, Secretary

RS/dc

Additional Exhibits:

EXHIBIT ([huh41aad.pdf](#))