

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: Chair David Howard, on February 22, 2013 at 3:00 PM, in Room 152
Capitol

ROLL CALL

Members Present:

Rep. David Howard, Chair (R)
Rep. Carolyn Pease-Lopez, Vice Chair (D)
Rep. Cary Smith, Vice Chair (R)
Rep. Kelly Flynn (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. Pat Ingraham (R)
Rep. Tom Jacobson (D)
Rep. Dennis R. Lenz (R)
Rep. Gordon Pierson Jr (D)
Rep. Alan Redfield (R)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Amanda Curtis (D)
Rep. Jenifer Gursky (D)
Rep. Scott Reichner (R)
Rep. Gordon Vance (R)

Members Absent: None

Staff Present: Sara Andersen, 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 456, 2/22/2013

00:07:22 Chairman Howard

HEARING ON HB 456

Opening Statement by Sponsor:

00:08:32 Rep. Franke Wilmer (D), HD 63, opened the hearing on HB 456, Prohibit use of tanning devices for person under 18 years old absent consent.

Proponents' Testimony:

00:10:17 Dr. Charlotte Kutch, Board Certified Dermatologist, St. Vincent Health Care, Vice President, Montana Academy of Dermatology, American Academy of Dermatology Association (AAD)

EXHIBIT(huh40a01)

00:14:03 Rep. Gursky entered the meeting.

00:14:17 Rep. Reichner entered the meeting.

EXHIBIT(huh40a02)

00:16:31 Sheila Idzerda, Montana American Academy of Pediatrics

00:17:59 Michael Brown, Self

00:19:46 Erin Quirk, Self

00:24:14 Chairman Howard

00:24:26 Carrie Fairbrother, Dermatology Nurses Association (DNA)

EXHIBIT(huh40a03)

00:27:20 Casey Schwantes, DNA

00:28:39 Athena Pallis, Self

00:30:42 Lora Behlmer, Self

EXHIBIT(huh40a04)

00:32:17 Don Judge, Montana Nurses Association

00:33:06 Kylie Keane, Montana Medical Association

00:33:35 Amie Grmoljez, Billings Clinic

00:34:00 Nanette Gilbertson, Montana Academy of Ophthalmology

00:34:31 Mike Foster, Catholic Hospitals of Montana

00:35:34 Chairman Howard

Opponents' Testimony:

00:35:44 Brandon Price, Owner, Planet Beach Contempo Spa, Helena

00:36:15 Rep. Curtis entered the meeting.

00:38:44 Lane Taylor, American Suntanning Association (ASA)

EXHIBIT(huh40a05)

Informational Testimony: None

Questions from Committee Members and Responses:

00:47:04 Rep. Reichner

00:47:42 Rep. Wilmer

00:48:26 Rep. Reichner

00:49:21 Dr. Kutch, AAD

00:51:19 Rep. Pierson

00:51:31 Rep. Wilmer

00:52:10 Rep. Pierson

00:52:44 Ms. Taylor, ASA

00:53:12 Rep. Wagoner
00:53:44 Mr. Price, Planet Beach

EXHIBIT(huh40a06)

00:54:08 Rep. Wagoner
00:55:08 Ms. Taylor, ASA
00:55:51 Rep. Wagoner
00:56:07 Rep. Redfield
00:56:25 Ms. Taylor, ASA
00:57:03 Rep. Gursky
00:57:40 Dr. Kutch, AAD
00:58:07 Rep. Gursky
00:58:19 Dr. Kutch, AAD
00:58:58 Rep. Gursky
00:59:14 Mr. Price, Planet Beach
00:59:45 Rep. Gursky
00:59:52 Mr. Price, Planet Beach
01:00:01 Rep. Hill
01:01:22 Ms. Taylor, ASA
01:01:57 Rep. Hill
01:02:20 Ms. Taylor, ASA
01:02:33 Chairman Howard
01:02:38 Ms. Taylor, ASA
01:03:23 Rep. Hill
01:04:55 Mr. Price, Planet Beach
01:05:43 Rep. Hill
01:05:49 Mr. Price, Planet Beach
01:07:07 Rep. Gursky
01:07:33 Dr. Kutch, AAD
01:08:40 Chairman Howard

