

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: Chairman Roy Brown, on February 18, 2009 at 3:00 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Roy Brown, Chairman (R)
Sen. Terry Murphy, Vice Chairman (R)
Sen. Greg Hinkle (R)
Sen. Dave Lewis (R)

Members Excused:

Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Trudi Schmidt (D)

Members Absent: None.

Staff Present: Joan Linkenbach, 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 439, 2/11/2009; SB 446,
2/11/2009; SB 445, 2/11/2009

Executive Action: SB 412; SB 414; SB 432; SJ 26;
SB 233

HEARING ON SB 446

Opening Statement by Sponsor:

00:00:52 Sen. Bob Story (R), SD 30, opened the hearing on SB 446, Revise specialty hospital law.

EXHIBIT (phs38a01)

00:01:02 Sen. Juneau now present.

00:02:42 Sen. Lewis now present.

00:03:10 Sen. Schmidt now present.

Proponents' Testimony:

00:04:24 Robert Olsen, Vice President, Montana Hospital Association (MHA)

EXHIBIT (phs38a02)

00:21:12 Jim Paquette, President/CEO, St. Vincent's Health Care

00:26:19 Dr. Mark Rumans, Physician in Chief, Billings Clinic

EXHIBIT (phs38a03)

00:31:51 Mark Wakai, MD, President of Physician Services, St. Patrick's Hospital, Missoula; St. Joseph's Hospital, Polson

00:33:17 Amy Christensen, Shodair Hospital

EXHIBIT (phs38a04)

00:35:56 Jim Haley, MD, Chief Medical Officer, St. Peter's Hospital (SPH)

00:38:15 Dr. William Robinson, Bozeman Deaconess Hospital; Chief Medical Officer

00:40:05 Mona Jamison, Attorney, Great Falls Clinic

00:42:55 Liz Lewis, Senior Vice President of Operations, Legal Division

EXHIBIT (phs38a05)

Opponents' Testimony: None.

Informational Testimony:

00:43:41 Roy Kemp, Deputy Administrator, Quality Assurance Division, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

00:44:06 Sen. Hinkle

00:44:49 Mr. Olsen, MHA
00:45:19 Sen. Larsen
00:45:42 Mr. Olsen, MHA
00:46:05 Sen. Larsen
00:46:30 Mr. Olsen, MHA
00:47:17 Sen. Juneau
00:50:17 Mr. Olsen, MHA
00:49:32 Sen. Juneau
00:50:34 Sen. Schmidt
00:50:51 Mr. Olsen, MHA
00:51:43 Sen. Murphy left the room.
00:52:00 Sen. Hinkle
00:52:19 Mr. Olsen, MHA
00:53:05 Sen. Schmidt
00:54:11 Mr. Kemp
00:54:26 Chairman Brown
00:55:32 Mr. Olsen, MHA
00:55:52 Chairman Brown
00:55:56 Mr. Olsen, MHA
00:56:10 Chairman Brown

Closing by Sponsor:

00:56:21 Sen. Story
00:59:01 Chairman Brown

HEARING ON SB 439

Opening Statement by Sponsor:

00:59:17 Sen. Bob Story (R), SD 30, opened the hearing on SB 439, Extend specialty hospital moratorium.

Proponents' Testimony:

01:00:43 Robert Olsen, MHA
01:01:12 Mike Foster, Wheaton Memorial Hospital; Sisters of Charity Hospitals in Montana
01:01:41 Aimee Grmoljez, Billings Clinic
01:01:58 Bill Warden, St. Peter's Hospital, Bozeman Deaconess
01:02:18 Jim Haley, SPH

Opponents' Testimony:

01:03:01 Mary McCue, Montana Medical Association (MMA)

Informational Testimony: None.

Questions from Committee Members and Responses:

01:04:18 Chairman Brown
01:04:35 Ms. McCue, MMA
01:04:46 Chairman Brown
01:05:21 Sen. Juneau left the room.

Closing by Sponsor:

01:05:34 Sen. Story
01:05:41 Sen. Juneau now present

01:06:33 Recess
01:11:23 Reconvene

HEARING ON SJ 26

Opening Statement by Sponsor:

01:11:44 Sen. Carol Juneau (D), SD 8, opened the hearing on SJ 26, Honor native women by stopping violence.

Proponents' Testimony:

01:18:39 Anna Whiting Sorrell, Director, Department of Public Health and Human Services (DPHHS)

EXHIBIT (phs38a06)

01:22:17 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

EXHIBIT (phs38a07)

01:24:28 Jamee Greer, Human Rights Network
01:24:54 Linda Gryczan, Montana Women's Lobby
01:25:54 Ali Bovingdon, Attorney Generals Office
01:28:23 Niki Zupanic, ACLU of Montana
01:28:57 Nichole Gray, MCADSV
01:30:25 Kirsten Carlson, Attorney, Indian Law Resource Center
01:32:20 Stacy Andersen, Planned Parenthood of Montana
01:32:54 Carolyn Pease Lopez, Montana Democratic Caucus

EXHIBIT (phs38a08)

