

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HUMAN SERVICES

Call to Order: Chairwoman Arlene Becker, on February 9, 2009 at 3:04 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Arlene Becker, Chairwoman (D)
Rep. Mary Caferro, Vice Chairwoman (D)
Rep. Pat Ingraham, Vice Chairwoman (R)
Rep. Bill Beck (R)
Rep. Julie French (D)
Rep. Timothy Furey (D)
Rep. David Howard (R)
Rep. Chuck Hunter (D)
Rep. Dave McAlpin (D)
Rep. Michael More (R)
Rep. Pat Noonan (D)
Rep. Ken Peterson (R)
Rep. Diane Sands (D)
Rep. Cary Smith (R)
Rep. Ron Stoker (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, 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 394, 2/4/2009; SB 53, 2/4/2009

Executive Action: HB 365, HB 367, HB 267, SB 53

HEARING ON HB 394**Opening Statement by Sponsor:**

00:01:09 Rep. Dave McAlpin (D), HD 94, opened the hearing on HB 394, Prohibit use of individually identified prescription information for marketing.

Proponents' Testimony:

00:09:23 Meredith Jacob, Prescription Project

EXHIBIT (huh30a01)

00:14:27 Pat Melby, Montana Medical Association

00:15:01 Claudia Clifford, Advocacy Director, AARP Montana

Opponents' Testimony:

00:16:23 J.D. Lynch, Biotechnology Industry Organization

EXHIBIT (huh30a02)

00:19:02 Brad Griffin, Montana Retail Association

00:22:32 Cindy Laubacher, Medco

00:27:22 Kathleen Traylor, Amgen Bioscience Company

00:34:05 Jon Bennion, Montana Chamber of Commerce

Informational Testimony:

00:35:16 Connie Welsh, Administrator, Health Care and Benefits Division

00:35:42 Ronald Klein, Executive Director, Montana State Board of Pharmacy

Questions from Committee Members and Responses:

00:36:09 Rep. Stoker

00:36:46 Dr. Traylor

00:37:40 Rep. Sands

00:38:02 Ms. Jacob

00:39:25 Rep. Sands

00:39:36 Ms. Jacob

00:40:27 Rep. Ingraham

00:41:22 Ms. Laubacher

00:42:59 Chairwoman Becker

00:43:11 Ms. Laubacher

00:43:13 Chairwoman Becker

00:43:17 Ms. Laubacher

00:43:51 Chairwoman Becker

00:44:00 Ms. Laubacher

00:44:05 Rep. Stoker

00:44:45 Ms. Traylor
00:45:23 Rep. Stoker
00:45:59 Ms. Traylor
00:47:38 Rep. Stoker
00:47:56 Ms. Traylor
00:48:45 Rep. Stoker
00:48:54 Rep. Caferro
00:49:16 Rep. Peterson
00:50:01 Ms. Jacob
00:50:43 Rep. Smith
00:51:12 Mr. Klein
00:51:24 Rep. Smith
00:52:03 Mr. Klein
00:52:22 Chairwoman Becker
00:52:28 Ms. Jacob
00:53:12 Rep. French
00:53:49 Mr. Melby
00:54:56 Rep. Caferro
00:55:38 Ms. Jacob
00:57:11 Rep. Caferro
00:57:44 Rep. McAlpin
00:58:24 Chairwoman Becker
00:58:55 Mr. Lynch

Closing by Sponsor:

00:59:23 Rep. McAlpin

HEARING ON SB 53

Opening Statement by Sponsor:

01:03:12 Sen. Dave Lewis (R), SD 42, opened the hearing on SB 53, Revise trial period for hearing aid purchased from traveling vendor.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

01:06:19 Marilyn Kelly Clark, Licensing Specialist, Department of Labor and Industry

Questions from Committee Members and Responses:

01:06:50 Rep. Beck
01:07:29 Ms. Clark

01:07:50 Rep. Beck

01:08:22 Ms. Clark

Closing by Sponsor:

01:09:43 Sen. Lewis

01:10:19 Rep. Ingraham

01:10:29 Chairwoman Becker

01:11:16 Chairwoman Becker calls for a recess.

01:25:06 Chairwoman Becker resumes hearing.