Closing by Sponsor:

01:08:46 Rep. Wilmer
01:10:29 Chairman Howard

01:11:18 Recessed
01:33:54 Reconvened

01:34:02 Chairman Howard

EXECUTIVE ACTION ON HB 567

01:34:25 **Motion/Vote:** Rep. C. Smith moved that **HB 567 BE TABLED**. Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON HB 83

01:34:52 **Motion:** Rep. C. Smith moved that **HB 83 DO PASS**.

01:35:23 **Motion:** Rep. C. Smith moved that **HB 83 BE AMENDED.**

EXHIBIT(huh40a07)

Discussion:

01:35:41 Sue O'Connell, Legislative Branch (LEG)

01:37:19 Chairman Howard

01:37:29 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner and Rep. Vance voted by proxy.

01:37:48 **Motion:** Rep. C. Smith moved that **HB 83 DO PASS AS AMENDED.**

Discussion:

01:38:00 Rep. Ingraham

01:38:35 **Vote:** Motion failed 6-10 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Reichner and Rep. Vance voted by proxy.

01:39:47 **Motion/Vote:** Rep. Redfield moved that **HB 83 BE TABLED AND THE VOTE REVERSED.** Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON HB 263

01:40:10 **Motion:** Rep. C. Smith moved that **HB 263 DO PASS.**

Discussion:

01:40:00 Rep. Ingraham

01:41:11 Rep. Pierson

01:41:43 **Vote:** Motion carried 10-6 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez and Rep. Pierson voting no.

EXECUTIVE ACTION ON HB 365

01:43:21 **Motion:** Rep. C. Smith moved that **HB 365 DO PASS.**

Discussion:

01:43:40 Chairman Howard

01:43:44 Rep. Lenz

01:44:11 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner and Rep. Vance voted by proxy.

EXECUTIVE ACTION ON HB 399

01:44:50 **Motion:** Rep. C. Smith moved that **HB 399 DO PASS.**

Discussion:

01:45:16 Chairman Howard

01:45:17 Rep. Gursky

01:45:35 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner and Rep. Vance voted by proxy.

EXECUTIVE ACTION ON HB 441

01:46:13 **Motion:** Rep. C. Smith moved that **HB 441 DO PASS.**

Discussion:

01:46:31 Rep. Pierson

01:47:03 **Motion:** Rep. Pease-Lopez moved that **HB 441 BE AMENDED.**

EXHIBIT(huh40a08)**Discussion:**

01:47:12 Ms. O'Connell, LEG

01:47:58 Rep. Pease-Lopez

01:48:09 Ms. O'Connell, LEG

01:48:19 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner and Rep. Vance voted by proxy.

01:48:38 **Motion:** Rep. C. Smith moved that **HB 441 DO PASS AS AMENDED.**

Discussion:

01:48:47 Rep. Gursky

01:49:19 Rep. Hill

01:50:00 Rep. Ingraham

01:50:53 Rep. Harris

01:51:05 Rep. C. Smith

01:52:02 **Vote:** Motion failed 8-8 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Harris, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez, Rep. Pierson and Rep. Redfield voting aye. Rep. Reichner and Rep. Vance voted by proxy.

01:53:13 **Motion/Vote:** Rep. Wagoner moved that **HB 441 BE TABLED AND THE VOTE REVERSED.** Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON HB 449

01:54:56 **Motion:** Rep. C. Smith moved that **HB 449 DO PASS.**

01:55:12 Chairman Howard

01:56:00 **Motion/Vote:** Rep. Pierson moved that **HB 449 BE TABLED.** Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON HB 456**Discussion:**

01:56:58 Rep. Gursky
01:57:37 Chairman Howard
01:57:44 Rep. Gursky
01:57:53 Chairman Howard
01:58:40 Rep. Gursky
01:58:49 Chairman Howard
01:59:03 Rep. Jacobson
01:59:09 Rep. Gursky
01:59:29 Chairman Howard
01:59:54 Rep. Pierson
02:00:02 Chairman Howard
02:00:08 Rep. Pierson
02:00:16 Chairman Howard
02:00:21 Rep. Pease-Lopez
02:00:31 Chairman Howard

02:01:03 **Motion:** Rep. C. Smith moved that **HB 456 DO PASS.**

02:01:16 **Motion:** Rep. Gursky moved that **HB 456 BE AMENDED.**

02:02:18 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner and Rep. Vance voted by proxy.

