

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN DAN WEINBERG**, on February 19, 2007 at 3:00 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Dan Weinberg, Chairman (D)
Sen. Lynda Moss, Vice Chairman (D)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Kim Gillan (D)
Sen. Terry Murphy (R)
Sen. Jerry O'Neil (R)
Sen. Trudi Schmidt (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Prudence Gildroy, Committee Secretary
Lisa Mecklenberg Jackson, 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 417, 2/8/2007; SJ 15, 2/19/2007;
SJ 19, 2/19/2007
Executive Action: SB 149; SJ 19; SB 246; SB 289; SB
336; SB 354; SB 394; SB 288; SJ 7;
SB 397; SB 186

00:00:00

00:00:40 Sen. Weinberg

HEARING ON SB 417

Opening Statement by Sponsor:

00:01:32 **SEN. ROY BROWN (R), SD 25**, opened the hearing on **SB 417**, Extend moratorium on specialty hospitals.

Proponents' Testimony:

00:07:03 Bob Olsen, Montana Hospital Association

EXHIBIT (phs37b01)

00:15:54 Cindy Morrison, Montana Hospital Association

EXHIBIT (phs37b02)

00:22:20 Nick Wolter, M.D., Billings Clinic

00:30:42 John Nordwick, Bozeman Deaconess Hospital

00:34:14 John Solheim, President and CEO, Saint Peters Hospital

00:35:52 James Kaiser, President and CEO, Saint James
Healthcare, Butte

00:38:57 Mike Foster, Sisters of Charity Hospitals

Opponents' Testimony:

00:42:04 Jim Elliott, M.D., Montana Orthopaedic Society

EXHIBIT (phs37b03)

00:48:37 Steve Akre, CEO, Great Falls Clinic

EXHIBIT (phs37b04)

00:50:58 Albert Olszewski, Orthopaedic Surgeon, Kalispell

00:55:52 Steven Klepps, Orthopaedic Surgeon, Billings

00:58:21 Jane Drolet, Administrator, Central Montana Hospital

EXHIBIT (phs37b05)

01:01:48 Beda Lovitt, Montana Medical Association

EXHIBIT (phs37b06)

01:04:45 Kurt Kubicka, Montana Medical Association

01:08:07 Rob Gagnon, Montana AMB Surgery Association

01:12:11 Tamim Khaliqi, Anesthesiologist, Central Montana
Hospital

EXHIBIT (phs37b07)

01:16:04 Mona Jamison, Attorney, Central Montana Hospital, Great
Falls Clinic

Informational Testimony:

01:27:11 Jeff Buska, Department of Public Health and Human
Services (DPHHS)

Questions from Committee Members and Responses:

01:28:10 Sen. Murphy to Dr. Jim Elliott, Montana Orthopaedic
Society

01:30:09 Sen. Weinberg

01:32:27 Sen. O'Neil

01:33:38 Sen. Weinberg to Dr. Jim Elliott

01:33:54 Sen. Moss to Nick Wolter M.D., Billings Clinic

01:36:57 Sen. Weinberg to Nick Wolter

01:40:19 Sen. Schmidt to Nick Wolter

01:43:21 Sen. Schmidt to Bob Olsen, Montana Hospital Association

01:47:15 Sen. Esp to Bob Olsen

01:51:39 Sen. Gillan to Cindy Morrison, Montana Hospital
Association

01:55:20 Sen. Cobb to Bob Olsen

01:58:20 Sen. Weinberg to John Chappuis, DPHHS

Closing by Sponsor:

02:01:26 Sen. Brown

HEARING ON SJ 15

Opening Statement by Sponsor:

02:04:08 **SEN. KIM GILLAN (D), SD 24**, opened the hearing on **SJ 15**, Study impacts of certain services on health care delivery.

Proponents' Testimony:

02:07:44 Jerome Anderson, Attorney, Yellowstone Physicians Alliance, Montana Orthopaedic Society

02:09:45 John Flink, Montana Hospital Association

02:10:44 Kurt Kubicka, Montana Medical Association

02:11:37 Mike Foster, Sisters of Charity Hospitals

02:12:23 Mona Jamison, Central Montana Hospital, Great Falls Clinic

Opponents' Testimony:

02:15:05 Albert Olszewski, Orthopaedic Surgeon, Kalispell

Informational Testimony:

02:20:37 Jerome Anderson, Attorney, Yellowstone Physicians Alliance, Montana Orthopaedic Society

Questions from Committee Members and Responses: None.

Closing by Sponsor:

02:21:22 Sen. Gillan

HEARING ON SJ 19

Opening Statement by Sponsor:

02:25:32 **SEN. KIM GILLAN (D), SD 24**, opened the hearing on **SJ 19**, Develop health information technology.

