

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: Chair Fred Thomas, on March 23, 2015 at 3:00 PM, in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Fred Thomas, Chair (R)
Sen. David Howard, Vice Chair (R)
Sen. Mary Caferro (D)
Sen. Diane Sands (D)
Sen. Cary Smith (R)
Sen. Nels Swandal (R)
Sen. Jonathan Windy Boy (D)

Members Excused: None

Members Absent: None

Staff Present: Barbara Pietuch, Committee Secretary
Alexis Sandru, 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 411, 3/20/2015

00:00:01 Chairman Thomas

HEARING ON SB 411

Opening Statement by Sponsor:

00:01:33 Sen. Mary Caferro (D), SD 41, opened the hearing on SB 411, Plan for the closure of Montana developmental center at Boulder.

Proponents' Testimony:

00:06:53 Bernadette Franks-Ongoy, executive director, Disability Rights Montana
[EXHIBIT\(phs60a01\)](#)

00:14:04 Stacy Fisk, representing herself
[EXHIBIT\(phs60a02\)](#)

00:21:48 Christine Wiley, representing herself
[EXHIBIT\(phs60a03\)](#)

00:24:18 Bob and Ellen Marten, representing themselves
[EXHIBIT\(phs60a04\)](#)

00:31:39 Larry Noonan, chief executive officer, A.W.A.R.E., Inc. (AWARE)
00:34:40 Beth Brenneman, staff attorney, Disability Rights Montana
[EXHIBIT\(phs60a05\)](#)

00:37:38 Charles Briggs, public policy and development officer, Easter Seals-Goodwill Northern Rocky Mountain, Inc.

00:41:40 Kelsen Young, executive director, Montana Coalition Against Domestic and Sexual Violence

00:43:13 Kim Abbott, outreach and engagement director, Montana Human Rights Network

Opponents' Testimony:

00:45:24 Sen. Jim Keane, SD 38
00:47:23 Rep. Kirk Wagner, HD 75
00:51:57 Terry Minow, political director, MEA-MFT
[EXHIBIT\(phs60a06\)](#)

00:57:57 Timm Twardoski, executive director, American Federation of State, County and Municipal Employees (AFSCME)

01:01:35 Carol Dailey, representing herself
[EXHIBIT\(phs60a07\)](#)

01:07:41 Anna Studencki, representing herself
[EXHIBIT\(phs60a08\)](#)

01:11:43 Lowell Bartels, chief executive officer, Farm in the Dell, International
[EXHIBIT\(phs60a09\)](#)

01:14:57 Bob Mullen, county commissioner, Jefferson County
[EXHIBIT\(phs60a10\)](#)

01:21:11 Gary Spaeth, Jefferson County
01:24:02 Leonard Wortman, county commissioner, Jefferson County
01:25:59 Chris Cavazos, political director, Montana AFL-CIO
[EXHIBIT\(phs60a11\)](#)

01:27:03 Mandi Wilson, representing herself
[EXHIBIT\(phs60a12\)](#)

01:29:18 Kayla D'Arcy, employee, Montana Developmental Center
[EXHIBIT\(phs60a13\)](#)

01:32:33 Dustin Farnum, representing himself
[EXHIBIT\(phs60a14\)](#)

Informational Testimony:

01:34:05 Richard Opper, director, Department of Public Health and Human Services (DPHHS)
01:36:42 Matt Kuntz, executive director, NAMI Montana (NAMI)
01:37:01 Jon Bennion, deputy attorney general, Department of Justice (DOJ)

Questions from Committee Members and Responses:

01:37:31 Sen. Howard
01:38:04 Ms. Minow, MEA-MFT
01:38:25 Sen. Howard
01:38:29 Ms. Minow
01:38:41 Sen. Howard
01:38:47 Ms. Minow
01:39:05 Sen. Howard
01:39:16 Ms. Minow
01:39:35 Sen. Howard
01:39:49 Ms. Minow
01:40:43 Sen. Howard
01:40:54 Sen. Swandal
01:41:13 Mr. Bennion, DOJ
01:42:49 Sen. Swandal
01:42:55 Mr. Bennion
01:43:41 Sen. Swandal
01:43:51 Mr. Bennion
01:44:36 Sen. Swandal
01:44:50 Mr. Bennion
01:45:06 Sen. Sands
01:45:39 Mr. Opper, DPHHS