01:35:59 Eve Franklin, Representing the Governor's Office

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:37:57 Sen. Hinkle
01:38:39 Ms. Bovingdon
01:39:08 Sen. Schmidt
01:39:59 Sen. Juneau
01:42:03 Sen. Schmidt
01:42:17 Ms. Young, MCADSV
01:46:09 Sen. Murphy
01:47:14 Sen. Juneau
01:48:35 Sen. Murphy
01:49:11 Sen. Juneau
01:50:00 Chairman Brown
01:51:02 Sen. Juneau
01:51:28 Sen. Murphy
01:51:49 Sen. Juneau
01:52:18 Sen. Larsen
01:53:37 Sen. Juneau
01:55:18 Sen. Hinkle
01:57:34 Sen. Schmidt
01:58:00 Ms. Bovingdon
02:00:08 Sen. Schmidt
02:00:16 Ms. Bovingdon
02:00:24 Sen. Schmidt
02:00:29 Ms. Bovingdon
02:00:43 Chairman Brown
02:01:36 Ms. Bovingdon
02:01:50 Chairman Brown
02:02:24 Ms. Bovingdon
02:02:35 Sen. Schmidt
02:02:50 Ms. Bovingdon
02:03:56 Chairman Brown
02:04:04 Sen. Hinkle
02:04:44 Chairman Brown

Closing by Sponsor:

02:04:57 Sen. Juneau
02:06:44 Chairman Brown

02:06:59 Recess
02:11:39 Reconvene

EXECUTIVE ACTION ON SB 432

02:12:13 Vice Chairman Murphy took the chair.
02:12:15 **Motion:** Sen. Brown moved that **SB 432 DO PASS.**

02:12:18 **Motion/Vote:** Sen. Brown moved that **SB 432 BE AMENDED.**
Motion carried unanimously by voice vote.

EXHIBIT (phs38a09)

02:13:15 **Motion/Vote:** Sen. Brown moved that **SB 432 DO PASS AS AMENDED.**

Discussion:

02:13:30 Chairman Brown
02:14:18 Sen. Schmidt
02:15:47 Chairman Brown

02:15:59 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 412

02:16:41 **Motion:** Sen. Juneau moved that **SB 412 DO PASS.**

Discussion:

02:16:54 Sen. Larsen
02:17:12 Chairman Brown
02:17:33 Sen. Murphy
02:18:09 Sen. Schmidt
02:18:43 Lisa Mecklenberg Jackson, Legislative Services Division (LSD)
02:19:00 Sen. Larsen
02:19:43 Sen. Lewis
02:20:09 Chairman Brown
02:20:35 Sen. Juneau
02:21:45 Sen. Schmidt

02:22:08 **Vote:** Motion failed 3-4 by roll call vote with Sen. Juneau, Sen. Larsen, and Sen. Schmidt voting aye.

02:22:40 Without objection, Chairman Brown reversed the vote and tabled the bill.

EXECUTIVE ACTION ON SB 414

02:23:05 **Motion:** Sen. Juneau moved that **SB 414 DO PASS.**

Discussion:

02:23:26 Sen. Hinkle

02:24:39 **Vote:** Motion failed 3-4 by roll call vote with Sen. Juneau, Sen. Larsen, and Sen. Schmidt voting aye.

02:25:36 Without objection, Chairman Brown reversed the vote and tabled the bill.

EXECUTIVE ACTION ON SB 233

02:26:26 **Motion:** Sen. Juneau moved to **RECONSIDER PREVIOUS ACTION TO TABLE SB 233.**

02:27:06 Sen. Brown

Discussion:

02:27:15 Sen. Murphy
02:27:24 Sen. Schmidt
02:27:37 Sen. Juneau
02:27:45 Chairman Brown
02:28:42 Sen. Hinkle

02:29:09 **Vote:** Motion carried 4-3 by roll call vote, present and voting, with Sen. Hinkle, Sen. Lewis and Chairman Brown voting no.

02:30:06 **Motion:** Sen. Juneau moved that **SB 233 DO PASS.**

02:30:28 Chairman Brown and Sen. Juneau took into consideration the need for amendments before taking action on the motion. Discussion extended to consider how to leave the bill Tabled until amendments were ready to discuss.

02:31:01 **Substitute Motion:** Sen. Schmidt moved to **RECONSIDER THE MOTION TO TAKE SB 233 OFF THE TABLE.** (Sen. Juneau's original motion)

02:31:11 Chairman Brown

Discussion:

02:31:54 Sen. Hinkle
02:32:14 Chairman Brown

02:32:22 **Vote:** Motion carried 4-3 by roll call vote with Sen. Juneau, Sen. Larsen, and Sen. Murphy voting no.

02:32:40 Chairman Brown
02:32:50 Sen. Lewis

02:33:20 **Motion:** Sen. Juneau moved to **RECONSIDER PREVIOUS ACTION TO TABLE SB 233.**

02:33:28 Chairman Brown did not entertain the motion.

02:33:35 **Motion:** Sen. Hinkle moved that **SB 233 BE TABLED.**

02:34:05 Chairman Brown

02:34:11 **Vote:** Motion carried 4-3 by roll call vote with Sen. Juneau, Sen. Larsen, and Sen. Murphy voting no.

EXECUTIVE ACTION ON SJ 26

02:35:11 **Motion:** Sen. Juneau moved that **SJ 26 DO PASS.**

Discussion:

02:35:28 Sen. Juneau

02:35:48 Sen. Hinkle

02:36:05 Sen. Murphy

02:36:21 Chairman Brown

02:37:07 Sen. Juneau

02:37:45 Sen. Schmidt

02:38:19 Sen. Juneau

02:38:46 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 7:00 P.M.

Joan Linkenbach, Secretary

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Additional Documents:

EXHIBIT ([phs38aad.pdf](#))