

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON HUMAN SERVICES

**Call to Order:** Chair David Howard, on January 19, 2011 at 3:00 PM, in Room 152  
Capitol

#### ROLL CALL

**Members Present:**

Rep. David Howard, Chair (R)  
Rep. Pat Noonan, Vice Chair (D)  
Rep. Cary Smith, Vice Chair (R)  
Rep. Liz Bangerter (R)  
Rep. Steve Fitzpatrick (R)  
Rep. Timothy Furey (D)  
Rep. Ellie Boldman Hill (D)  
Rep. Chuck Hunter (D)  
Rep. Pat Ingraham (R)  
Rep. Dan Kennedy (R)  
Rep. Michael (Mike) More (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Joe Read (R)  
Rep. Dan Skattum (R)  
Rep. Max Yates (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Miranda Keaster, 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 35, 1/13/2011, HB 185, 1/13/2011  
Executive Action: HB 36, HB 129, HB 191

00:00:52 Chairman Howard

[EXHIBIT\(huh14a01\)](#)

**HEARING ON HB 185**

**Opening Statement by Sponsor:**

00:01:22 Rep. Tom Berry (R), HD 45, opened the hearing on HB 185, Ban synthetic marijuana.

**Proponents' Testimony:**

00:03:07 Mark Long, Chief Montana Narcotics Bureau Division of Criminal Investigation

00:09:33 Mike Batista, Department of Justice

00:12:31 Erin MacLean, Montana Medical Association

00:14:52 Kelly Spear, Facilities Bureau Chief of the Department of Corrections

00:16:29 Mark Murphy, Montana County Attorney Association and Montana Police Association

00:17:12 Aimee Grmoljez, Billings Clinic

00:17:50 Don Judge, Montana Nurses Association

00:19:42 Mike Foster, Catholic Hospitals of Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:20:28 Rep. Noonan

00:20:50 Mark Long

00:21:27 Rep. Furey

00:22:09 Mark Long

00:22:25 Chairman Howard

00:22:40 Erin MacLean

00:23:31 Rep. Furey

00:24:15 Rep. Berry

**Closing by Sponsor:**

00:24:59 Rep. Berry

**HEARING ON HB 35**

**Opening Statement by Sponsor:**

00:26:30 Rep. Trudi Schmidt (D), HD 22, opened the hearing on HB 35, Eliminate DPHHS reduction of Medicaid physician reimbursement rate.

**Proponents' Testimony:**

00:29:11 Mike Foster, Catholic Hospitals of Montana

00:30:48 Erin MacLean, Montana Medical Association

**EXHIBIT(huh14a02)**

00:36:57 Aimee Grmoljez, Billings Clinic

00:37:52 Jon Metropoulos, AWARE, Inc.

00:40:17 Mike Foster, Catholic Hospitals of Montana

00:40:47 Don Judge, Montana Nurses Association

**Opponents' Testimony:**

00:41:20 Anna Whiting Sorrell, Department of Public Health and Human Services (DPHHS) Director

00:47:08 Ann Brodsky, Governor Sweitzer's Budget Chief Counsel

00:52:05 Bernie Jacobs, DPHHS Chief Counsel

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:57:34 Rep. Hunter

00:58:08 Ann Brodsky

00:59:00 Rep. Hunter

00:59:06 Ann Brodsky

00:59:47 Rep. Hunter

01:00:11 Ann Brodsky

01:00:20 Rep. Hunter

01:00:40 Ann Brodsky

01:00:59 Rep. Hunter

01:01:34 Ann Brodsky

01:01:49 Rep. Hunter

01:02:16 Ann Brodsky

01:03:05 Rep. Hunter

01:03:34 Ann Whiting Sorrell, DPHHS  
01:03:55 Rep. Hunter  
01:04:05 Rep. Kennedy  
01:05:08 Bernie Jacobs, DPHHS Chief Counsel  
01:05:25 Rep. Kennedy  
01:05:37 Bernie Jacobs, DPHHS Chief Counsel  
01:06:02 Rep. More  
01:07:07 Mike Foster, Catholic Hospitals of Montana

**Closing by Sponsor:**

01:09:48 Rep. Schmidt  
  
01:10:25 Recess  
01:18:00 Reconvene

**EXECUTIVE ACTION ON HB 36**

01:20:26 **Motion:** Rep. C. Smith moved that **HB 36 DO PASS.**

**Discussion:**

01:20:45 Chairman Howard  
01:20:54 Rep. Fitzpatrick  
01:23:39 Rep. Hill  
01:24:39 Rep. Smith  
01:24:57 Rep. Skattum  
01:26:18 **Vote:** Motion carried 8-7 by roll call vote with Rep. Bangerter, Rep. Fitzpatrick, Rep. Howard, Rep. Kennedy, Rep. Read, Rep. Skattum and Rep. Smith voting no. Rep. Ingraham voted by proxy.

