

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

**Call to Order:** Chair Fred Thomas, on April 15, 2015 at 3:00 PM, in Room 405 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) (arrived after roll call)

**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: SJ 25, 4/7/2015; SR 57, 4/14/2015; SR 58, 4/14/2015

Executive Action: **SJ 25** - DO PASS AS AMENDED; **SR 57** - BE ADOPTED;  
**SR 58** - BE ADOPTED

00:00:01 Chairman Thomas

00:00:30 Chairman Thomas turned the chair over to Vice Chair Howard.

**HEARING ON SR 57**

**Opening Statement by Sponsor:**

00:01:34 Sen. Fred Thomas (R), SD 44, opened the hearing on SR 57, Confirm Governor's appointee to board of optometry.

**[EXHIBIT\(phs76a01\)](#)**

00:02:00 Sen. Windy boy entered the hearing.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**Closing by Sponsor:**

00:02:24 Sen. Thomas

**HEARING ON SR 58**

**Opening Statement by Sponsor:**

00:02:58 Sen. Fred Thomas (R), SD 44, opened the hearing on SR 58, Confirm Governor's appointees to board of clinical laboratory science.

**[EXHIBIT\(phs76a02\)](#)**

00:03:23 Sen. Windy Boy left the hearing.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:03:39 Sen. Thomas

**HEARING ON SJ 25**

**Opening Statement by Sponsor:**

00:04:26 Sen. Cary Smith (R), SD 27, opened the hearing on SJ 25, Study use of patient compensation system for medical malpractice claims.

**Proponents' Testimony:**

00:05:18 Bill Warden representing St. Peter's Hospital (SPH), Benefis Health System (BHS) and Bozeman Deaconess Hospital (BDH)

**Opponents' Testimony:**

00:05:51 Al Smith, executive director, Montana Trial Lawyers Association (MTLA)  
**[EXHIBIT\(phs76a03\)](#)**

00:14:28 Vice Chair Howard

00:14:36 Mr. Smith, MTLA

00:18:00 Mona Jamison, Doctors Company

00:23:16 Jacqueline Lenmark, American Insurance Association (AIA)

**Informational Testimony:**

00:26:10 Jean Branscum, Montana Legal Medical Panel

**Questions from Committee Members and Responses:**

00:26:35 Sen. Thomas

00:27:14 Ms. Lenmark, AIA

00:27:33 Sen. Thomas

00:27:56 Ms. Lenmark

00:28:53 Sen. Thomas

00:30:11 Ms. Lenmark

00:32:04 Sen. Thomas

00:32:56 Mr. Warden, SPH, BHS, BDH

00:33:13 Sen. Thomas

00:33:22 Mr. Warden

00:34:27 Sen. Thomas

00:34:51 Mr. Warden

00:35:36 Sen. Sands

00:36:11 Mr. Warden

00:36:30 Vice Chair Howard

00:37:40 Mr. Warden

00:37:58 Mr. Smith, MTLA

00:39:11 Vice Chair Howard

00:39:25 Sen. Thomas

**Closing by Sponsor:**

00:39:56 Sen. Smith

**EXECUTIVE ACTION ON SR 57**

00:46:08 **Motion/Vote:** Sen. Swandal moved that **SR 57 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SR 58**

00:47:09 **Motion:** Sen. Swandal moved that **SR 58 BE ADOPTED**.

**Discussion:**

00:47:17 Sen. Thomas

00:47:27 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SJ 25**

00:47:56 **Motion:** Sen. C. Smith moved that **SJ 25 DO PASS**.

00:48:07 **Motion:** Sen. C. Smith moved that **SJ 25 BE AMENDED**.  
[EXHIBIT\(phs76a04\)](#)

**Discussion:**

00:48:20 Sen. Smith

00:48:47 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

**Discussion:**

00:49:13 Sen. Sands

00:50:10 Sen. Thomas

00:51:58 **Motion/Vote:** Sen. C. Smith moved that **SJ 25 DO PASS AS AMENDED**. Motion carried 5-2 by roll call vote with Sen. Sands and Sen. Windy Boy voting no. Sen. Windy Boy voted by proxy.

**ADJOURNMENT**

Adjournment: 3:55 P.M.

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Barbara Pietuch, Secretary

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Additional Documents:

**EXHIBIT([phs76aad.pdf](#))**