01:46:02 Sen. Sands
01:46:37 Mr. Noonan, AWARE
01:47:18 Sen. Sands
01:47:43 Mr. Noonan
01:48:12 Sen. Sands
01:48:17 Mr. Noonan
01:48:25 Sen. Sands
01:48:40 Mr. Noonan
01:49:18 Sen. Sands
01:49:43 Sen. Caferro
01:51:00 Sen. Sands
01:51:22 Sen. Caferro
01:51:51 Sen. Windy Boy
01:52:43 Mr. Opper
01:53:09 Chairman Thomas
01:54:45 Mr. Kuntz, NAMI
01:57:36 Chairman Thomas
01:57:47 Mr. Kuntz
01:58:22 Chairman Thomas
01:58:31 Sen. Smith
01:59:23 Sen. Caferro
01:59:32 Sen. Smith
01:59:53 Sen. Caferro
02:02:08 Sen. Smith
02:02:21 Sen. Caferro
02:02:31 Sen. Windy Boy
02:03:08 Mr. Opper
02:03:28 Chairman Thomas
02:04:03 Mr. Opper
02:04:20 Chairman Thomas
02:04:51 Ms. Marten, self
02:06:10 Chairman Thomas
02:06:18 Ms. Marten
02:07:09 Chairman Thomas
02:07:17 Ms. Marten
02:08:24 Chairman Thomas
02:08:32 Ms. Marten
02:08:42 Chairman Thomas

Closing by Sponsor:

02:08:59 Sen. Caferro
02:20:19 Chairman Thomas
02:22:23 Recess
02:30:37 Reconvene

EXECUTIVE ACTION ON SB 405

02:31:50 **Motion:** Sen. Howard moved that **SB 405 DO PASS.**

Discussion:

02:32:00 Chairman Thomas

02:33:05 **Motion:** Sen. Howard moved that **SB 405 BE AMENDED.**
EXHIBIT(phs60a15)

Discussion:

02:33:30 Chairman Thomas

02:33:45 Alexis Sandru, staff attorney, Legislative Services Division (LSD)

02:34:16 Chairman Thomas

02:34:19 Sen. Caferro

02:34:28 Sen. Buttrey

02:34:48 **Vote:** Motion carried unanimously by voice vote.

02:35:05 **Motion:** Sen. Howard moved that **SB 405 BE AMENDED.**
EXHIBIT(phs60a16)

Discussion:

02:35:23 Sen. Buttrey

02:36:42 Sen. Windy Boy

02:36:55 Sen. Buttrey

02:37:33 **Vote:** Motion carried unanimously by voice vote.

02:39:30 Chairman Thomas

02:39:55 **Motion:** Sen. Howard moved that **SB 405 BE AMENDED.**
EXHIBIT(phs60a17)

Discussion:

02:40:08 Ms. Sandru, LSD

02:41:50 Chairman Thomas

EXHIBIT(phs60a18)

02:43:14 Sen. Caferro

02:44:01 Chairman Thomas

02:44:52 Sen. Windy Boy

02:45:05 Sen. Buttrey

02:46:05 Sen. Sands

02:46:19 Chairman Thomas

02:47:43 Sen. Sands

02:48:41 Chairman Thomas
02:51:14 Sen. Sands
02:51:36 Chairman Thomas

02:51:56 **Vote:** Motion carried 4-3 by voice vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting no.

02:53:11 Chairman Thomas

02:53:29 **Motion:** Sen. Howard moved that **SB 405 BE AMENDED.**
[EXHIBIT\(phs60a19\)](#)

Discussion:

02:53:42 Chairman Thomas
02:56:33 Ms. Sandru
02:57:28 Without objection, Sen. Thomas removed item #3 from Amendment SB040502.AAS
02:57:37 Sen. Swandal
02:58:03 Sen. Caferro
02:58:33 Chairman Thomas
02:59:12 Sen. Caferro
02:59:47 Chairman Thomas
03:00:03 Sen. Windy Boy
03:00:19 Sen. Buttrey
03:01:44 Chairman Thomas

03:03:30 **Motion/Vote:** Sen. Thomas moved to **SEGREGATE ITEM #1 AND #2 FROM AMENDMENT SB040502.AAS.** Motion carried 4-3 by voice vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting no.

03:04:54 **Motion:** Sen. Howard moved that **SB 405 BE AMENDED.**
[EXHIBIT\(phs60a20\)](#)

Discussion:

03:05:21 Chairman Thomas
03:05:24 Ms. Sandru
03:07:23 Chairman Thomas
03:10:18 Sen. Swandal
03:11:06 Chairman Thomas
03:13:01 Sen. Caferro
03:13:30 Chairman Thomas
03:14:19 Sen. Caferro
03:15:10 Chairman Thomas
03:15:15 Sen. Caferro
03:15:37 Chairman Thomas
03:15:46 Sen. Windy Boy
03:16:09 Chairman Thomas
03:16:34 Sen. Windy Boy

03:16:54 Chairman Thomas
03:17:04 Sen. Sands
03:17:55 Chairman Thomas
03:18:18 Sen. Buttrey
03:19:35 Chairman Thomas
03:20:05 Sen. Buttrey
03:20:30 Chairman Thomas
03:20:35 Sen. Smith
03:22:16 Sen. Howard

03:22:36 **Vote:** Motion failed 3-4 by voice vote with Sen. Howard, Sen. C. Smith and Sen. Thomas voting aye.