02:02:44 **Motion:** Rep. C. Smith moved that **HB 456 DO PASS AS AMENDED.**

Discussion:

02:02:58 Rep. Wagoner
02:03:59 Rep. Jacobson
02:05:42 Rep. Redfield
02:06:12 Rep. Pierson
02:06:53 Rep. Gursky
02:07:58 Rep. Hill

02:09:42 **Vote:** Motion failed 7-9 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez, Rep. Pierson and Rep. Redfield voting aye. Rep. Reichner and Rep. Vance voted by proxy.

02:10:58 Chairman Howard

02:11:03 **Motion/Vote:** Rep. Redfield moved that **HB 456 BE TABLED AND THE VOTE REVERSED**. Motion carried 12-2 by voice vote with Rep. Curtis and Rep. Pease-Lopez voting no.

EXECUTIVE ACTION ON HB 479

02:11:30 **Motion:** Rep. C. Smith moved that **HB 479 DO PASS**.

Discussion:

02:11:57 Rep. Curtis

02:12:11 **Vote:** Motion failed 6-10 by roll call vote with Rep. Curtis, Rep. Gursky, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez and Rep. Pierson voting aye. Rep. Reichner and Rep. Vance voted by proxy.

02:13:19 **Motion/Vote:** Rep. Jacobson moved that **HB 479 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 493

02:13:38 **Motion:** Rep. Hill moved that **HB 493 DO PASS**.

02:15:06 **Motion:** Rep. Pierson moved that **HB 493 BE AMENDED**.

Discussion:

02:15:24 Ms. O'Connell, LEG

02:16:31 Rep. Pierson

02:17:12 Chairman Howard

02:17:17 Rep. Ingraham

02:17:48 Rep. Pierson

02:18:14 Rep. Ingraham

02:18:26 Ms. O'Connell, LEG

02:19:27 Chairman Howard

02:19:34 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner and Rep. Vance voted by proxy.

Discussion:

02:19:57 Rep. Redfield

02:20:06 Rep. Pierson

02:20:56 Rep. Wagoner

02:21:23 Ms. O'Connell

02:21:47 Rep. Curtis

02:22:43 Rep. Wagoner

02:22:56 Chairman Howard

02:23:21 Rep. Lenz

02:23:50 Ms. O'Connell, LEG

02:24:56 Chairman Howard
02:25:03 Rep. Gursky
02:25:46 Chairman Howard
02:26:23 Rep. Curtis

02:26:34 **Vote:** Motion failed 7-9 by roll call vote with Rep. Curtis, Rep. Flynn, Rep. Gursky, Rep. Hill, Rep. Jacobson, Rep. Pease-Lopez and Rep. Pierson voting aye. Rep. Reichner and Rep. Vance voted by proxy.

02:27:45 **Motion/Vote:** Rep. Redfield moved that **HB 493 BE TABLED AND THE VOTE REVERSED**. Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON SB 43

02:28:14 **Motion:** Wagoner moved that **SB 43 BE CONCURRED IN**.

Discussion:

02:28:49 Rep. Hill
02:29:11 Rep. Ingraham
02:29:21 Chairman Howard

02:29:29 **Vote:** Motion carried unanimously by voice vote. Rep. Reichner and Rep. Vance voted by proxy.

02:29:56 Rep. Hill
02:30:04 Chairman Howard

ADJOURNMENT

Adjournment: 02:30:22

Sara Andersen, Secretary

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Additional Documents:

EXHIBIT([huh40aad.pdf](#))