**EXECUTIVE ACTION ON HB 129**

01:26:28 Sen. Ingraham entered.  
01:26:48 **Motion:** Rep. C. Smith moved that **HB 129 DO PASS.**

**Discussion:**

01:27:01 **Motion:** Rep. Noonan moved that **HB 129 BE AMENDED.**

**EXHIBIT**(huh14a03)

**Discussion on Amendment:**

01:28:22 Chairman Howard  
01:28:31 Rep. Bangerter  
01:29:08 Rep. Noonan  
01:29:31 Rep. Smith  
01:30:09 Rep. Hunter  
01:31:13 Chairman Howard  
01:31:32 Rep. Hunter  
01:31:39 Rep. Kennedy  
01:32:01 Rep. Noonan  
01:32:38 Chairman Howard  
01:32:48 Rep. Skattum  
01:34:00 **Vote:** Motion failed 5-10 by roll call vote with Rep. Furey, Rep. Hill, Rep. Hunter, Rep. Noonan and Rep. Pease-Lopez voting aye.

**Discussion on Bill:**

01:34:08 Rep. Bangerter  
01:34:41 Chairman Howard  
01:35:02 Rep. Hunter  
01:35:20 Chairman Howard  
01:35:41 Rep. Hunter  
01:36:45 **Vote:** Motion failed 6-9 by roll call vote with Rep. Fitzpatrick, Rep. Furey, Rep. Hill, Rep. Hunter, Rep. Noonan and Rep. Pease-Lopez voting aye.  
01:36:54 **Motion:** Rep. C. Smith moved that **HB 129 BE TABLED AND THE VOTE REVERSED.**

**Discussion on Motion:**

01:37:18 Rep. Furey  
01:37:54 Sue O'Connell, Legislative Service Division  
01:38:16 Chairman Howard  
01:39:27 **Vote:** Motion carried 9-6 by roll call vote with Rep. Fitzpatrick, Rep. Furey, Rep. Hill, Rep. Hunter, Rep. Noonan and Rep. Pease-Lopez voting no.

**EXECUTIVE ACTION ON HB 191**

01:39:47      **Motion:** Rep. C. Smith moved that **HB 191 DO PASS.**

**Discussion:**

01:40:17      **Motion:** Rep. More moved that **HB 191 BE AMENDED.**

**EXHIBIT(huh14a04)**

**Discussion on Amendment:**

01:41:20      Rep. Furey

01:42:39      Chairman Howard

01:43:00      Rep. More

01:44:05      Rep. Furey

01:44:28      Rep. More

01:45:11      Rep. Hunter

01:45:35      Rep. Skattum

01:45:54      Rep. More

01:46:09      Rep. Smith

01:46:51      Chairman Howard

01:47:57      **Vote:** Motion carried 14-1 by roll call vote with Rep. Noonan voting no.

**Discussion on Bill:**

01:48:16      Sue O'Connell, LSD

01:48:50      Chairman Howard

01:49:10      Rep. Ingraham

01:49:18      Rep. More

01:49:26      Chairman Howard

01:49:48      Rep. More

01:51:36      **Motion/Vote:** Rep. More moved that **HB 191 DO PASS AS AMENDED.** Motion carried 13-2 by roll call vote with Rep. Noonan and Rep. Read voting no.

01:52:12      Sue O'Connell, LSD

01:53:01      Chairman Howard

01:53:30      Rep. Ingraham

01:53:44      Rep. Noonan

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**ADJOURNMENT**

Adjournment: 01:53:56

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Miranda Keaster, Secretary

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Additional Documents:

**EXHIBIT([huh14aad.pdf](#))**