03:23:27 **Motion:** Sen. Howard moved that **SB 405 BE AMENDED.**
EXHIBIT(phs60a21)

Discussion:

03:24:55 Sen. Buttrey
03:25:18 Sen. Caferro
03:25:50 Chairman Thomas
03:25:52 Sen. Buttrey
03:27:05 Ms. Sandru
03:27:51 Chairman Thomas
03:28:58 Sen. Buttrey
03:30:25 Without objection, Sen. Howard removed items #1, # 2 and #3 from Amendment SB040501.AAS
03:30:49 Sen. Sands
03:31:25 Sen. Howard
03:31:34 Sen. Buttrey
03:32:10 Chairman Thomas

03:32:27 **Motion/Vote:** Sen. Thomas moved to **SEGREGATE ITEMS #4 AND #5 FROM AMENDMENT SB040503.AAS.** Motion failed 3-4 by voice vote with Sen. Howard, Sen. C. Smith and Sen. Thomas voting aye.

Discussion:

03:32:52 Chairman Thomas
03:33:16 Ms. Sandru
03:34:43 Chairman Thomas

03:35:57 **Motion:** Sen. Howard moved to **SEGREGATE ITEMS # 6 THROUGH #11 FROM AMENDMENT SB040503.AAS.**

03:36:20 Sen. Caferro
03:36:40 Chairman Thomas
03:36:50 Sen. Buttrey
03:37:31 Chairman Thomas
03:37:42 Sen. Buttrey

03:37:53 Sen. Smith
03:38:14 Sen. Buttrey
03:38:25 Chairman Thomas
03:38:47 Sen. Caferro
03:39:09 Chairman Thomas
03:39:34 Ms. Sandru

03:40:20 **Motion/Vote:** Sen. Thomas moved that **ITEMS #6 THROUGH #11 OF AMENDMENT SB040503.AAS BE AMENDED WITH A CONCEPTUAL AMENDMENT**. Motion carried 4-3 by voice vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting no.

Discussion:

03:40:49 Chairman Thomas
03:40:53 Ms. Sandru
03:42:42 Chairman Thomas

03:42:47 **Motion:** Sen. Howard moved to **SEGREGATE ITEMS #12 AND #13 FROM AMENDMENT SB040503.AAS.**

Discussion:

03:43:10 Chairman Thomas
03:43:25 Sen. Windy Boy
03:44:03 Chairman Thomas
03:44:15 Sen. Windy Boy
03:44:29 Chairman Thomas

03:44:35 **Vote:** Motion carried 4-3 by voice vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting no.

03:44:53 **Motion:** Sen. Howard moved to **SEGREGATE ITEM #14 FROM AMENDMENT SB040503.AAS.**

Discussion:

03:45:38 Sen. Windy Boy
03:46:01 Chairman Thomas
03:46:05 Sen. Buttrey
03:47:27 Sen. Smith
03:48:52 Sen. Buttrey
03:49:39 Sen. Smith
03:50:17 Sen. Windy Boy

03:50:52 **Vote:** Motion failed 3-4 by voice vote with Sen. Howard, Sen. C. Smith and Sen. Thomas voting aye.

03:51:50 Chairman Thomas

03:52:15 **Motion:** Sen. Howard moved that **SB 405 BE AMENDED.**
EXHIBIT(phs60a22)

Discussion:

03:52:26 Sen. Buttrey
03:53:08 Chairman Thomas
03:54:54 Sen. Windy Boy
03:55:54 Tara Veazey, health policy advisor, Governor's Office
03:56:18 Chairman Thomas
03:56:58 Sen. Windy Boy
03:57:26 Chairman Thomas
03:58:12 Sen. Caferro
03:59:09 Chairman Thomas
03:59:49 Sen. Buttrey

04:00:47 **Vote:** Motion failed 3-4 by voice vote with Sen. Howard, Sen. C. Smith and Sen. Thomas voting aye.

Discussion:

04:01:19 Chairman Thomas
04:01:25 Sen. Howard
04:02:15 Chairman Thomas

04:03:12 **Motion/Vote:** Sen. Thomas moved that **SB 405 DO PASS AS AMENDED.**
Motion failed 1-6 by roll call vote with Sen. Thomas voting aye.

04:04:38 **Motion/Vote:** Sen. Thomas moved that **SB 405 DO NOT PASS AS AMENDED.**
Motion failed 3-4 by roll call vote with Sen. Howard, Sen. C. Smith and Sen. Swandal voting aye.

04:06:55 **Motion/Vote:** Sen. Windy Boy moved that **SB 405 BE TABLED.** Motion failed 3-4 by roll call vote with Sen. Caferro, Sen. Sands and Sen. Windy Boy voting aye.

ADJOURNMENT

Adjournment: 7:20 PM

Barbara Pietuch, Secretary

bp

Additional Documents:

EXHIBIT([phs60aad.pdf](#))