EXECUTIVE ACTION ON SB 53

01:25:27 **Motion:** Rep. Sands moved that **SB 53 DO PASS.**

01:25:42 **Vote:** Motion carried unanimously by voice vote. Rep. Caferro and Rep. Hunter voted by proxy.

01:26:08 Chairwoman Becker

01:26:43 Rep. Peterson

EXECUTIVE ACTION ON HB 365

01:27:16 **Motion:** Rep. Ingraham moved that **HB 365 DO PASS.**

Discussion:

01:27:34 Ms. O'Connell, LSD

01:28:27 **Vote:** Motion carried unanimously by voice vote. Rep. Caferro voted by proxy.

01:28:44 Rep. French

01:28:45 Rep. Caferro enters.

EXECUTIVE ACTION ON HB 367

01:29:08 **Motion:** Rep. Ingraham moved that **HB 367 DO PASS.**

01:29:34 **Motion:** Rep. Howard moved that **HB 367 BE AMENDED.**
EXHIBIT (huh30a03)

Discussion:

01:31:19 Rep. Sands

01:31:52 **Vote:** Motion carried unanimously by voice vote.

01:32:08 **Motion:** Rep. Caferro moved that **HB 367 DO PASS AS AMENDED.**

01:32:20 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 267

01:32:46 **Motion:** Rep. Caferro moved that **HB 267 DO PASS.**

Discussion:

01:33:16 Ms. O'Connell

01:34:51 **Motion:** Rep. Caferro moved that **HB 267 BE AMENDED.**

Discussion:

01:35:05 Chairwoman Becker

01:35:22 Ms. O'Connell

01:35:54 Rep. French

01:35:59 Ms. O'Connell

01:36:28 Rep. French

01:36:54 Ms. O'Connell

01:38:00 Rep. Ingraham

01:38:38 Chairwoman Becker

01:38:58 Rep. Ingraham

01:39:13 Chairwoman Becker

01:39:44 Mr. Klein

01:40:04 Rep. Peterson

01:40:27 Chairwoman Becker

01:40:56 Mr. Klein

01:41:16 Rep. Sands

01:41:35 Mr. Klein

01:41:45 Rep. Sands

01:41:55 Mr. Klein

01:42:26 Rep. Sands

01:42:38 Mr. Klein

01:42:44 Rep. French

01:43:00 Mr. Klein

01:43:37 Rep. Stoker

01:44:03 Mr. Klein

01:45:03 Rep. Stoker

01:45:24 Mr. Klein

01:46:37 Rep. Howard

01:47:01 Mr. Klein

01:48:07 Chairwoman Becker

01:49:01 Mr. Klein

01:49:55 Rep. Hunter

01:50:09 Rep. Sands called the question.

Discussion:

01:50:38 Rep. French

01:50:57 Rep. Smith

01:51:24 **Vote:** Motion carried unanimously by voice vote.

01:51:35 **Motion:** Rep. Caferro moved that **HB 267 DO PASS AS AMENDED.**

01:51:46 **Motion:** Rep. Caferro moved that **HB 267 BE AMENDED.**

Discussion:

01:52:07 Rep. Ingraham

01:52:15 Ms. O'Connell

01:52:56 Rep. Ingraham

01:53:12 Ms. O'Connell

01:54:27 **Vote:** Motion carried 10-6 by roll call vote with Rep. Beck, Rep. Howard, Rep. More, Rep. Peterson, Rep. Smith, and Rep. Stoker voting no.

01:55:35 **Motion:** Rep. Caferro moved that **HB 267 DO PASS AS TWICE AMENDED.**

Discussion:

01:56:13 Rep. Hunter

01:57:22 Rep. Sands

01:58:11 Rep. Hunter

01:58:43 Rep. Peterson

02:01:34 Rep. French

02:03:49 Rep. Howard

02:06:15 **Vote:** Motion failed 2-14 by roll call vote. Rep. Hunter and Rep. McAlpin voted no.

02:07:29 **Motion/Vote:** Rep. Caferro moved that **HB 267 AS TWICE AMENDED BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

02:08:02 Chairwoman Becker

ADJOURNMENT

02:08:54 Adjournment: 5:12 P.M.

Santella Baglivo, Secretary

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Additional Exhibits

Additional Documents:

EXHIBIT ([huh30aad.pdf](#))