Proponents' Testimony:

02:26:59 Mike Foster, Sisters of Charity Hospital

02:28:41 Kai Smith, State Auditor's Office

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

02:30:16 Sen. Gillan

EXECUTIVE ACTION ON SB 149

02:31:29 **Motion:** SEN. ESP moved that SB 149 DO PASS.

Discussion:

02:31:33 Deb Matteucci, DPHHS

EXHIBIT (phs37b08)

02:45:47 Sen. Gillan to Deb Matteucci

02:48:28 Sen. Weinberg to Deb Matteucci

02:51:11 Sen. Esp

02:51:49 Sen. Schmidt to Deb Matteucci

02:53:56 Sen. Weinberg

02:54:10 **Motion:** SEN. WEINBERG moved CONCEPTUAL AMENDMENT OF DEB MATTEUCCI. (See Exhibit 8)

02:54:54 Sen. Schmidt to Sen. Weinberg

02:55:45 Sen. Cobb

02:56:13 Sen. Gillan

02:57:20 Sen. Williams

02:58:12 Sen. Weinberg

02:58:46 Sen. Esp
02:59:20 Joan Miles, DPHHS
03:00:39 Sen. Weinberg to Sen. Esp
03:00:56 Joan Miles
03:01:45 Sen. Weinberg withdrew his motion

EXECUTIVE ACTION ON SJ 19

03:02:07 **Motion:** SEN. COBB moved that SJ 19 DO PASS.
Discussion:
03:02:24 Sen. Gillan
03:02:45 **Vote:** Motion carried 8-0 by voice vote with SEN. ESP
voting no.

EXECUTIVE ACTION ON SB 246

03:03:45 **Motion:** SEN. COBB moved that SB 246 DO PASS.
Discussion:
03:04:49 Sen. Weinberg
03:04:58 Sen. O'Neil
03:05:32 Sen. Esp
03:05:58 Sen. Weinberg
03:06:36 Sen. O'Neil
03:07:02 **Vote:** Motion carried 5-4 by roll call vote with SEN.
GILLAN, SEN. MOSS, SEN. SCHMIDT, and SEN. WEINBERG
voting no.

EXECUTIVE ACTION ON SB 289

03:08:37 **Motion:** SEN. MOSS moved that SB 289 DO PASS.

03:09:13 **Motion:** SEN. MOSS moved that AMENDMENT SB028901.ALJ BE ADOPTED.

EXHIBIT (phs37b09)

Discussion:

03:10:02 Lisa Jackson, Legislative Services

03:10:07 Sen. Williams

03:10:38 Sen. Gillan

03:11:49 **Vote:** Motion carried unanimously by voice vote.

03:12:05 **Motion/Vote:** SEN. MOSS moved that SB 289 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 336

03:12:52 **Motion:** SEN. MOSS moved that SB 336 DO PASS.

03:13:29 **Motion:** SEN. SCHMIDT moved that AMENDMENT SB33601.ALJ BE ADOPTED.

EXHIBIT (phs37b10)

Discussion:

03:13:56 Lisa Jackson, Legislative Services

03:14:46 Sen. Gillan to Lisa Jackson

03:15:12 Sen. Weinberg to Lisa Jackson

03:15:42 Sen. Weinberg to Jerome Anderson, Reynolds America

03:16:29 Sen. Murphy

03:17:06 Sen. Esp

03:17:53 Sen. Cobb

03:19:12 Sen. Weinberg to Lisa Jackson

03:20:26 Sen. Weinberg

03:21:17 Sen. O'Neil

03:21:55 **Motion:** SEN. WEINBERG moved a CONCEPTUAL AMENDMENT TO OMIT LOOSE TOBACCO IN (d).

03:22:18 Sen. O'Neil to Sen. Weinberg

03:23:27 Sen. Esp

03:23:57 Sen. Esp to Sen. Weinberg

03:24:46 **Vote:** Motion carried 7-2 by voice vote with SEN. ESP, SEN. MURPHY, and SEN. O'NEIL voting no.

03:25:01 **Motion:** SEN. MOSS moved that SB336 DO PASS AS AMENDED.

Discussion:

03:25:21 Sen. Moss

03:27:10 Sen. Weinberg to Lisa Jackson

03:28:06 Sen. O'Neil

03:29:13 Sen. Gillan

03:30:36 Sen. Williams

03:31:41 Sen. Weinberg

03:32:34 Sen. Cobb

03:33:21 Sen. Schmidt

03:34:14 Sen. Weinberg

03:34:32 Sen. Murphy

03:35:32 Sen. Esp

03:36:39 Sen. Weinberg

03:36:52 **Substitute Motion/Vote:** SEN. O'NEIL made a substitute motion that SB 336 BE TABLED. Substitute motion carried 6-3 by roll call vote with SEN. COBB, SEN. WEINBERG, and SEN. WILLIAMS voting no.

EXECUTIVE ACTION ON SB 354

03:39:57 **Motion:** SEN. MOSS moved that SB 354 DO PASS.

03:40:01 **Motion:** SEN. MOSS moved that AMENDMENT SB035401.ALJ BE ADOPTED.

EXHIBIT (phs37b11)

Discussion:

03:40:50 Lisa Jackson

03:40:59 Sen. Weinberg to John Chappuis, DPHHS

03:49:48 Sen. Esp to Sen. Cobb

03:53:32 Sen. Weinberg to Sen. Cobb

03:54:19 Sen. Gillan to Sen. Cobb

03:55:01 John Chappuis

03:57:20 Sen. Cobb to John Chappuis

03:57:56 Sen. Esp to John Chappuis

03:59:04 **Vote:** Motion carried 8-1 with SEN. O'NEIL voting no by proxy.

03:59:23 **Motion/Vote:** SEN. MOSS moved that SB 354 DO PASS AS AMENDED. Motion carried 7-2 with SEN. ESP voting no and SEN. O'NEIL voting no by proxy.

EXECUTIVE ACTION ON SB 394

04:01:14 **Motion:** SEN. MOSS moved that SB 394 DO PASS.

Discussion:

04:01:58 Sen. Weinberg to John Chappuis, DPHHS

EXHIBIT (phs37b12)

04:10:48 **Substitute Motion:** SEN. ESP made a substitute motion that SB 394 BE TABLED.

Discussion:

04:11:07 Sen. Weinberg

04:11:22 Sen. Gillan

04:12:01 **Vote:** Motion carried 6-3 by voice vote with SEN. MOSS and SEN. WEINBERG and SEN. WILLIAMS voting no. SEN. O'NEIL VOTED NO BY PROXY.

EXECUTIVE ACTION ON SB 288

04:12:41 **Motion:** SEN. SCHMIDT moved that SB 288 DO PASS.

04:13:57 **Motion:** SEN. SCHMIDT moved that AMENDMENT SB028803.APM BE ADOPTED.

EXHIBIT (phs37b13)

Discussion:

04:14:04 Schmidt

04:18:52 **Vote:** Motion carried unanimously by voice vote with SEN. COBB voting aye by proxy.

04:19:10 **Motion:** SEN. SCHMIDT moved that SB 288 DO PASS AS AMENDED.

Discussion:

04:20:34 Sen. Gillan to Sen. Schmidt

04:21:15 Sen. Esp to Sen. Schmidt

04:23:33 **Vote:** Motion carried 8-1 by voice vote with SEN. O'NEIL voting no by proxy. SEN. COBB voted aye by proxy.

EXECUTIVE ACTION ON SJ 7

04:24:40 **Motion:** SEN. SCHMIDT moved that SJ 7 DO PASS.

04:24:47 **Vote:** Motion carried 7-1 by voice vote with SEN. O'NEIL voting no by proxy.

EXECUTIVE ACTION ON SB 397

04:26:17 **Motion:** SEN. MOSS moved that SB 397 DO PASS.

Discussion:

04:26:33 Sen. Gillan
04:27:31 Sen. Esp
04:27:51 Sen. Gillan
04:28:02 **Vote: Motion carried 6-2 by voice vote with SEN. ESP voting no and SEN. O'NEIL voting no by proxy.**

EXECUTIVE ACTION ON SB 186

04:29:19 Sen. Weinberg

EXHIBIT (phs37b14)

04:30:11 **Motion: SEN. ESP moved to RECONSIDER ACTION ON SB 186.**
04:30:21 **Vote: Motion carried 6-1 by voice vote with SEN. MURPHY voting no.**
04:30:55 **Motion: SEN. MOSS moved that SB 186 DO PASS.**
04:30:38 **Motion: SEN. WEINBERG moved that AMENDMENT SB018602.ALJ BE ADOPTED.**

Discussion:

04:31:18 Sen. Weinberg to Bob Robinson, Montana Unified School Trust (MUST)
04:34:07 Sen. Esp to Bob Robinson
04:35:25 **Vote: Motion carried 6-1 by voice vote with SEN. MURPHY voting no.**
04:35:56 **Motion: SEN. MOSS moved that SB 186 DO PASS AS AMENDED.**
04:36:03 Sen. Schmidt to Bob Robinson
04:36:56 Sen. Esp
04:37:10 **Vote: Motion carried 5-3 by voice vote with SEN. ESP, SEN. MURPHY, and SEN. O'NEIL voting no. SEN. O'NEIL voted no by proxy.**
04:40:27 Sen. Esp

04:40:41 Sen. Williams

04:41:42 Sen. Weinberg

04:41:51 Sen. Esp

04:42:18 Sen. Moss

ADJOURNMENT

Adjournment: 9:00 P.M.

SEN. DAN WEINBERG, Chairman

PRUDENCE GILDROY, Secretary

DW/pg

Additional Exhibits:

EXHIBIT ([phs37bad.pdf](#))